

Intentional misrepresentation of academic qualifications is just cause for dismissal (Tudor v. Accurate Screening Ltd.)

Employment & Labour | Litigation & Dispute Resolution | Termination

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Strong relationships are built on core values such as honesty and trust. In employment law, these values are often critical to maintaining a healthy and productive relationship between an employer and an employee. In circumstances where an employer loses trust in an employee because of their misconduct and/or dishonesty, the employment relationship can be significantly harmed and can justify the dismissal of the employee without notice.

In *Tudor v. Accurate Screening Ltd.*, 2026 ABKB 237 (CanLII), the court was required to determine whether alleged misrepresentations made by an employee (“MT”) about his academic background in his resume could be used to justify his dismissal.

The employer was a fabrication and grating company. In March of 2023, it sought to hire a Vice-President of Business Development. The job posting stated that an undergraduate degree in Business Administration, or a related field, was required and that ideally candidates would possess a Master of Business Administration (“MBA”).

MT applied for the job. In his resume, MT represented that his academic background included:

McGill University, Montreal, QC

Expected in 11/2023

MBA

Currently Ongoing

The employer believed that this representation meant that MT was enrolled in an MBA program at McGill University and that he would be obtaining this degree in November 2023.

However, MT was not enrolled in any MBA courses nor in the process of completing any MBA courses. Furthermore, he had not taken any MBA courses. None of these facts were disclosed or talked about during the interview process, and the employer was of the view that questioning MT about his academic credentials would have been demeaning and inappropriate.

Accordingly, based on MT’s experience, education (as stated in his resume) and the interview process, the employer hired MT for the position.

For the first three months of employment, MT was assigned minimal tasks. He was then assigned to work on a “Forecasting Project” and an “Inventory Project”. The employer explained that the Forecasting Project required the use of statistical and quantitative analysis.

In November 2023, MT completed his work on the Inventory Project. A month later, he completed his work on the Forecasting Project.

However, the employer became concerned about the quality of MT's work because it showed a lack of understanding of statistical analysis and the use of Excel. These skills should easily have been demonstrated by someone possessing an MBA.

In December 2023, the employer and MT met about his work product on the Forecasting Project. In the employer's view, MT was unable to address its concerns.

Eventually, other employees were engaged to complete the Forecasting Project, and the employer commenced an investigation into MT's education and qualifications.

The employer interviewed MT and questioned him about the courses he had allegedly taken as part of his MBA program. While MT stated that he was willing to pursue additional training and that he was prepared to take some "refresher courses", he provided "evasive" answers about the courses he had actually taken.

At a third interview, MT finally told the employer that he was not completing his MBA, but that he had taken "a couple of courses, a couple of years ago." At this interview, MT informed the employer, for the first time, that he was not enrolled in, and had not completed, the MBA program at McGill University. However, MT also advised the employer that he had reached out to the University about continuing his program and that he had been provided with information about taking an Executive Development course.

On January 10, 2024, MT was terminated for cause, and MT commenced an action for wrongful dismissal.

MT argued that the employer did not have sufficient grounds to terminate him without adequate notice because the requirements for his job did not require him to have an MBA.

Furthermore, MT contended that despite the employer's position that he had engaged in "misconduct" by making false representations on his resume about his academic credentials, he did not act in bad faith, that it was the employer's obligation to inquire about his academic credentials during the interview process, that the representations were immaterial, and that during the course of his employment he had exhibited a strong work ethic and a desire to improve his performance. He also suggested to his employer that he was willing to take additional courses.

The court rejected MT's arguments.

The court held that to establish "just cause", the employer must show, on a balance of probabilities, that MT had engaged in misconduct that was "impossible to reconcile with [his] obligations under the employment contract."

In *Molloy v. EPCOR Utilities Inc.*, 2015 ABQB 356, the court stated:

...Dismissal is justified where an employee's dishonesty violates an essential condition of the employment contract, breaches the faith inherent in the work relationship, or is fundamentally or directly inconsistent with the employee's obligations to his or her employer...

In the circumstances, the court found that the employer met this burden and that the dishonesty of MT had not been condoned.

The evidence showed that MT had provided inaccurate information on his resume and that the employer was not required to take a "deep dive" into MT's academic credentials during the interview process. The employer was entitled to rely on MT's representations that he was enrolled in an MBA program at McGill University and that he was expected to complete it in November 2023.

This representation was not a mere error in judgment on MT's part, and it was not immaterial to the job. The court found that MT's misrepresentation about his academic credentials was intentional and that it had been made with the express intention to deceive the employer. The facts of the case disclosed that rather than being enrolled at McGill University to complete an MBA program, MT had only made efforts to create an online account with McGill.

In addition, the court found that MT continued to be evasive during the investigation process.

The court concluded that by misrepresenting his academic qualifications, MT breached "the level of patent honesty and trust required of him in his position as part of the Executive leadership team of [the employer]". Accordingly, MT's dismissal for cause was a proportional response by the employer. In reaching this conclusion, the court relied on, among other authorities, the following statement in *Poliquin v. Devon Canada Corp.*, 2009 ABCA 216, the Court of Appeal of Alberta:

...certain categories of misconduct – including conflict of interest and dishonesty – have been traditionally recognized as constituting cause for an employee's discharge without notice."



MT's misrepresentation about his academic qualifications were serious and struck at the heart of the employment relationship.

The key takeaways from this case are that a prospective employee should never misrepresent their qualifications on their resume and that during the interview process an employer is not required to take a "deep dive" into the qualifications listed on the resume. Although a prospective employee may wish to embellish their skills and credentials on their resume, they should never intentionally misrepresent those skills and credentials for the purpose of deceiving a prospective employer. Furthermore, an employee should avoid being evasive during an investigation.

Four months after his termination, MT secured a new job. Based on the factors in *Bardal v. Globe & Mail Ltd.*, 1960 CanLII 294 (ON SC) and *Baillargeon v. Transforce Inc.*, 2012 QCCA 1495, in the event that the court found that MT had been wrongfully dismissed, he would have been entitled to four months' notice. MT had worked for the employer for seven months and was 37 years old at the time of his dismissal. A PDF version is available to download [here](#).

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

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