

## Wrongful Termination Litigation

**Course Summary:** This course provides an in-depth overview of the basic elements of litigating wrongful termination in Ontario's courts. Our instructor will present strategic considerations to keep in mind from the time that a demand letter is being planned, as well as practical tips involving the basis of statement of claims and pleadings. Various ethical considerations involved in making legal services accessible for individuals and representing claimants and defendants will also be discussed.

### **Course Outline:**

1. Introduction and course objectives
  - What is not about?
  - After this session participants will be:
    - empowered to negotiate and wrongful termination issues;
    - confident to manage a wrongful termination matter;
  - Content slide.
2. Relevant terms
  - Severance offer;
  - Wrongful termination;
  - Duty to mitigate;
  - Notice period;
  - Damages.
3. Damages
  - Termination/severance offer;
  - Costs of litigation;
  - Demand letters (fact-based or persuasive);
  - Out-of-court negotiations: early resolution;
  - General and extraordinary damages: notice periods; extraordinary damages (e.g. moral, punitive).
4. Forum
  - budget and justice;
  - Within the judiciary: Small Claims Court; Superior Court of Justice (simplified procedures; ordinary procedures);
  - other decision makers: human rights; grievances; Ministry of Labour.

## 5. Filing

- Pleadings: statements of claims; statements of defence;
- Digital filing: Ontario and Caseline
- Summary Judgment Motions

## 6. Discoveries and Mediation

- Documents, witnesses and others.
- yes or no or mandatory mediation;
- Mediation brief;
- Settlement post mediation session.

## 7. Pre-trial conference and hearings

- Purpose and obtaining a Pre-Trial Conference Date;
- Pre-Trial Conference Memorandums;
- The Pre-Trial Conference: settlement opportunity; removing complexity;
- Preparing for the hearing;
- Hearing's structure.

## 8. Appeals or enforcement

- Appeals
  - Right of appeal
  - Leave to appeal
  - Beginning an Appeal
  - Time limitation
- Enforcement
  - Technique of enforcement
  - Who are you enforcing the decision against?
  - What law did you based your claim on?

## 9. Question and Answer period