

WestlawNext Canada Newsletter

August 2018

WHAT'S NEW

WestlawNext Canada Cross Product Integration

WestlawNext Canada, ProView and Practical Law are integrating in three key ways to enable users to 1) search, 2) browse, and 3) note-up cases more efficiently. WestlawNext Canada is now a one-stop entry point for primary law, 300+ ProView eLooseleaf titles and Practical Law legal “know how” solutions, increasing users’ awareness and access to legal content.

1. Spend less time looking for answers with an integrated search.

Now, searches in WestlawNext Canada will return relevant content from Westlaw Next Canada, ProView and Practical Law, in the same place. This product integration improves the legal research experience by creating a one-stop source for legal content awareness and access.

The screenshot displays the WestlawNext Canada search interface. At the top, the search bar contains the query "constructive dismissal". The interface is divided into a left sidebar and a main content area. The sidebar lists various categories and their counts, with "eLooseleaves on ProView" highlighted in orange and showing 88 results. The main content area displays a list of search results, including titles like "Wrongful Dismissal" and "The Law of Dismissal in Canada, Third Edition".

VIEW:	Count
Overview	16
PRIMARY SOURCES	
Cases and Decisions	3,816
Statutes and Regulations	51
Rules	0
Securities Regulatory Materials and Bulletins	90
Policy Documents and Directives	0
COMMENTARY	
Canadian Encyclopedic Digest	100
Legal Memoranda	75
Personal Injury Practical Guidance	0
Texts and Annotations	150
Articles and Newsletters	231
eLooseleaves on ProView	88
PRACTICAL LAW	
Practical Law Resources	104
COURT DOCUMENTS	
Insolvency Court Filings	41
Pleadings, Motions and Facts/Briefs	260
ALL RESULTS	5,006

Search Results:

- 1. **Wrongful Dismissal**
David Harris | Employment & Labour | 1059 hits
- 2. **The Law of Dismissal in Canada, Third Edition**
Howard A. Levitt, B.A., LL.B. | Employment & Labour | 883 hits
- 3. **Employment Law Manual: Wrongful Dismissal, Human Rights and Employment Standards**
John R. Sproat (The Honourable Mr. Justice) | Employment & Labour | 670 hits
- 4. **Canadian Employment Law**
Stacey Reginald Ball | Employment & Labour | 555 hits
- 5. **Employment Standards Handbook, Third Edition**
Kimberly A. Parry, B.A., M.B.A., David A. Ryan, B.A. (Hons.), LL.B., J.D. | Employment & Labour | 353 hits
- 6. **Canadian Employment Law Answers**
Stuart E. Rudner, Tim Mitchell, Colin G.M. Gibson, Brian Kenny, Q.C., Brian G. Johnston, Q.C., Peter Israel | Human Resources | 307 hits
- 7. **Best Practices - Termination**
Hugh Secord | HR Best Practices | 158 hits
- 8. **You're Fired! Just Cause for Dismissal in Canada**
Stuart E. Rudner | Employment & Labour | 115 hits

RMS | Legal Topics | Folders | History | Alerts | Help | Sign Off
 Search Tips

WestlawNext CANADA Q - "constructive dismissal" FIND Search ADVANCED WnC-P2-36's Re... (1)

VIEW: << Practical Law Resources (104)

WestlawNext Canada ran a Plain Language search. Display results using a Boolean Terms & Connectors search.

1 - 50 Set Default

Select all items | No items selected

1. Advice to an Employee on Constructive Dismissal
 Standard documents | Maintained | Canada (Common Law)

Letter from a legal adviser to a non-unionized employee who is considering whether to bring a claim for constructive dismissal. For further information on the law in this area, see Practice Note, Constructive Dismissal: Overview. This Standard Document has integrated notes with important explanations and drafting tips.

...For detailed information on **constructive dismissal**, see Practice Note, **Constructive Dismissal: Overview**, as well as the Practice Note applicable to the **constructive dismissal** grounds raised in the employee's particular situation. For practical tips for employee's counsel, see Practice Note: **Constructive Dismissal: Overview: Practical Considerations for Counsel Advising the Employee**...

2. Letter Offering Work in Mitigation of Damages During Notice Period
 Standard documents | Maintained | Canada (Common Law)

A letter from an employer offering continued employment in mitigation of wrongful dismissal damages, to an employee who has refused to consent to an immediate change in the terms of his employment and has claimed constructive dismissal.

...For information about mitigation in **constructive dismissal** scenarios, see Practice Note, **Constructive Dismissal: Overview**...

3. Letter Serving Notice and Offering Employment on New Terms
 Standard documents | Maintained | Canada (Common Law)

A model letter from an employer to an employee who has refused to consent to a future or anticipated change in the terms of his employment on the basis of constructive dismissal, in which the employer gives notice of termination of the employee's current employment contract and offers re-employment on the new terms.

...For information about reducing employer liability in **constructive dismissal** scenarios, see Practice Note, **Constructive Dismissal: Overview**...

4. Constructive Dismissal: Overview
 Practice note: overview | Maintained | Canada (Common Law)

This Practice Note addresses the legal considerations in a constructive dismissal claim. It also presents practical tips for avoiding and defending claims of constructive dismissal. This note applies to non-unionized employees in all of the Canadian jurisdictions.

...Encourage the employee to resist the impulse to immediately resign. Assess whether there are sufficient grounds for **constructive dismissal** before recommending that the employee resign his employment. If there is no **constructive dismissal**, an employee who quits will be deemed to have terminated the employment relationship and will not be entitled to damages. Provide the employee with your opinion regarding the potential success of a **constructive dismissal** claim. For a template **constructive dismissal** opinion letter, see Standard Document, Advice to an Employee on **Constructive**...

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ALL RESULTS 5,006

NARROW:

2. "Browse Legal Topics" to learn more about a legal issue

Enhanced classification now allows users to access all relevant content from WestlawNext Canada, Practical Law and ProView, by browsing a particular legal topic (e.g. "elements constituting relationship between employer and employee"). Users will be presented with relevant resources ranging from primary law to up-to-date resources on how to apply the law in practice, simply by selecting their area of interest. Browse Legal Topics now specifically includes relevant Practical Law Canada Practice Notes and Practice Note: Overviews. ProView eLooseleaf titles under the following topics are also available from Browse Legal Topics (the list of topics will be updated on a monthly basis).

RMS | Legal Topics | Folders | History | Alerts | Help | Sign Off

WestlawNext CANADA WnC-P2-36's Re... (1)

VIEW: << Back to Legal Topics

eLooseleafs on ProView (4) ⓘ

LAB.II.1.a Elements constituting relationship between employer and employee
 LAB.II.1.a.i Existence of contract of employment
 LAB.II.1.a.ii Control of employee by employer
 LAB.II.1.a.iii No chance of profit by employee
 LAB.II.1.a.iv No risk of loss by employee

1 - 4

Select all items | No items selected

1. Canadian Employment Law
 Stacey Reginald Ball | Employment & Labour | 49 hits

2. Employment Law Manual: Wrongful Dismissal, Human Rights and Employment Standards
 John R. Sproat (The Honourable Mr. Justice) | Employment & Labour | 16 hits

3. The Law of Dismissal in Canada, Third Edition
 Howard A. Levitt, B.A., LL.B. | Employment & Labour | 9 hits

4. Fox on Canadian Law of Copyright and Industrial Designs, 4th Edition
 John S. McKeown | Intellectual Property | 6 hits

50 per page

VIEW: Overview 9

PRIMARY SOURCES
 Cases and Decisions 330

COMMENTARY
 Canadian Encyclopedic Digest 8
 Legal Memoranda 10
 Texts and Annotations 18
 eLooseleafs on ProView 4

PRACTICAL LAW
 Practical Law Resources 1

ALL RESULTS 371

NARROW:
 Select Multiple Filters

Subscription
 Show in plan only 4

RMS | Legal Topics | Folders | History | Alerts | Help | Sign Off

WestlawNext CANADA WnC-P2-36's Re... (1)

VIEW: << Back to Legal Topics

Practical Law Resources (1) ⓘ

LAB.II.1.a Elements constituting relationship between employer and employee
 LAB.II.1.a.i Existence of contract of employment
 LAB.II.1.a.ii Control of employee by employer
 LAB.II.1.a.iii No chance of profit by employee
 LAB.II.1.a.iv No risk of loss by employee

1 - 1

Select all items | No items selected

1. Common/Related Employers
 Practice notes | Maintained | Canada (Common Law)

This Practice Note addresses common employer laws under the common law, minimum standards legislation and labour relations legislation. These laws allow for multiple corporations or other entities to be treated as a single employer for the purposes of their rights, obligations or liabilities toward employees. Common employers are also referred to...

50 per page

VIEW: Overview 9

PRIMARY SOURCES
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 Canadian Encyclopedic Digest 8
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 Texts and Annotations 18
 eLooseleafs on ProView 4

PRACTICAL LAW
 Practical Law Resources 1

ALL RESULTS 371

3. Confidently note-up cases with KeyCite integration.

The Citing References tab in WestlawNext Canada now returns a list of Practical Law documents and ProView eLooseleaf commentary that refer to and analyze the case that a user is researching. This integration enriches legal research by providing users with additional secondary source information, relevant to a specific case.

The screenshot shows the WestlawNext Canada interface for the case **Kingston v. GMA Cover Corp.** (2012 ONSC 5019, 2012 CarswellOnt 10900). The **Citing References (8)** tab is active, displaying 5 results. A red box highlights the following entries:

Treatment	Title	Date	Type	Depth	Abridgment Classifications
—	1. 2016 Annual Review of Insolvency 6, — Restructuring, Liquidating, Now Disengagement: The Use of the CCAA by Corporate Parents to Disengage from Canadian Operations 2016 ANNREINSOLV 6	2016	Secondary Sources	—	
—	2. Debt Litigation [ProView] Michael G. Tweedie Debtor-Creditor	2018	Secondary Sources	—	
—	3. Employment Law Manual: Wrongful Dismissal, Human Rights and Employment Standards [ProView] John R. Sproat (The Honourable Mr. Justice) Employment & Labour	2018	Secondary Sources	—	
—	4. Injunctions and Specific Performance [ProView] The Honourable Justice Robert J. Sharpe Remedies	2018	Secondary Sources	—	
—	5. Remedies in Labour, Employment and Human Rights Law [ProView] Field LLP; Labour and Employment Group; James Casey; Ayla Akgungor Employment & Labour	2018	Secondary Sources	—	

The screenshot shows the WestlawNext Canada interface for the case **Kingston v. GMA Cover Corp.** (2012 ONSC 5019, 2012 CarswellOnt 10900). The **Citing References (8)** tab is active, displaying 1 result. A red box highlights the following entry:

Treatment	Title	Date	Type	Depth	Abridgment Classifications
Cited by	1. Common/Related Employers 2017 WL 2174540		Practical Law	■ ■ ■ ■ ■	

In the left sidebar, the **VIEW** section shows **Practical Law** with a count of 1, which is also circled in red.

Mack's Jury Charge Review on CriminalSource

Mack's Jury Charge Review on CriminalSource is a unique, national collection of full-text criminal jury charges that have been the subject of review by Courts of Appeal or the Supreme Court of Canada, accompanied by expert reviews of the appellate rulings and impugned charges. The reviews and appended jury charges are organized by topic, allowing judges, prosecutors and defence counsel to quickly find previously contested charges on point and identify an instruction that was accepted or rejected by a Court of Appeal or the Supreme Court of Canada. Providing access to complete charges along with a concise review to help quickly identify precise issues and locate pertinent passages in the charge, Mack's Jury Charge Review will be an invaluable resource to counsel and judges in discussing and drafting the jury charge.

