

WRONGFUL DISMISSAL PRACTICE MANUAL, by Ellen E. Mole, Butterworth & Co. (Canada) Ltd. (1984), pp. ii and 2501, looseleaf.

The Wrongful Dismissal Practice Manual should prove to be a useful addition to the library of a young practitioner, or the practitioner who occasionally has to deal with a wrongful dismissal action. It stands as a practical guide to advancing or defending such actions. That is its chief virtue and its main limitation, but then it does not purport to be more than a "convenient reference tool" and "practical starting point for research".

The manual is written in clear, easily understood language. It is well organized with chapters covering the employment relationship, termination of employment, just cause, other defences, reasonable notice, damages, practice points, precedents, and statutes and regulations. Each chapter is broken down into a virtual checklist of issues which commonly arise in wrongful dismissal actions. For example, the chapter on termination of employment includes sections on indefinite hirings versus definite hirings, termination of a definite term contract, express dismissal, notice of termination, change of employer, frustration of the employment contract and constructive dismissal. Some subject headings which one would expect to find are missing. These would include the effect of bankruptcy on employment contracts, apprenticeship contracts, and employment contracts with those lacking capacity such as children and the mentally infirm. Perhaps those omissions will be rectified in future updates. Each section of a chapter has a paragraph number which, in combination with a well organized index, makes for easy location of subject matter.

The book certainly covers the myriad of issues which may arise in wrongful dismissal actions. It does not do so from an academic viewpoint but that is not its purpose. It is clearly intended for practitioners. Thus, under the heading of reasonable notice, one finds twenty-one pages of text explaining the principles concerned and sixty-one pages of charts setting out cases covering the period from 1970-1984: the name and citation, the type of employee, length of service, period of unemployment, and the notice period found to be reasonable. Since, this is a looseleaf manual it may be expected that this will be periodically updated. A chapter on precedents sets out common forms of pleadings. While they are drafted for the Ontario practitioner they would provide useful guidance for the budding young Alberta practitioner.

Less helpful is the chapter on statutes and regulations. The statutes covered are Ontario statutes and the Canada Labour Code. Relevant sections of the statutes and regulations are set out, but without any indication of how they have been interpreted by the courts or any case citations. It is largely a wasted chapter without that. One final and perhaps trifling criticism relates to the page numbering. The last page is 20051. In fact, there are approximately 300 pages to the book. The page numbering is incomprehensible and you must rely upon the numbering of the sections. On balance, however, the manual is worth purchasing for those who have only a passing familiarity with wrongful dismissal actions.

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