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## Tim Pinos Discusses Employer Requirements in Wake of CTS Decision with Law Times

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Tim Pinos has been quoted in the article "Company Followed Standards in Mass Termination," published by *Law Times*.

Writes Meagan Gillmore: "A recent Court of Appeal decision gives rare guidance about how to apply the *Employment Standard Act's* rules about mass termination, employment lawyers say. In September, the Court of Appeal said CTS of Canada had not erred when it filed notice with the government of its plans to close its Streetsville, Ont. plant 13 months after it had given written notice to employees about the closure. This reversed the Ontario Superior Court of Justice's September 2017 decision that said the company should have filed notice of the closure with the government when it told employees about it."

Tim says this decision re-affirms employers' requirements under the ESA. "Historically, the understanding has been that there is a separation between the employment standard rules that mandate minimum severances, notice period for various circumstances and the whole common law for reasonable notice. The two work in parallel in employment law. One doesn't trump the other. Compliance with one doesn't affect the validity of the other as a general proposition."

"The purpose of the ESA is to protect the interests of employees by requiring employers to comply with certain minimum standards, including minimum periods of notice of termination," the Court of Appeal's decision says. "Its objective is not to impose requirements on employers in excess of the statutory minimums. Tying the requirement to provide Form 1 notice to the director to when the employer gives what it intends to be common law reasonable notice, in excess of the statutorily-required minimum notice period, is not consistent with the object of the Act requiring employers to comply with certain minimum standards."

[Read the full article here.](#)

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*Cassels Brock represented CTS in this matter.*