

***An Update has  
Arrived in Your  
Library for:***

**Please circulate this notice to anyone  
in your office who may be interested  
in this publication.**

*Distribution List*

	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

**ILLNESS AND DISABILITY  
IN THE WORKPLACE**

**Bennett Jones LLP**

**Release No. 52, October 2017**

**What's New in This Update:**

This release updates the case law and commentary in Chapter 6 (Workers' Compensation and Other Statutory Benefits). As well, the Issues in Focus section has new material covering: medical documentation in the employment context; workplace investigations and privilege; and accommodating workplace stress, mental disability and other invisible disabilities.

**Case Law Highlights**

Of the new case law discussed in this release, the following are of note:

- **Workers' Compensation Benefits – Coverage** – Professional football players are exempted from Part 1 of British Columbia's Workers'

---

**THOMSON REUTERS CANADA Customer Support**

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email [CustomerSupport.LegalTaxCanada@TR.com](mailto:CustomerSupport.LegalTaxCanada@TR.com)

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Compensation Act. The employer clubs are therefore not subject to WCB regulations regarding safety, and players are not entitled to participate in the WCB scheme or to receive WCB benefits. Conversely, they are not precluded by the Act from suing their employers for workplace injuries: *Bruce v Cohon*, 2017 BCCA 186 (B.C.C.A.). See section 6:1410.

- **Workers' Compensation Benefits – Limitation Periods** – The right to extend statutorily dictated time limits has been recognized in Ontario, although it will only apply in circumstances where an applicant is able to demonstrate a cogent, convincing and reasonable reason for the delay in filing within the appropriate timelines: Decision No. 2111/17E, 2017 ONWSIAT 2104 (Ont. W.S.I.A.T.). See section 6:1700.
- **Canada Pension Plan Benefits – Disability Benefits** – If an applicant is displeased with an initial decision regarding entitlement to disability benefits, the determination is not final; there are several avenues of appeal an applicant may pursue. In this instance, the individual's application for Canada Pension Plan disability benefits was denied both initially and upon reconsideration. Next, he brought an appeal to the Social Security Tribunal General Division, which dismissed the appeal. The individual was denied leave to appeal that to the Social Security Tribunal Appeal Division. He then brought an application for judicial review seeking to reverse the appellate division decision and directing payment of CPP disability benefits retroactive to the onset of his initial application. This too, was dismissed: *Hideq v. Canada (Attorney General)*, 2017 FC 439 (F.C.). See section 6:3800.

## **ProView Access and Westlaw Federated Search**

Did you know that this title is available through your web browser on **Thomson Reuters ProView™**, or can be downloaded to your desktop, laptop or tablet giving you the freedom and flexibility to work wherever and whenever you want, with or without an Internet connection? Access to this title on the ProView platform is included with your print subscription.

With this title and its Publisher's Note now available on ProView, you will also notice that only one version of the Publisher's Note will be included with your print release going forward. We trust you will find these changes and enhancements beneficial as our products continue to evolve to meet your research and workflow implementation needs. Also, a reminder that an electronic version of all of the most recent Publisher's Notes for each publication is available at <http://www.carswell.com/products/eLooseleafs-publishers-notes/>.

PLUS we're delighted to announce that effective late April 2017, researchers with a **WestlawNext® Canada** subscription can do a single search in WestlawNext Canada, which also simultaneously searches the supplemented titles that are currently on ProView.

This collection of content will now be called eLooseleafs on ProView (formerly the eReference Library on ProView). Relevant eLooseleaf titles will be displayed in the WestlawNext Canada results list and search results can be accessed by linking directly from the list of search results in WestlawNext Canada to ProView. Subscriptions to the individual titles will be required in order to access the content on ProView.

This new Federated search will streamline your research and help you to easily access relevant, authoritative content across platforms.

