

Publisher's Note

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Previous release was 2019-2

From Your Library:

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Discrimination and the Law

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A comprehensive review of human rights issues, this valuable reference tool contains: a legal history of discrimination in Canada; definitions of discrimination and affirmative action; an exhaustive analysis of case law - from every board of inquiry, tribunal or court, including illuminating comparisons to British and American practice; and practical insights into the administration and enforcement of human rights legislation.

What's New in this Update:

This release includes updates to the case law and commentary in Chapters 7 (Age), 8 (Sex), 11 (Goods, Services, Facilities, and Accommodation Customarily Available to the Public), 14 (Administration and Enforcement), 15 (Human Rights Tribunals and Other Adjudicative Bodies), and 16 (The Charter and the Codes: Legal and Equality Rights in Human Rights Cases).

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Case Highlights

Sex — Aspects of “Sex” in Anti-discrimination Law: Gender in the Workplace — Disparate Treatment — Complainant ran for a spot as a board member with the respondent organization — The Board of Directors of the respondent had enacted a policy requiring that there be a specific number of female and male members of the board — The complainant, a man, was unsuccessful in his bid to become a board member — Since not enough women ran to fill all of the available positions, several seats on the board remained unfilled after the election — The complainant alleged that he had been discriminated against on the basis of sex, since the respondent would not allow him to fill one of the vacant seats which had been earmarked for a female — Complaint dismissed — By-laws creating a policy of equal representation and participation of males and females will not be considered discriminatory: *Konesavarathan v. University of Guelph Radio/Radio Gryphon/CFRU-FM [CFRU]*, 2018 FC 1217, 2018 CarswellNat 7620 (FC).

Goods, Services, Facilities and Accommodation Customarily Available to the General Public — Educational Institutions — Public Primary and Secondary Schools — Complainants were atheist parents of preschool aged child who attended at the respondent preschool for one year — Parents felt that there was too much emphasis on faith at the school and complained — Following some back and forth between the parties, the school administrators advised the parents that their child would only be accepted for re-enrollment if the parents signed a form indicating that they understood and would accept all of the school’s cultural programs — Parents complained of discrimination on the bases of religion, race, ancestry and family status — School’s refusal to allow child to enroll in school unless and until the parents signed a form that no other parent of any other child at the school had to sign, was indeed discriminatory and unjustified — Minor child was awarded \$2,000 in damages for injury to her dignity and feelings, and a further \$5,000 was awarded to each of the parents: *Mangel and Yasué obo Child A v. Bowen Island Montessori School and others*, 2018 BCHRT 281, 2018 CarswellBC 3368 (BCHRT).

Goods, Services, Facilities and Accommodation Customarily Available to the General Public — Non-Governmental Public Services and Facilities — Professional Services — Complainant alleged that respondent doctor had discriminated against her in that the doctor declined to accept the complainant as an on-going patient, and also declined to refer her to another psychiatrist — Tribunal dismissed to complaint of failure to refer complainant to new doctor — Lack of nexus between protected characteristic and any negative impact experienced as a result of failing to obtain a referral to a new psychiatrist: *KS v. Dr. O Corp and another*, 2018 BCHRT 273, 2018 CarswellBC 3289 (BCHRT).