

LAW WRONGFUL DISMISSAL EMPLOYMENT LAW

Provincial legislation such as Ontario's Employment Standards Act, delineates statutory.

Reduced Hours, Pay or Benefits A reduction in hours, salary, commission, benefits or bonus structure can put an employee and their family at risk of financial and psychological instability. A single instance of incompetence will rarely ground dismissal unless it is extremely serious in nature. LAWimage The template you are linking to has no template configured yet. Wrongful Dismissal When wrongful dismissal occurs, the employee in question does not receive fair severance or notice when faced with their impending termination. In many cases, retirement is an excellent example of an employee voluntarily ending their professional role. Remedies for Wrongful Dismissal Employees receive various forms of compensation as terms of their employment, which may or may not be compensated in a wrongful dismissal case. Other times, a reduction to or change in duties and responsibilities may not accompany a reduction in salary. How can our employment lawyers help you? The burden of proving that an employee has not fulfilled his or her duty to mitigate is on the employer. The following are some of the common scenarios we see at our Calgary employment law practice. Compensatory damages for mental distress caused by conduct in dismissal are to be distinguished from the ordinary psychological impact of the dismissal or the normal distress and hurt feelings resulting from dismissal, which are not recoverable. Employers generally have the ability to manage their affairs according to their business judgment; crucially, this includes restructuring your compensation framework. Types of Wrongful Dismissal Claims If you or someone you know has experienced a wrongful dismissal, our wrongful dismissal lawyers are here to help. The Employment Agreement The first step when investigating a wrongful dismissal case is to review the terms of the written employment agreement, provided one exists. Under a contract of employment for an indefinite period Has your job title or responsibilities been affected? Our team here at YYC Employment Law Group is experienced in recognizing unlawful behaviour, and we want to help employees fight for justice. Issues like tardiness or incompetence, among others, should be dealt with using progressive discipline to help the employee improve their performance. Bullying, Harassment and Intimidation You have the right to work in a safe and harassment-free workplace. Notice is measured in two different ways: statutory notice and common law "reasonable notice". Soost , suggests this overly simplistic perspective of the law: "We speak of wrongful dismissal, or damages for that. Some benefits, such as the use of a company, have been determined to be non-compensable. Rather there are several state and federal laws and court decisions that define this concept. Thank you for your interest in our employment law services. Unjust Dismissal Certain employees who are employed by federally regulated employers such as banks, airlines, shipping and telecommunications companies may be entitled to file an unjust dismissal complaint with the Employment and Social Development Canada ESDC Labour Program under the CLC. Reporting a Violation of Law to Government Authorities: also known as a whistleblower law, an employee who falls under whistleblower protections may not lawfully be fired for reporting an employer's legal violation or for similar activity that is protected by the law. For example, whistleblower laws may protect an employee who reports a legal or safety violation by the employer to an appropriate oversight agency. It can be a difficult transition for the employee. Learn more about wrongful dismissals. We will fight to ensure you receive the fair and lawful treatment you deserve during your termination process. Why does constructive dismissal happen?