

NOVA SCOTIA COURT OF APPEAL

Citation: Sobeys Group Inc. v. Coleman, 2005 NSCA 142

Date: 20051109

Docket: CA 243708

Registry: Halifax

Between:

Sobeys Group Inc.

Appellant

v.

William Rhyan Coleman

Respondent

Judge: The Honourable Justice Fichaud

Appeal Heard: October 18, 2005

Subject: Labour standards - reinstatement - mitigation

Summary: Employee was fired for theft. Another person confessed to the theft. The employee claimed reinstatement and compensation under the *Labour Standards Code*. He also sued civilly. He declined employer's offer of reinstatement. Labour Standards Tribunal reinstated with compensation.

Issue: Did he "abandon" reinstatement or fail to mitigate by declining the reinstatement offer. Was reinstatement inappropriate because he had sued the employer?

Result: Employee's disagreement with the employer's conditions affecting other litigation did not abandon his claim to reinstatement. Neither did employee fail to take reasonable steps to mitigate. Employer had been willing to take the employee back even after seeing the draft statement of claim. It was not "inappropriate" to reinstate. Decision of Tribunal was upheld.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 15 pages.

