

Fairness and Job Security Towards the New Millenium
For: The Toronto Star

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Just in time for the new millenium, Canadians have received some encouraging economic news that will undoubtedly boost perceptions of job security. Unemployment in Canada has reached a low of 6.9%, the lowest jobless rate in decades. The Canadian economy has been booming, leading to the creation of almost 400,000 new jobs over the past year. Many employers have begun hiring for new full-time positions after years of cutbacks.

The U.S. economy has been fuelling much of this growth. In the U.S., the jobless rate hit 4.1%, a remarkable low. Although these figures are calculated differently in the U.S., the low unemployment rate is quite impressive.

The recent unemployment rates sound promising but they do not provide the complete picture. Even in times of relative prosperity, more than one million Canadians are still without work. For those out of work, fewer are eligible to collect Employment Insurance benefits as a result of the 1997 changes enacted by the federal government.

For those who are working, signs are encouraging. Canadians are far more optimistic about their jobs than they were in the mid-90s. Although some Canadians feel that their skills are underutilized, recent studies show that Canadians have a greater sense of security about their jobs than do their American neighbours.

One of the primary reasons for the higher job morale in Canada is the legal system. Canadians in non-unionized jobs know they will be given reasonable notice of termination unless their employer can show "just cause" for dismissal. Although there is no set formula to calculate the amount of notice required, the law provides some assurance of fair treatment.

U.S. employment law is completely different. In most U.S. States, employees are employed "at will." They can be let go at any time without notice or pay, for any reason. Although there are many ways around this general rule, the end result is that American employees can usually be dismissed with much less notice or pay than their Canadian counterparts.

While Canadian employment law appears far more compassionate than U.S. law, other countries provide even greater protection for employees. Many Canadians do not realize that, even at the end of the twentieth century, an employer does not need a reason for firing an employee, as long as proper notice is provided. This comes as a great surprise to many who have been terminated. Even

though they have been offered a package, and maybe a reference letter, they cannot understand why they must suddenly begin a job search.

Jack Wallace faced this difficult life experience. He worked for the United Grain Growers for 14 years. He was the top sales person in the company. Without any justification, the company fired him and then refused to provide him with a fair settlement. Wallace's case went all the way to Supreme Court of Canada and has become one of the most important decisions of the 1990s.

The Supreme Court of Canada rejected the idea that Canadians have an unconditional right to be treated fairly by their employers. Companies may make the decision to terminate for any reason. As long as there has been no discrimination, the decision cannot be questioned. The only requirement is that the company pays the employee the proper amount and treats the employee fairly during the dismissal process.

Canadians can take some comfort in having a greater sense of job security than Americans but many still feel that the system falls short. For example, the United Nation's Universal Declaration of Human Rights includes the right to work and the right to protection against unemployment.

Some Canadians have legal protection that approaches this U.N. standard. Unionized workers can only be fired for just cause. Otherwise, job security increases over time with seniority. Although Unionized employees face difficulties such as strikes and labour disputes, a unionized job includes a higher measure of protection.

Canadians who work in federally regulated industries such as banks or airlines also have special protection. They can file an unjust dismissal complaint under the Canada Labour Code. After a hearing, they can even be returned to their old positions. In some ways, this also approaches the U.N. standard.

For the majority of Canadians, there is no right to a job. Job security depends on many factors such as performance, the economy and the good faith of the employer. Canadians are still vulnerable. After years of loyal service, employees may still be dismissed suddenly for no reason other than "reorganization." This uncertainty leads to ever increasing workplace stress.

The level of legal protection we enjoy greatly affects our sense of job security and our stress levels. As we move into the new millenium, legal protection of job security will evolve. Fairness and good faith must become part of every employment relationship. This dramatic change will enhance our job security and elevate our overall sense of self-worth.

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