

## Supreme Court of Canada dismisses appeal of “inducement” case

On August 3, 2006, the Supreme Court of Canada dismissed without reasons the employer’s appeal of the Ontario Court of Appeal decision in *Alcatel Canada v. Egan Alcatel*, which has been reported in FOCUS Alerts (see “[Ontario Court of Appeal upholds and expands lengthy notice award to employee “induced” to leave secure job](#)”). This case concerned a wrongful dismissal action by an employee who claimed she was induced by the employer to leave a secure, well-paying job. The trial judge awarded the employee nine months notice (the employee only held her position for 20 months), noting that she had been “encouraged” to leave her previous employment by two former colleagues at her previous job who had joined Alcatel before her.

The Court of Appeal upheld the trial judge’s decision on the length of the notice period, emphasizing the fact that the employee had not been persuaded to join the employer by head hunters, who she would know had been paid for their recruitment efforts. Unbeknownst to the employee, the friends and former colleagues who persuaded her to join the employer had shared an \$8,000 recruiting bonus. While acknowledging that the trial judge’s notice award was “at the high end of the range”, the Court declined to disturb his ruling.

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