

# THE CONSTRUCTIVE DISMISSAL GUIDE

Understanding Constructive Dismissal: Your  
Rights and Remedies



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LAW OFFICE

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## THE FIRST STEP

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

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

When it comes to constructive dismissal, **timing is key**.



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# CHAPTER

# 1

## INTRODUCTION TO CONSTRUCTIVE DISMISSAL

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

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# WHAT IS CONSTRUCTIVE DISMISSAL?

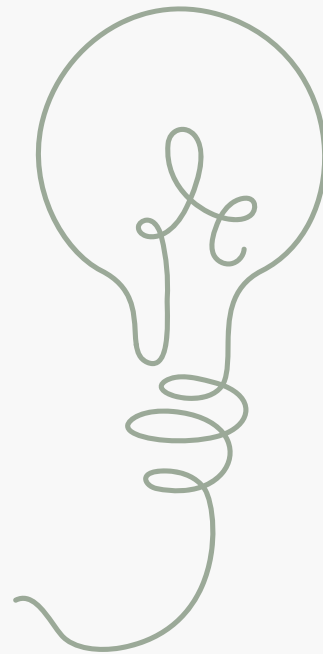
- Constructive dismissal occurs when an employer makes **significant changes** to the terms or conditions of employment **without the employee's consent**, leading to a fundamental **breach** of the employment contract. These changes may include demotions, reductions in pay or hours, or creating a hostile work environment.
- Due to these changes, an employee is **forced to resign** from their position. Due to the employer's actions, the employee is **effectively fired** or **wrongfully dismissed**.



## THE ISSUE WITH TIMING

- **Timing is key** in cases of constructive dismissal to **prevent the waiver of your rights**. If an employee continues to work under the adverse conditions that sparked their constructive dismissal, they will be **condoning** the conduct.
- Condonation means the **employee accepts the changes** made to their work conditions and thus **loses the right** to take action against their employer.
- Timing is also important for **collecting evidence** and remembering important and relevant details.

**TIMING IS KEY IN  
CONSTRUCTIVE  
DISMISSAL CASES**



# ELEMENTS OF CONSTRUCTIVE DISMISSAL

- There are **key elements** necessary to establish constructive dismissal, including:
  - **Material changes** to the employment contract
  - **Breach** of the implied duty of **good faith** and **fair dealing**
  - An employee's **protest** to the changes
  - A **repudiation** of the employment contract

## HOW KALSI LEGAL SERVICES CAN HELP

Kalsi Legal Services is **committed to protecting employees' rights** in constructive dismissal cases. Our experienced team can **assess your situation**, determine if **constructive dismissal** has occurred, and **guide** you through the legal process. We provide **personalized legal representation** and **strategic advocacy** to help you achieve a favorable outcome.

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# CHAPTER

# 2

## MATERIAL CHANGES TO EMPLOYMENT

**IDENTIFYING MATERIAL CHANGES: WHAT CONSTITUTES  
CONSTRUCTIVE DISMISSAL?**

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## IDENTIFYING MATERIAL CHANGES

- **Material changes** that may constitute constructive dismissal include:
  - **Reductions** in salary or benefits
  - Changes in job **responsibilities** or **duties**
  - **Relocation** of workplace
  - **Hostile** work environment or **harassment**
  - Changes in working **conditions** or **hours**

## EXAMPLES OF CONSTRUCTIVE DISMISSAL

- **Demotion** to a lower position without justification
- Imposition of a significant **pay cut** without consultation
- **Transfer** to a different location without reasonable notice
- Continuous **harassment** or **discrimination** leading to a hostile work environment



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# 3

## BREACH OF IMPLIED DUTY

**UNDERSTANDING BREACH OF THE IMPLIED DUTY:  
ESTABLISHING CONSTRUCTIVE DISMISSAL**

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## DUTY OF GOOD FAITH AND FAIR DEALING

- Within every employment relationship exists an implied **duty of good faith and fair dealing**. This means that the employer has an **obligation** to act **honestly, fairly,** and **in good faith** towards the employee.

## REPUDIATION OF EMPLOYMENT CONTRACT

- Constructive dismissal constitutes a **repudiation** of the employment contract by the employer byway of their **breach** of the **implied terms** of the employment agreement. This breach **justifies** the employee's **resignation** and forms the basis for a constructive dismissal case.





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# 4

## EMPLOYEE'S RESPONSE AND LEGAL RECOURSE

**RESPONDING TO CONSTRUCTIVE DISMISSAL: EMPLOYEE  
OPTIONS AND LEGAL RECOURSE**

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## EMPLOYEE'S RESPONSE

- The **options** available to employees facing constructive dismissal, including:
  - **Protesting** to the changes to their employer
  - **Resigning** from their position, depending on the severity of the breach
  - Seeking **legal advice** before taking any action to understand your rights and options

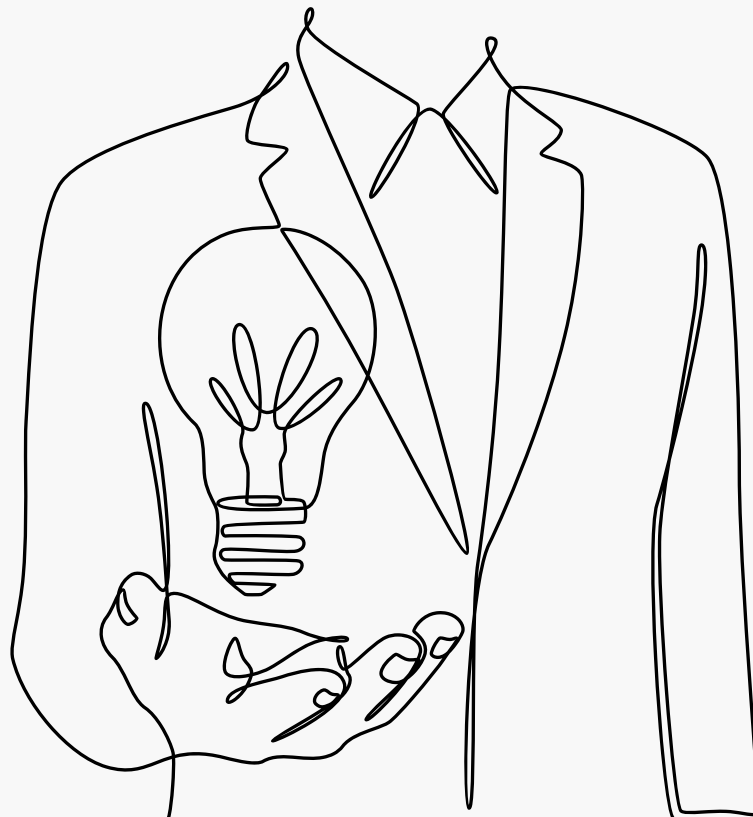
## LEGAL RECOURSE AND REMEDIES

- Legal **options** and **remedies** available to employees in constructive dismissal cases:
  - Filing a constructive dismissal **claim**
  - Seeking **damages** for constructive dismissal, including **lost wages** and **benefits**
  - Negotiating a **severance package** or enhanced compensation, including **common law reasonable notice**

# WHAT IS COMMON LAW REASONABLE NOTICE?

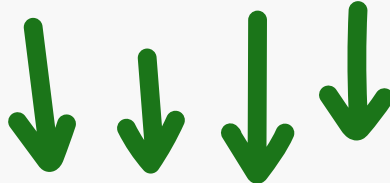
- Common law reasonable notice refers to the **amount of pay** in lieu of notice an employee may be entitled to based on factors like **how long** you've worked, your **age**, the **type of job**, and what other jobs are **available**.
- For further explanation, refer to [The Wrongful Dismissal Guide](#).

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

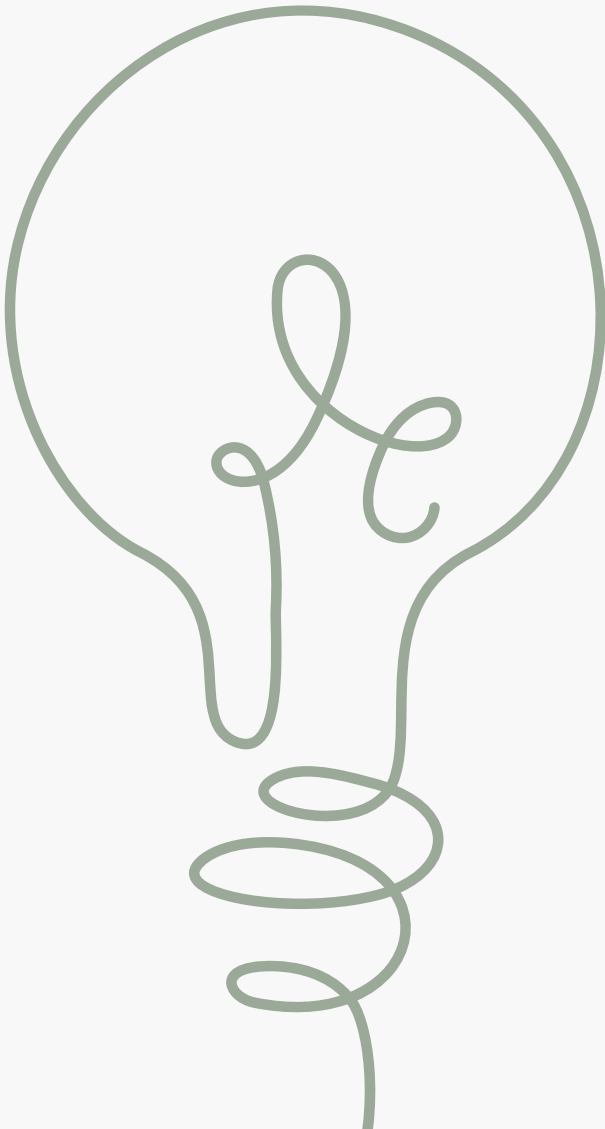


## BONUS MATERIAL

Although your **employment contract** may try to limit your pay and severance, 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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## CHAPTER

# 5

## OUR APPROACH TO CONSTRUCTIVE DISMISSAL CASES

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

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# PERSONALIZED LEGAL STRATEGY

- At Kalsi Legal Services, we understand that **every constructive 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** in order to determine if you have been constructively dismissed. Our goal is to pursue a strategy that could **increase your settlement**, by:
  - Fighting for **common law reasonable notice**
  - Including damages for your employer's **bad faith** conduct
  - Considering your experience with **discrimination, harassment** or a **toxic work environment**
  - Factoring in any potential damage to your **reputation, good name** and **public image**
  - Leveraging your loss of **benefits and bonuses**
  - And much **more**

## EXPERIENCED ADVOCACY

- Our experienced team has a proven track record of success in constructive 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 constructive 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.**



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FIVE STAR RATING



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