Wrongfully Dismissed Employees Can’t Sue for Unjust Enrichment



There was no dispute that Exxon wrongfully terminated a supervisor and owed him termination notice. But what would have otherwise been a routine and straightforward wrongful dismissal case took on a greater significance when the court also ordered Exxon to pay the supervisor $50,000 in damages for “unjust enrichment,” that is, restitution for the economic value it accrued in being able to outsource his job for much less money. But the New Brunswick Court of Appeals said no dice. It might have been “unfair” for Exxon to gain an economic windfall for terminating the supervisor without cause. But there are all kinds of damages somebody in the supervisor’s position can sue for, including moral, punitive and aggravated damages, but unjust enrichment isn’t one of them, according to the High Court [*ExxonMobil Business Support Centre Canada ULC v Birmingham*, 2021 NBCA 58 (CanLII), December 16, 2021].