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<p>ILLNESS AND DISABILITY IN THE WORKPLACE James A. D’Andrea, K.C., B.A. Hons., M.A., LL.B. Release No. 5, December 2023</p>

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What's New in This Update:

This release includes updates to Chapter 3 (The Union Employee), Chapter 4 (Human Rights Legislation), and Chapter 5 (Short- and Long-Term Disability Insurance).

Highlights

- **THE UNION EMPLOYEE — DOCTOR'S CERTIFICATES AND MEDICALS — GENERALLY** — Arbitrator Russell Goodfellow's February 2023 award in *Toronto Catholic District School Board v. Canadian Union of Public Employees, Local 1328* addresses two issues arising in 26 grievances over the school board's administration of its sick leave and STD plans. The issues included whether the board could share employee health information with a third-party attendance support services company without employees' written consent. The employer took the position that its standard form Medical Certificate contained sufficient consent, and further relied on section 32(c) of *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56. Arbitrator Goodfellow allowed the union's grievances: "To allow such disclosure without employee knowledge and consent flies in the face of the important privacy protections that permeate the law in this area, including in the extensive case law referred to by the Union that seeks to carefully balance employee privacy rights with an employer's ability to administer its collective agreement and statutory obligations."

ProView Developments

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- The opening page is now the title page of the book as you would see in the print work
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- 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
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