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CANADIAN EMPLOYMENT LAW

Stacey Reginald Ball

Release No. 77, September 2018

Canadian Employment Law is a one-stop reference that provides a thorough survey of the law with analysis of developing trends. Canadian Employment Law has been cited by the Supreme Court of Canada, and in superior courts in every province in Canada. With methodically organized chapters, Canadian Employment Law can be counted on to provide detailed analysis of the facts and law of thousands of relevant cases. The subject-matter is wide-ranging and addresses topics including wrongful dismissal, fiduciary obligations, tort law and vicarious liability, remedies, constitutional issues, occupational health and safety, employment contracts, duty of good faith and human rights.

What's New in this Update:

This release features updates to the case law and commentary in Chapters 21, 22, 31 and 33.

- **Human Rights – Duty to Accommodate – Triggering the Duty to Accommodate a Disability** – The onus on the person seeking accommodation of their disability is quite limited. It is sufficient that the employer or service provider be informed or be aware of a disability-related need to trigger the duty. There may also be a duty to inquire in certain circumstances.

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- **Human Rights – Definition of Gender Identity and Gender Expression** – Gender identity is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation. Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.
- **Human Rights – Drafting a Release of Human Rights Claims** – Provided that it otherwise complies with the compensatory and remedial goals of the legislation, care must be taken in drafting the form of a release of human rights claims for it to be enforceable. The wording of the release must actually encompass human rights claims and be specific in its wording.