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Recent Wrongful Dismissal Notice Awards*April 21, 2008*

Wrongful dismissal law suits are most commonly caused by an employer having failed to provide proper written notice. When this happens, the courts will determine what would have been a reasonable notice period. The four key factors considered by the courts in determining the reasonable notice period are the employee's age, length of service, position with the employer and the availability of similar, alternate employment, keeping in mind the particular skills, training and experience of the employee.

There are no specific rules to define the notice period. For example, courts do not follow a rule of one month for each year of service. Rather, the court will determine each case on its own facts, taking into account the above-noted factors as well as looking at other similar cases that have been settled.

The following selected cases from 2007 and 2008 show the wide range of notice awarded in cases in B.C.

Name	Position	Salary	Age	Length of Service (years)	Notice (months)	Wallace Damages (months)
<i>Strauss v. Albrico Services</i> 2007 BCSC 197	journeyman insulator and metallor	\$68,400	43	16	16	–
<i>Stuart v. Navigata Communications</i> 2007 BCSC 463	account manager	\$136,000	46	24	18	2
<i>Solomon v. Alexis Creek Indian Band</i> 2007 BCSC 459	band councillor	\$36,480	32	1.5	5	3
<i>Earl v. Canada Bread Co.</i> 2007 BCSC 1574	territory manager, north Vancouver Island	\$60,000 plus bonus	49	19	17 (less 2 months mitigation)	–
<i>Monjushko v. Century College Ltd.</i> 2008 BCSC 86	college instructor	\$57,000	63	9	15	–
<i>Fasslane Delivery v. Purolator</i> 2007 BCSC 1879	delivery driver	–	–	5	6	–
<i>Lewis v. Lehigh</i> 2008 BCSC	cement plant engineer/manager	\$116,000	59	26	22	–
<i>Taner v. Great Canadian Gaming</i> 2008 BCSC 129	vice-president marketing	\$130,000	36	0.5	10	–
<i>Fisher v. Lakeland Mills</i> 2008 BCSC 129	switchboard operator/receptionist	–	65	18	10	–
<i>Johnson v. Global TV</i> 2008	manager of on-air operations	\$91,000	65	39	8 (as per contract)	–

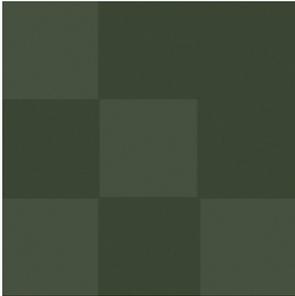
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Practice Areas

Employment & Labour

Author(s)Michael J. Weiler
Associate Counsel

BCCA 33					the trial judge awarded 24 months)	
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Michael J. Weiler is an associate counsel with the Employment & Labour Group in Vancouver. Contact him directly at **604-691-6837** or mweiler@lmls.com.

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