

THE WRONGFUL DISMISSAL GUIDE



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Understanding Wrongful Dismissal:
Your Rights and Remedies

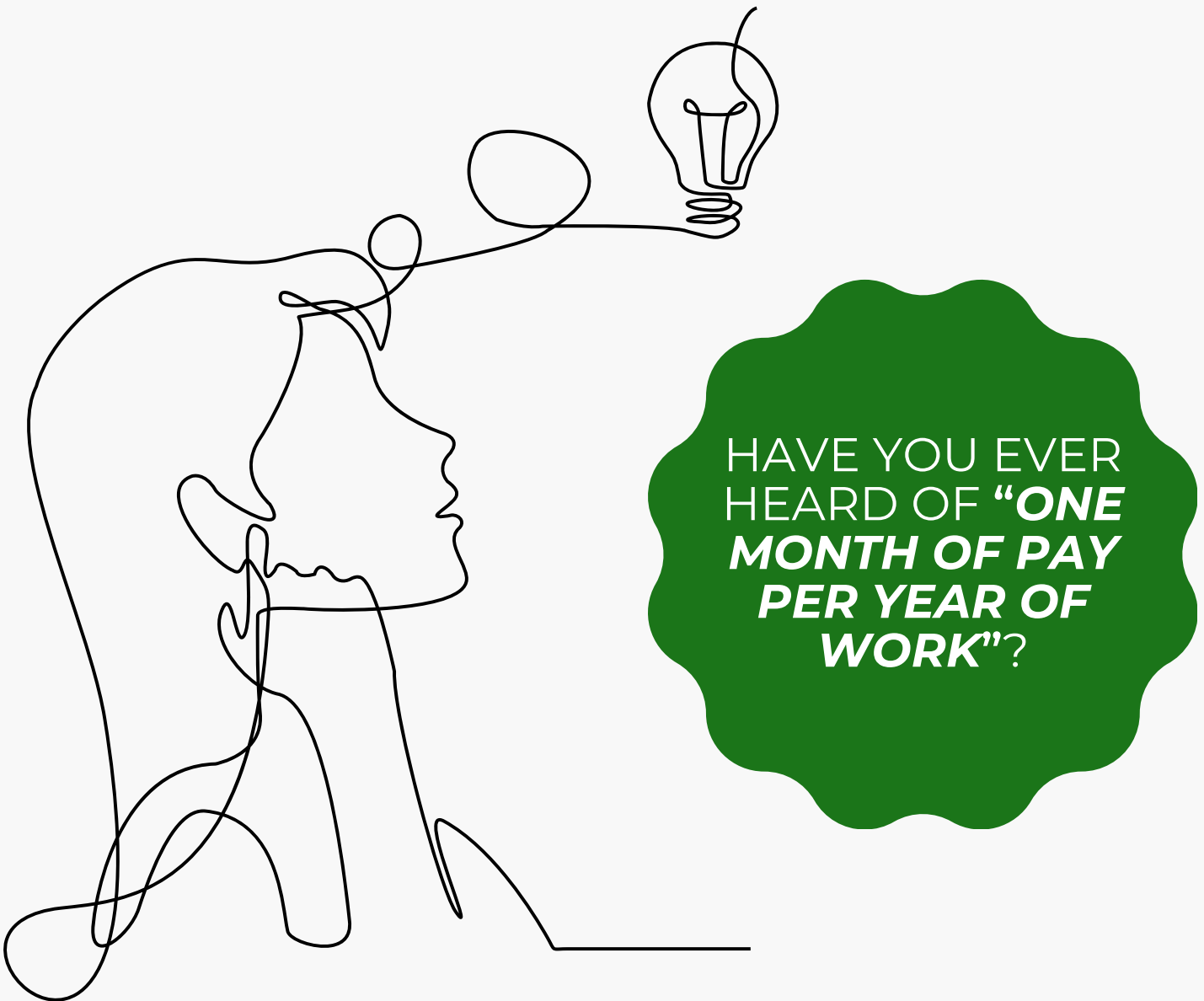


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THE FIRST STEP

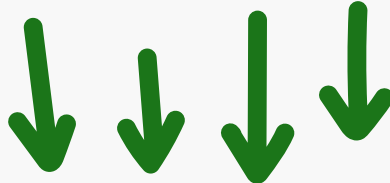
If you have been wrongfully dismissed **do not sign** anything, including a **severance agreement** or **release**.

You may be entitled to **more money**, including **statutory pay in lieu of notice, severance** or **common law notice**.

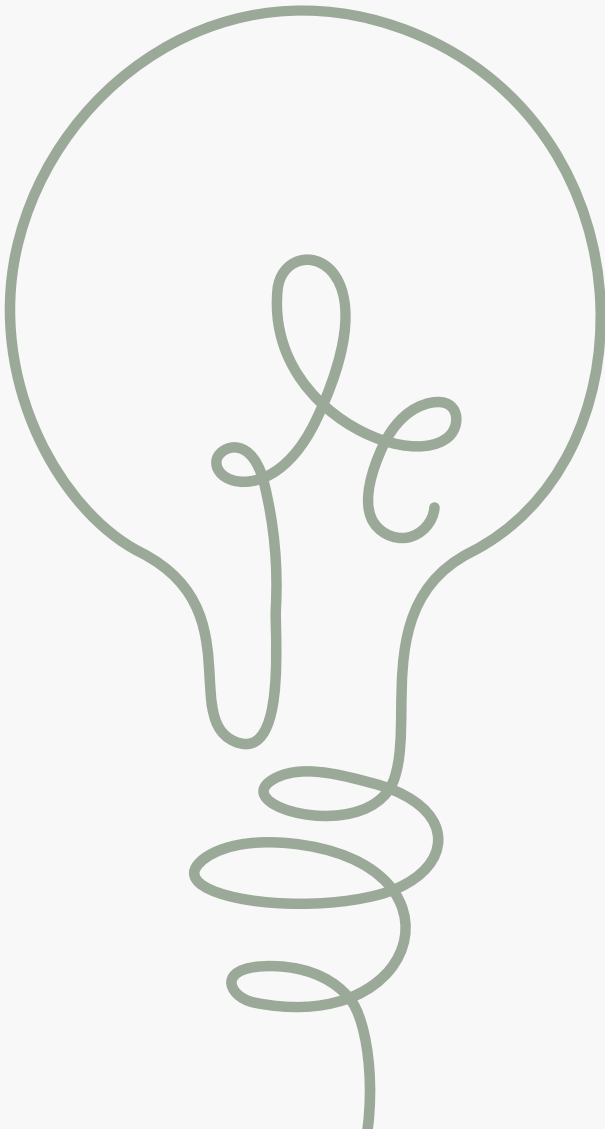


BONUS MATERIAL

Although your **employment contract** may try to limit your pay and severance after termination, it may be **invalid**.



This means you may be entitled to **more money** from **common law** reasonable notice or pay in lieu of notice.



MOST
EMPLOYMENT
CONTRACTS ARE
INVALID
BECAUSE THEY
ARE **OLD** OR
POORLY
DRAFTED

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GET STARTED TODAY:
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CHAPTER

1

INTRODUCTION TO WRONGFUL DISMISSAL

**UNDERSTANDING WRONGFUL DISMISSAL:
YOUR RIGHTS AND REMEDIES**

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WHAT IS WRONGFUL DISMISSAL?

- Wrongful dismissal occurs when an employer **terminates an employee's** employment without adequate notice or just cause.
- This guide will provide an overview of the key concepts of wrongful dismissal, including **statutory entitlements, common law reasonable notice, and remedies** available to employees.



TERMINATION WITH CAUSE VS. TERMINATION WITHOUT CAUSE

- Termination **with cause** occurs when an employer fires an employee due to serious **misconduct or breach** of the terms of employment by the employee. In such cases, the employer is **not** required to provide **notice or severance pay**, **but** it is very difficult to meet the high bar to justify a termination with cause.
- Termination **without cause**, on the other hand, involves the employer ending the employment relationship **without any fault or misconduct** on the part of the employee. In such cases, the employer is **obligated to provide** reasonable **notice or pay** in lieu of notice.

HOW KALSI LEGAL SERVICES CAN HELP

At Kalsi Legal Services, we understand the **challenges and uncertainties** that come with wrongful dismissal. Our experienced team is dedicated to helping employees navigate the legal complexities and seek **justice**. We offer personalized legal representation and advocacy to protect your rights and pursue **fair compensation for your losses**.



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STATUTORY ENTITLEMENTS

**UNDERSTANDING STATUTORY ENTITLEMENTS IN
WRONGFUL DISMISSAL CASES**

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STATUTORY ENTITLEMENTS UNDER THE EMPLOYMENT STANDARDS ACT (ESA)

- The ESA provides **minimum standards** for employment in Ontario, including **notice periods** or **severance pay** requirements upon termination. Kalsi Legal Services can help you understand your rights under the ESA and ensure you receive the **entitlements you deserve**.

Amount of notice required if an employee has been continuously employed for at least three months

Period of employment	Notice required
Less than 1 year	1 week
1 year but less than 3 years	2 weeks
3 years but less than 4 years	3 weeks
4 years but less than 5 years	4 weeks
5 years but less than 6 years	5 weeks
6 years but less than 7 years	6 weeks
7 years but less than 8 years	7 weeks
8 years or more	8 weeks

- Employees may also qualify for up to **26 weeks** of **severance pay** under the ESA.

STATUTORY ENTITLEMENTS UNDER THE CANADA LABOUR CODE (CLC)

- For **federally regulated employees**, such as those in **banking or transportation** sectors, the CLC sets out similar minimum standards for termination entitlements. Our team can assist you in navigating the provisions of the CLC and advocating for your rights.

Continuous Service	Minimum Notice Period
3 months	2 weeks
3 years	3 weeks
4 years	4 weeks
5 years	5 weeks
6 years	6 weeks
7 years	7 weeks
8+ years	8 weeks

- Employees may also qualify for **severance pay**.



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COMMON LAW REASONABLE NOTICE

**EXPLORING COMMON LAW REASONABLE NOTICE: WHAT
YOU NEED TO KNOW**

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FACTORS AFFECTING REASONABLE NOTICE

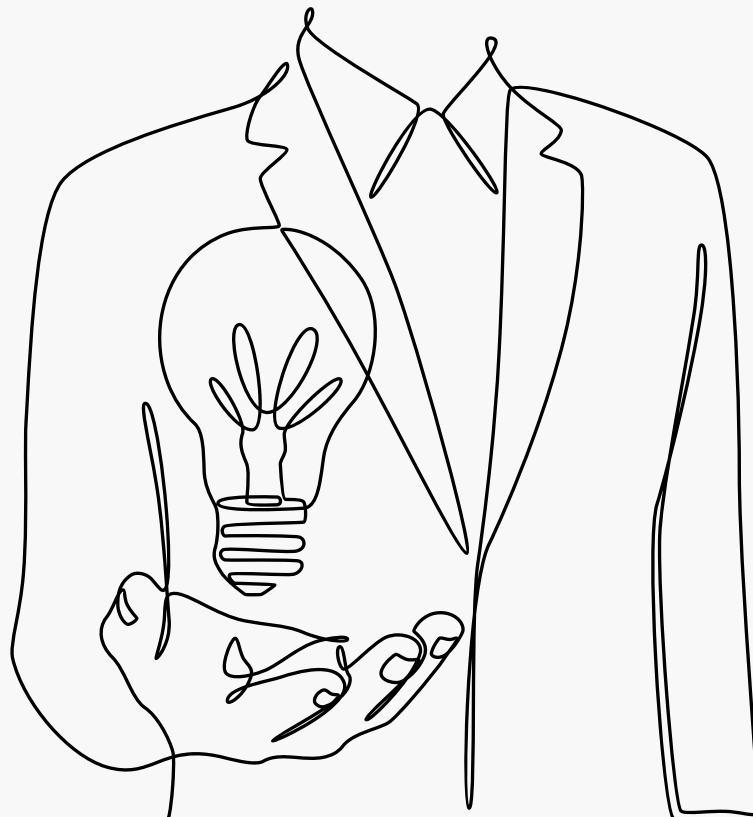
- Common law reasonable notice is determined based on various factors, including **length of employment, position, age, and availability of similar employment opportunities**. Kalsi Legal Services can assess your case and advocate for a reasonable notice period tailored to your circumstances.
- When an employee is wrongfully dismissed, they may be entitled to **pay** in lieu of common law reasonable notice which is **much more than statutory entitlements**.



CALCULATING REASONABLE NOTICE PERIOD

- To calculate reasonable notice, we consider factors like **how long** you've worked, your **age**, the **type of job**, and what other jobs are available.
- Kalsi Legal Services fights hard to get you **more money** if you've been unfairly dismissed, using our experience to push for longer notice periods and bigger settlements.

REMEMBER: COMMON LAW REASONABLE NOTICE OFTEN RESULTS GREATER PAY IN LIEU OF NOTICE THAN STATUTORY ENTITLEMENTS





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REMEDIES FOR WRONGFUL DISMISSAL

**SEEKING REMEDIES FOR WRONGFUL DISMISSAL: HOW
WE CAN HELP YOU RECOVER**

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COMPENSATION FOR DAMAGES

- You may be entitled to **compensation** for various damages resulting from wrongful dismissal, including **lost wages, benefits, and emotional distress**. Kalsi Legal Services will pursue all available avenues to **maximize your compensation**.

SEVERANCE PAY OR COMMON LAW REASONABLE NOTICE

- Whether you're entitled to **severance pay** under statutory provisions or **common law** reasonable notice, we'll fight to ensure you receive the **financial support** you need during this challenging time.

LEGAL RECOURSE

- If negotiations fail to resolve your wrongful dismissal claim, our team is prepared to pursue **legal recourse** through **administrative processes or court proceedings**. We'll provide robust legal representation to protect your rights and interests.



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OUR APPROACH TO WRONGFUL DISMISSAL CASES

**OUR APPROACH: CLIENT-CENTERED REPRESENTATION
FOR YOUR WRONGFUL DISMISSAL CLAIM**

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PERSONALIZED LEGAL STRATEGY

- At Kalsi Legal Services, we understand that **every wrongful dismissal case is unique**. That's why we develop **personalized legal strategies** tailored to your specific circumstances and goals.
- We **investigate** your matter fully and consider all relevant factors that could **increase your settlement**, including:
 - The difficulty in securing **comparable alternate employment**
 - Your employer's **bad faith** conduct
 - Your experience with **discrimination, harassment** or a **toxic work environment**
 - Any potential damage to your **reputation, good name** and **public image**
 - The impact of losing your **benefits and bonuses**
 - And much **more**

EXPERIENCED ADVOCACY

- Our experienced team has a proven track record of success in wrongful dismissal cases. We'll leverage our knowledge, skills, and resources to advocate fiercely on your behalf and pursue the best possible outcome.

COMPASSIONATE SUPPORT

- Dealing with wrongful dismissal can be emotionally challenging. We're here to provide compassionate support and guidance every step of the way, ensuring you feel empowered and informed throughout the legal process.



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CONTACT US

Have questions?
Contact us for your
free case analysis
or a **consultation.**



KALSI LEGAL SERVICES
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FIVE STAR RATING



FIVE STAR SERVICE

(416) 626-5338

jkalsi@jkpclaw.com

**100 King Street West,
Suite 5700 Toronto**



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