The Supreme Court Of Canada Will Hear The Asphalte Desjardins Case On The Issue Of The Employer's Right To Waive The Resignation Notice Given By An Employee



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On September 5, 2013, the Supreme Court of Canada allowed the motion for leave to appeal filed by the Commission des normes du travail against the decision rendered in March 2013 by the Court of Appeal of Québec in the case of *Commission des normes du travail* v. *Asphalte Desjardins inc*.[1]

In this decision, the Court of Appeal confirmed the right of an employer to waive the resignation notice given by its employee. According to the Court, the effect of the employer's decision to waive such notice is the immediate termination of the employment relationship without any requirement to pay to the resigning employee a termination notice or the salary to which he or she would have been entitled for the remainder of the notice period.

Canada's highest court will be called upon to rule on an interesting labour relations issue.

We will keep you informed of any further developments in this matter.

Footnote

1 2013 QCCA 484 (C.A.).

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.