

## Publisher's Note

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### **DISCRIMINATION AND THE LAW**

**Contributing Editor: Catherine Mahony, LL.B.**

**Release No. 6, June 2022**

### **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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A comprehensive review of human rights issues, this valuable reference tool contains: a legal history of discrimination in Canada; definitions of discrimination and affirmative action; an exhaustive analysis of case law — from every board of inquiry, tribunal or court, including illuminating comparisons to British and American practice; and practical insights into the administration and enforcement of human rights legislation.

### **What’s New in this Update:**

This release includes updates to the case law and commentary in Chapters 8 (Disability), 10 (All Other Grounds), 12 (Goods, Services, Facilities and Accommodation Customarily Available to the General Public), 13 (Employment), 15 (The Human Rights Commissioners), and 16 (Human Rights Tribunals and Other Adjudicative Bodies).

### **Case Highlights**

● **DISABILITY — PHYSICAL DISABILITY — PHYSICAL DISABILITY/ILLNESS — AMPUTATION** — Complainant, who was an amputee who wore a prosthetic leg, worked for respondent employer as a machine operator — One day, one of the loggers at work fell down a steep hill and became injured, necessitating rescue — While all of the complainant’s co-workers went down the hill to assist the injured logger, the complainant was prevented from making the steep descent because of his prosthetic, so he remained, throughout the duration of the day’s events, at the top of the hill, where he facilitated communications between the office and the helicopter pilot who had been engaged to rescue the fallen logger — When all was said and done, the complainant was not paid for his day of work — Employer contended that complainant had not engaged in “real” work like his coworkers, who had physically gone to assist the injured logger — Complainant alleged discrimination in his employment on the basis of his disability — Complaint was allowed — Tribunal noted that the employer’s actions in this case “reflected and perpetuated a long history of marginalization and exclusion experienced by people with disabilities that was based on stereotypes, generalizations and prejudice”: *Falconer v. Yard Hard Logging and another*, 2021 BCHRT 38 (B.C. Human Rights Trib.).

● **ALL OTHER GROUNDS — MARITAL STATUS, SEXUAL ORIENTATION, ETC.) — ASSOCIATION WITH PERSONS DISCRIMINATED AGAINST; REPRISAL AND RETALIATION — REPRISALS AND RETALIATION** — The complainant, who resided in a very small town and suffered from mental illness for

which he used a service animal, had filed a complaint with the Tribunal against a local restaurant — The complaint was dismissed without a hearing — Several days after the complaint was dismissed, the male individual respondent, who was co-owner of the restaurant against which the complainant had filed his complaint, attended at local businesses to warn them of the complainant and his “scam” to take advantage of businesses by filing baseless human rights claims against them in an attempt at a cash grab — The male respondent sought the assistance and support of other business owners in bringing a lawsuit against the complainant — When the complainant discovered the male respondent’s actions, he brought a second complaint against the man’s restaurant, the man himself, and the man’s female partner in the business who co-owned the restaurant, this time alleging retaliation — The complaint was allowed as against the male individual respondent only, who was ordered to pay the complainant \$10,000 in compensation for injury to his dignity, feelings and self-respect: *Customer v. The Restaurant and others*, 2021 BCHRT 116 (B.C. Human Rights Trib.).

### **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

