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ILLNESS AND DISABILITY IN THE WORKPLACE

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Publisher's Special Release Note 2021

The pages in this work were reissued in August 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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What's New in This Update:

This release includes updates to chapters 3 (The Union Employee) and 4 (Human Rights Legislation).

Case Law Highlights

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

- **The Union Employee — Doctor's Certificates and Medicals — Fitness to Resume Employment** — Generally, employees are obligated to participate in the accommodation of their illness. This includes providing medical information to substantiate their illness and providing the employer with guidance as to how best to accommodate the ailing employee. Failure to provide sufficient medical information when requested may result in the dismissal of any grievance on behalf of the employee: *Workers United Canada Council and Owens Corning Composites Materials Canada LP (AL), Re*, 2021 CarswellOnt 19846 (Ont. Arb.).
- **Human Rights Legislation — Prima Facie Case — The Meaning of Disability** — The BC tribunal dismissed the complaint as having no reasonable prospect of success, in that the bacterial infection from which the complainant suffered (which lasted approximately two weeks before being treated with antibiotics) did not constitute a “disability” within the meaning of the Code: *Bruschini v. EDP Software*, 2021 BCHRT 167.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages