



## Directors' Liability in Canada

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### new & noteworthy

- The new United States government administration is revising many domestic and foreign policies, which will probably affect Canadian businesses in important ways.

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### highlights of this release

- **Chapter 2, Liabilities Relating to Employment Law:** The Supreme Court of Canada has affirmed that a constructively discharged employee is due incentive payments that would have become due during the notice period, and awarded over \$1 million in damages. The Supreme Court of Canada has also looked to the actual impact of an employment provision nominally intended to ameliorate disadvantages against individuals protected by the Human Rights Act, and found discriminatory a program allowing for job sharing that didn't allow participants to accrue time-in-service for their pensions and thereby primarily disadvantaged women. In other news, an Ontario court has voided an entire termination agreement because one provision that did not apply to the actual termination did not meet minimum standards.
- **Chapter 3, Liabilities Relating to Environmental Law:** Changes to the Ontario Environmental Assessment Act adopted in 2020 are coming into force.
- **Chapter 10, Liabilities Relating to Bankruptcy and Insolvency Law:** The Supreme Court of Canada has affirmed that contract terms that require payments in the event of insolvency (such as termination penalties) may be voided under "anti-deprivation" principles since they tend to reduce payouts to creditors.

# release notes

*please review*

## did you know?

- Did you know employers remain subject to a wide variety of temporary requirements and prohibitions, as governments respond to the COVID-19 pandemic?



### related STP products

- **Internet Law Essentials: Canada's Anti-Spam Law (CASL)** provides a comprehensive analysis of the CASL regulations. The guide also includes useful checklists to help simplify the compliance process. Available format: online.
- **Workplace Violence Prevention: A Practical Guide to Security on the Job** is the most comprehensive workplace violence prevention guide available for analyzing an organization's violence risks and developing effective workplace violence prevention measures. Available format: online.

For more information or to purchase any STP product, visit [www.stpub.com](http://www.stpub.com), email [info@stpub.com](mailto:info@stpub.com) or call **1.800.251.0381**.



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