

# Supreme Court Nixes Review of Controversial Termination Notice Ruling



Last June, the Ontario Court of Appeal handed down a [controversial ruling](#) called [Waksdale v. Swegon North America Inc.](#) striking down a contract clause purporting to limit the notice an employee would get if he were terminated because the part of the provision that applied to termination with cause violated the ESA. What made the *Waksdale* case so controversial is that the employee was actually fired without cause, meaning the tainted language was basically irrelevant. But the Ontario Court treated the entire provision as a package deal and held that if **any part** of it was rotten, the whole thing must fall. Convinced that the Court had to be wrong, the employer took its case to the Canadian Supreme Court. But now the nation's top court has refused to take the appeal, meaning the *Waksdale* ruling stands [[Swegon North America Inc. v. Waksdale](#), 2021 CanLII 1109 (SCC), January 14, 2021].