

Tuesday, February 16, 2010

## Long Term Employee Fired Over \$500 – Wrongful Dismissal

Wrongful dismissal questions – when can you fire someone for just cause and avoid paying severance or termination pay? What are the factors or reasons allowing for immediate termination without notice?

Can a 41 year old manager earning \$142,000 per year plus stock options, who has been with your company for 9 years and who has 9 staff reporting to him, who is responsible for a \$19 million/year marketing budget to promote a drug (with annual sales of \$300 million) – can this manager be fired for falsely claiming \$500 in golf and meal expenses?

In the recent case of **Leitner v. Wyeth Canada** (2010 Ontario Superior Court) the answer was ‘no’.

Mr. Justice Pitt provides a useful review of the applicable caselaw and principles in this decision and held that 10 months of notice was appropriate in the circumstances.

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