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EMPLOYMENT LAW MANUAL

The Honourable Mr. Justice John R. Sproat Release No. 8, October 2025

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), 14 (Exceptions from the Prohibition Against Discrimination), 16 (Sexual Harassment and Solicitation), 18 (Discrimination in Employment Advertising, Applications and Interviews), 19 (the Complaint Process and Enforcement of the Code) and 20 (Remedies).

Highlights

THE HUMAN RIGHTS CODE (ONTARIO) — PROHIBITED GROUNDS OF DISCRIMINATION — DISCRIMINATION BECAUSE OF SEX — DISCRIMINATION RELATED TO PREGNANCY OR POTENTIAL PREGNANCY — In Morasse v. Brandt Tractor Ltd., 2025 HRTO 1401 (Ont. Human Rights Trib.), the Tribunal held that the applicant had been discriminated against in employment on the basis of sex when her employment was terminated upon the closure of an asset sale to another corporation while she was on maternity leave. The Tribunal held that: her employment was terminated because she had not been offered a position with the purchaser; she was not offered a position because she had not been interviewed by the purchaser; the purchaser did not interview her because she was on a list, provided by her employer, of employees not at work during the leadup to the closing; and she was not at work during that period because she was on maternity leave.

THE HUMAN RIGHTS CODE (ONTARIO) — PROHIBITED GROUNDS OF DISCRIMINATION — MARITAL AND FAMILY STATUS — FAMILY STATUS — In Khan v. Kaneff Properties Limited, 2025 HRTO 774 (Ont. Human Rights Trib.), application for reconsideration refused, 2025 HRTO 1525 (Ont. Human Rights Trib.), the Tribunal found that the applicant had not been discriminated against in employment on the basis of family status when she requested accommodation to fulfill her childcare responsibilities as she had failed to cooperate in the accommodation process when she refused the employer's invitation to discuss her needs and declined the reasonable accommodations which the employer offered her and resigned instead.

THE HUMAN RIGHTS CODE (ONTARIO) —PROHIBITED GROUNDS OF DISCRIMINATION — ASSOCIATION — DISCRIMINATION BECAUSE OF ASSOCIATION WITH PERSONS IDENTIFIED BY A PROHIBITED GROUND OF DISCRIMINATION — In Khanom v. Idealogic PDS Inc., 2024 ONSC 5131 (Ont. S.C.J.), the Tribunal found that the owner of the corporate employer had discriminated against the applicant on the basis of association with a person identified by a prohibited ground of discrimination, her husband, who had a disability. Her employment was terminated "on the spot" when she asked to work from home during the COVID-19 pandemic to reduce the risk that she would become infected with the virus and then infect her husband who was diabetic and therefore vulnerable to serious health risks if he were to become infected.

THE HUMAN RIGHTS CODE (ONTARIO) — SEXUAL HARASS-MENT AND SOLICITATION — EMPLOYER LIABILITY FOR SEXUAL HARASSMENT — In D'Alesio v. Walker Real Estate Inc. , 2019 HRTO 696 (Ont. Human Rights Trib.), application for reconsideration refused, 2019 HRTO 1059 (Ont. Human Rights Tribunal), second applica-

tion for reconsideration refused, 2019 HRTO 1162 (Ont. Human Rights Trib.), application for judicial review (of all three decisions) dismissed, 2020 ONSC 947 (Ont. Div. Ct.), the Tribunal found that the personal respondent, who was the owner and officer of the corporate respondent, had discriminated against the applicant in employment on the basis of sex, had created a poisoned work environment and had sexually harassed her, by exposing himself to her twice. The Tribunal awarded the applicant \$23,000 as compensation for injury to her dignity, feelings and self-respect. The Tribunal held that the corporate respondent was jointly and severally liable with the personal respondent for the breaches of the Code and, therefore, the amount awarded, pursuant to s. 46.3(1) of the Code. It was deemed liable for the personal respondent's creation of a poisoned work environment, as he was the corporation's owner and an officer, and for his sexual harassment of the applicant as he was part of the corporate respondent's directing mind.

THE HUMAN RIGHTS CODE (ONTARIO) — DISCRIMINATION IN EMPLOYMENT ADVERTISING, APPLICATIONS AND INTERVIEWS — EMPLOYMENT INTERVIEW – GENERAL PRINCIPLES — In Cillis v. Hamilton-Wentworth District School Board, 2025 HRTO 1717 (Ont. Human Rights Trib.), the Tribunal found that the applicant had not been discriminated against in employment on the basis of disability during the interview process for a permanent position, as the respondent had fulfilled both its procedural and substantive obligations to accommodate her. It had provided her with reasonable, although not "perfect" accommodation, and this satisfied its obligations.