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REMEDIES IN LABOUR EMPLOYMENT AND HUMAN RIGHTS LAW

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Remedies in Labour, Employment and Human Rights Law is a unique resource which provides a comprehensive analysis of the remedial jurisdiction of adjudicators, tribunals and courts to enforce human rights and employment rights. The authors examine remedies arising from labour arbitration, from wrongful dismissal litigation, and from unjust dismissal cases under the *Canada Labour Code*, following labour relations board hearings and in the human rights context. In each instance the authors discuss the purpose and scope of the available remedial orders as well as the source of the remedial authority, then each type of remedial order is detailed and explored.

This release updates Appendix RA, Related Articles and Appendix WP, Words and Phrases.

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Highlights:

- **Words and Phrases — Appropriate Notice and Severance —** In *Egan v. Harbour Air Seaplanes LLP* (2024), 2024 BCCA 222, 2024 CarswellBC 1718, 2024 C.L.L.C. 210-051 (B.C. C.A.), the Court found that the words “appropriate notice and severance” in the context of the Termination Clause in question clearly referred to the statutory requirements for notice and severance in the Code. The Court disagreed with the plaintiff/appellant that the word “appropriate” in the Termination Clause imputes a term of reasonableness into the assessment of the notice.
- **Related Articles — Alberta Human Rights Tribunal Awards Significant Damages for Workplace Discrimination, Including Sexual Harassment —** Recent Alberta Human Rights Tribunal decision *Oliva, Pascoe, and Strong v. Gursoy*, 2024 AHRC 81, 2024 CarswellAlta 1261 (Alta. H.R.T.), underscores the seriousness of gender-based discrimination — particularly sexual harassment — and discrimination on the basis of physical disability in the workplace. Employers must take these issues seriously and ensure that they have policies in place to prevent workplace discrimination and harassment and to properly address complaints if they arise. As the case highlights, tribunals are willing to award significant damages in cases where sexual harassment has been found to have occurred. The case also serves as a reminder that retaliatory actions taken against employees or former employees who lodge complaints will not be tolerated and employers could pay a hefty price for doing it.