

Newsletter



Robinson Sheppard Shapiro
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Resignation or termination? Balancing contradictory testimonies

“All is either black or white.” But who decides? In Hugo et Thomson, Tremblay inc., 2019 QCTAT 1004, rendered on March 4, the Administrative Labour Tribunal was presented with contradictory statements of facts by an employee and an employer. The Tribunal had to decide whether the employee had indeed signed a letter of resignation. The whole claim depended on the answer to that question.

In other words, the Tribunal had to decide which of two statements was true. On the one hand, the employee alleged that he had been suspended indefinitely and, in essence, terminated for having refused to sign a letter of apology to his employer after having allegedly stolen some company documents. He was also alleging that the resignation letter was counterfeit. On the other hand, the employer claimed that, after a meeting where he was reprimanded, the employee signed his resignation in the presence of the employer.

The Tribunal ruled that the employer’s witnesses had delivered “coherent, sincere and likely testimonials and that their version was credible” [our translation]. By contrast, the employee’s version was ill-concealed. In addition, and employers should make a note of this,

the Tribunal stated that both parties’ actions after the termination are significant and may reveal which side tells the truth.

The employee also produced the testimony of a handwriting expert in support of a “conspiracy theory” [our translation] related to the resignation letter; despite this testimony, the Tribunal dismissed this assertion since it was not supported by the evidence and the conditions invoked by the expert witness were not supported.

The Tribunal held that the employee had signed the letter of resignation. Doing so, it ruled in favour of the employer who, it should be noted, was represented by Jean Denis Boucher, from our firm.



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Eliab is a member of our Labour and Employment Law Practice Group. He has substantial experience with labour relations, occupational health and safety and human rights matters.

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