

# Dismissal Procedure Could Lead Employer to Court

**Daryl-Lynn Carlson,**

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Businesses can be especially vulnerable to lawsuits when it comes to their employees.

There are myriad laws surrounding employee rights, ranging from the workplace environment to proper dismissal.

Christopher Caruana, a lawyer in Toronto, says businesses should ensure they have written employment contracts with every employee, whether full-or part-time.

The contract should specify the maximum notice period an employee must receive in the event they must be laid off, which vary between provinces. It should also be reviewed by a lawyer.

The workplace should have a harassment policy to deal with poor employee behaviour, Mr. Caruana says, and the policy should be made known.

It should also address e-mail protocol so employees understand what constitutes acceptable communication along with behaviours that could result in dismissal.

Even firing an employee must be done with respect, Mr. Caruana warns. The Supreme Court of Canada has ruled that a workplace that embarrasses an employee when they're being fired can be ordered to pay punitive damages.

"So if you want to let someone go, do it after hours," he says. "For some people, the most earth-shattering experience they can have is when they lose their job."

It's also a common ground for a lawsuit. "People will sue if there's enough incentive," he says. "No one likes to go to court but if there's enough of an injustice felt or enough money at stake they will get over their natural disinclination for litigation."

Source: Daryl-Lynn Carlson, Financial Post