## News

# Check your email recipient list before you press “send”

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Employers must take care not to press the “send” button too soon as inadvertently copying an incorrect person on an email communication can have unintended results. In *Fernandes v. Marketforce Communications*, an employer emailed information to its lawyer setting out concerns regarding the continued employment of an employee. By mistake, that employee was copied on the email. She left work and eventually brought an action for wrongful dismissal, relying in part on that email communication.

The employer brought a motion to strike a portion of the employee’s statement of claim where she relied on the email. The motion judge found that, while the email was in fact subject to solicitor client-privilege and the employer had promptly attempted to retrieve the improperly sent email, it would be unfair to the plaintiff if she could not rely on it, as the email formed the basis of her decision regarding her employment. For a more fulsome discussion of this case, see our Case in Point blog post, “Improperly Sent Email Has Legal Consequences For Employer.“