

Ronald Carrière v. Copap inc.: A case of employee perceptions blown out of proportion

March 07, 2023

In [Carrière v. Copap inc., 2023 OCTAT 562](#), the Tribunal administratif du travail ruled on a complaint of constructive dismissal combined with a complaint of psychological harassment. Both were found to be unfounded.

Summary of the facts

On November 14, 2018, Mr. Ronald Carrière, who was then the chief financial officer at Copap Inc. (Copap), filed one complaint of dismissal without just and sufficient cause, and one complaint of psychological harassment, with the Commission des normes, de l'équité, de la santé, et de la sécurité du travail (CNESST). The Tribunal heard evidence for a total of eleven days, spread over nearly two years.

In essence, Mr. Carrière alleged that a series of events, which he described as acts of harassment, led him to consider that Copap was trying to get rid of him. He submitted evidence of multiple incidents that he attempted to portray as vexatious and humiliating. Among other things, the plaintiff alleged that the shareholders used a curt tone of voice with him, made unjustified and unfair decisions, failed to support his efforts to manage problems in his department, and refused to allow him to take vacation time. The situation came to a head at a meeting in October 2018 with his superiors, the company's majority shareholders, who allegedly informed him of a significant change in his conditions of employment which according to Mr. Carrière constituted constructive dismissal.

Analysis

The administrative judge rejected both of Mr. Carrière's complaints. First, regarding the harassment complaint, she found that no vexatious conduct had taken place and that the employer's actions fell within its management rights.

In her ruling, the judge mentioned several times that the evidence did not support Mr. Carrière's perceptions. Instead, this was a situation where the company was facing various changes and the plaintiff refused to recognize and adapt to the new reality,

preferring to take on the role of victim and treat everything management did or said as malicious.

The fact that Mr. Carrière alleged countless instances of harassment seems to have worked against him. The judge made several comments about this, stating at one point that if the plaintiff's perceptions were to be accepted, it would never be possible for his superiors to express any dissatisfaction without having this interpreted as harassment. The judge remarked that the plaintiff's version of events included a large measure of exaggeration and was not corroborated by his own witnesses. Overall, she deemed the actions held against the employer to be relatively trivial and on the whole innocuous.

With respect to the complaint of constructive dismissal, it should be noted that the plaintiff was still employed when it was filed. He claimed that Copap had used various manoeuvres to compel him to give up his position, including the various allegations of psychological harassment. He left on a sick leave a few weeks later and was still on disability when the hearings took place.

The judge determined that the evidence did not lead to a conclusion that the employer **sought the plaintiff's departure or had in any way manoeuvred to bring it about.** Specifically, she found that Copap had at no time imposed unilateral changes in Mr. Carrière's conditions of employment, but that the parties were in the process of discussing how the plaintiff could best perform his duties. If changes are being contemplated but are still merely hypothetical, and the employer does not force the employee to accept its proposals, these cannot be seen as a unilateral decision by the company to let the employee go.

Takeaways

The ruling confirms that the plaintiff's perceptions are not, on their own, sufficient to conclude that the latter has been a victim of psychological harassment or constructive dismissal. It is essential that these perceptions be corroborated by the evidence, and the parties' conduct must be assessed from a global perspective according to the test of the reasonable person in the same situation.

This ruling further reminds us that the Tribunal's role is not to interfere with the way an employer manages its business or even its employees, but rather to determine whether management rights are exercised in a manner that is reasonable, proportionate, and neither improper nor discriminatory. The mere fact of an employee finding certain actions or words unpleasant is not sufficient to conclude that there has been psychological harassment.

With respect to the constructive dismissal complaint, this case is of interest in that the complaint was rejected more than four years after it was filed, while the plaintiff was still on disability. **Notwithstanding the plaintiff's claims that the employment relationship was never discontinued, the judge made no comment as to whether an employment relationship existed when she issued her ruling.**

Contact us

Please contact your BLG lawyer or one of the contacts below from our [Labour & Employment Law](#) group for any questions regarding the legal framework governing the matters discussed in this article or any other labour and employment issues.

By

[André Royer](#), [Sandrine Mainville](#)

Expertise

[Labour & Employment](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.