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<b>EMPLOYMENT LAW MANUAL</b> <b>The Honourable Mr. Justice John R. Sproat</b> <b>Release No. 2, March 2026</b>
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In addition to an extensive treatment of wrongful dismissal law in Canada, the *Employment Law Manual: Wrongful Dismissal, Human Rights and Employment Standards* features an examination of discriminatory practices under the *Ontario Human Rights Code* and offences under the *Employment Standards Act, 2000*. A section offering practical advice on hiring and firing is supplemented by a collection of helpful precedents, featuring forms of employment contracts, warning letters, termination letters, and more.

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## What's New in this Update

This release updates the caselaw and commentary in chapters 13 (Prohibited Grounds of Discrimination), 19 (the Complaint Process and Enforcement of the Code) and 20 (Remedies).

### Highlights

**THE HUMAN RIGHTS CODE (ONTARIO)—PROHIBITED GROUNDS OF DISCRIMINATION—CREED**—In *Knauff v. Ontario (Natural Resources and Forestry)*, 2023 HRTO 1729, 2023 CarswellOnt 18714 (Ont. Human Rights Trib.), reconsideration / rehearing refused 2024 HRTO 223 (Ont. Human Rights Trib.), application for judicial review refused 2025 ONSC 786, 2025 CarswellOnt 1261 (Ont. Div. Ct.), application for judicial review refused 2025 ONSC 786, 2025 CarswellOnt 1261 (Ont. Div. Ct.), the Tribunal held that ethical veganism does not constitute a creed under the Code.

**THE HUMAN RIGHTS CODE (ONTARIO)—PROHIBITED GROUNDS OF DISCRIMINATION—DISABILITY—PROCEDURAL DUTIES OF EMPLOYER AND EMPLOYEE RESPECTING ACCOMMODATION**—In *Burggraaf v. Convergys CMG Canada ULC*, 2025 HRTO 2599, 2025 CarswellOnt 17030 (Ont. Human Rights Trib.), reconsideration / rehearing granted 2026 HRTO 72, 2026 CarswellOnt 410 (Ont. Human Rights Trib.), the Tribunal held that an employer had failed to satisfy its procedural duty of accommodation of a qualified job applicant with a disability when it decided not to hire him without allowing him to have any input into the accommodation process and without consulting him about alternative options that would meet his accommodation needs.

**THE HUMAN RIGHTS CODE (ONTARIO)—THE COMPLAINT PROCESS AND ENFORCEMENT OF THE CODE—RECONSIDERATION AND JUDICIAL REVIEW**—In *Safavi-Naini v. Gauthier*, 2025 HRTO 2350, 2025 CarswellOnt 15309 (Ont. Human Rights Trib.), reconsideration / rehearing refused 2025 HRTO 2671, 2025 CarswellOnt 17771 (Ont. Human Rights Trib.), the Tribunal held that a reasonable apprehension of bias could not be established through statistical analysis of a decision maker's prior decisions and upheld the requirement that their words and conduct in prior cases must demonstrate to a reasonable and informed person that they do not have an open mind to the evidence and arguments presented.

**THE HUMAN RIGHTS CODE (ONTARIO)—THE COMPLAINT PROCESS AND ENFORCEMENT OF THE CODE—RECONSIDERATION AND JUDICIAL REVIEW**—In *Knauff v. Ontario (Natural Resources and Forestry)*, 2023 HRTO 1729, 2023 CarswellOnt 18714 (Ont. Human Rights Trib.), reconsideration / rehearing refused 2024 HRTO 223 (Ont. Human Rights Trib.), application for judicial review refused 2025 ONSC 786, 2025 CarswellOnt 1261 (Ont. Div. Ct.), the Divisional Court declined to exercise its discretion to hear an application for judicial review where the matter in issue had become moot as a result of a settlement agreement between the parties.