

How COVID-19 is impacting reasonable notice

To find these cases in Employment Foresight, use the Reasonable Notice Casefinder and filter for:

- “Employment circumstances in the geographic area or industry make it difficult for the worker to find work”
- “Worker was terminated solely because of hirer's financial problems”

Province	Case	Reasonable Notice Classifier: <i>Are there few job opportunities in the hirer's industry due to economic conditions in the industry?</i>	Reasonable Notice Classifier: <i>Was the worker terminated solely because the hirer was in financial difficulty?</i>	Key Takeaway Outcome
Ontario	Paquette v. TeraGo Networks Inc., 2015 ONSC 4189 (CanLII) Oil Price Plunge 2014	✓ Para. 5, 27, 62		“Economic factors such as a downturn in the economy or in a particular industry or sector of the economy that indicate that an employee may have difficulty finding another position may justify a longer notice.” 17 months¹
Ontario	Michela v. St. Thomas of Villanova Catholic School, 2015 ONCA 801 (CanLII)		✓ Para. 22	“It is important to emphasize, then, that an employer’s poor economic circumstances do not justify a reduction of the notice period to which an employee

¹ Appealed on other grounds, see <http://canlii.ca/t/gsw04>

	**Economic factors affecting hirer not necessarily connected to economic climate.			is otherwise entitled.” 12 months
Ontario	Gristey v. Emke Schaab Climatecare Inc., 2014 ONSC 1798 (CanLII) Global Financial Crisis 2008		✓ Para. 7, 49, 50, 56, 57, 58, 59	“I will discount what I otherwise find to be a reasonable notice period to account for the economic factors that existed in 2011.” ² 8 months
Ontario	Day v. JCB Excavators Limited, 2011 ONSC 6848 (CanLII) Early 2000s Recession	✓ Para. 19	✓ Para. 14, 45, 50, 84	“The non-exhaustive list of factors to be considered includes economic conditions existing at the time of termination.” 17 months
Ontario	Wright v. The Young and Rubicam Group of Companies (Wunderman), 2011 ONSC 4720 (CanLII) Global Financial Crisis 2008	✓ Para. 41		“Termination took place in February of 2010, following the global economic crisis of the last half of 2008, and during the ensuing recession from which full recovery has yet to take place.” 12 months
Ontario	Leonard v. Kohler Canada Co. (Canac Kitchens), 2009 CanLII 66915 (ON SC)	✓ Para. 12	✓ Para. 1, 6, 16	“With a major negative development in the economy, many people were hurt

² However, see also *Michela v. St. Thomas of Villanova Catholic School*, 2015 ONCA 801 (CanLII) above.

				financially. Nevertheless, the employee is not expected to take the biggest hit in the pocketbook.”
	Global Financial Crisis 2008			18 months
British Columbia	Sifton v. Wheaton Pontiac Buick GMC (Nanaimo) Ltd., 2010 BCCA 541 (CanLII)	✓ Para. 9, 35	✓ Para. 4, 5, 33, 34, 35, 47, 50	“The consequences of changed economic circumstances are not to be visited on the dismissed employee [however] the economic factor must not be given undue emphasis.”
	Global Financial Crisis 2008			14 months
British Columbia	Renard v. Facet Decision Systems Inc., 2010 BCSC 1908 (CanLII)		✓ Para. 1, 9, 11, 24	“I find that the combination of the unlawful layoff and months of strained corporate financial circumstances had taken its toll. To put it simply, Ms. Renard had had enough and wanted to move on to a new job with greater long-term security. This is, of course, a relevant consideration for an employee in deciding whether to accept a permanent position and in deciding whether to stay on in a job.”

	Global Financial Crisis 2008			12 months
British Columbia	Zaitsoff v. Zellstoff Celgar Limited Partnership, 2009 BCSC 346 (CanLII) Global Financial Crisis 2008	✓ Para. 10, 11, 12, 15		“I decline to reduce the notice period to reflect the possibility that the worker might find work [given] the current economic downturn.” 20 months
British Columbia	Jamieson v. Finning International Inc., 2009 BCSC 861 (CanLII) Global Financial Crisis 2008	✓ Para. 9, 20	✓ Para. 3, 17	“Economic circumstances are applied to the facts in the case at bar.” 19 months
Alberta	Carroll v. ATCO Electric Ltd, 2017 ABQB 267 (CanLII) Recession 2014-2017	✓ Para. 93		“The state of the economy always plays a role in re-employment prospects.” 24 months
Alberta	Hansen v. Altus Energy Services Partnership, 2010 ABQB 820 (CanLII) Global Financial Crisis 2008	✓ Para. 48, 49	✓ Para. 48	“The economy will influence the number of positions and job opportunities that become available and is a component to consider.” 24 months

Saskatchewan	<i>Kraus v. S3 Manufacturing Inc.</i>, 2019 SKQB 336 (CanLII) Recession 2014-2017	✓ Para. 40, 44	✓ Para. 4	“Due care not to give disproportionate weight to the state of the economy.” 8 months
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