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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. 3, August 2025</p>

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What's New in This Update:

This release includes updates to Chapter 4 (Human Rights Legislation) and Appendix RA (Related Articles).

Highlights

- **Human Rights Legislation — Prima Facie Case — Discrimination in Employment — Exemptions from Protection Against Discrimination in Employment** — A valid exception to the protection against discrimination in employment includes where a release has been signed which prevents the undersigned from bringing a human rights claim, and such agreement was not unconscionable or entered into under duress (see, for example, *Graham v. The Parker Hannifin (Canada) Limited*, 2021 AHRC 141 (Alta. H.R.T.) and *Caponero v. Kaizen Auto Group Ltd.*, 2021 AHRC 197 (Alta. H.R.T.)). Attempting to circumvent a validly executed full and final release signed by both parties has recently been characterized by the Human Rights Tribunal of Ontario as an abuse of process: *Hall v. ESC Automation Inc.*, 2023 HRT0 1676 (Ont. H.R.T.).
- **Human Rights Legislation — Prima Facie Case — Discrimination in Employment — Examples of Discrimination and Disability in the Workplace — Workplace Harassment** — Discrimination on the basis of disability can also take the form of harassment in the workplace. Section 10(1) of the Ontario Human Rights Code provides a useful definition of the concept of harassment as follows: “‘harassment’ means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.”

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
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