

Failure of Employer's Return to Work Process Is "Self-Induced"



A casino table games dealer returned to work after a debilitating shoulder injury but could no longer do her old job. The casino gave her modified duties and told her to apply for a permanent job within the organization. And she tried, applying for about 20 different jobs with the casino, including ones she had done previously to positive reviews. But she got only 3 interviews and no offers. After 2 years the casino fired her for frustration of contract. But the court was having none of it. Losing the capability to be a table dealer need not have ended the employment relationship especially since the dealer had proven her ability to do other available work effectively. If there was any frustration of contract, it was 'self-induced,' the court concluded [*Milloy v. Complex Services Inc.*, 2018 ONSC 3590 (CanLII), June 7, 2018].