

Land Acknowledgement

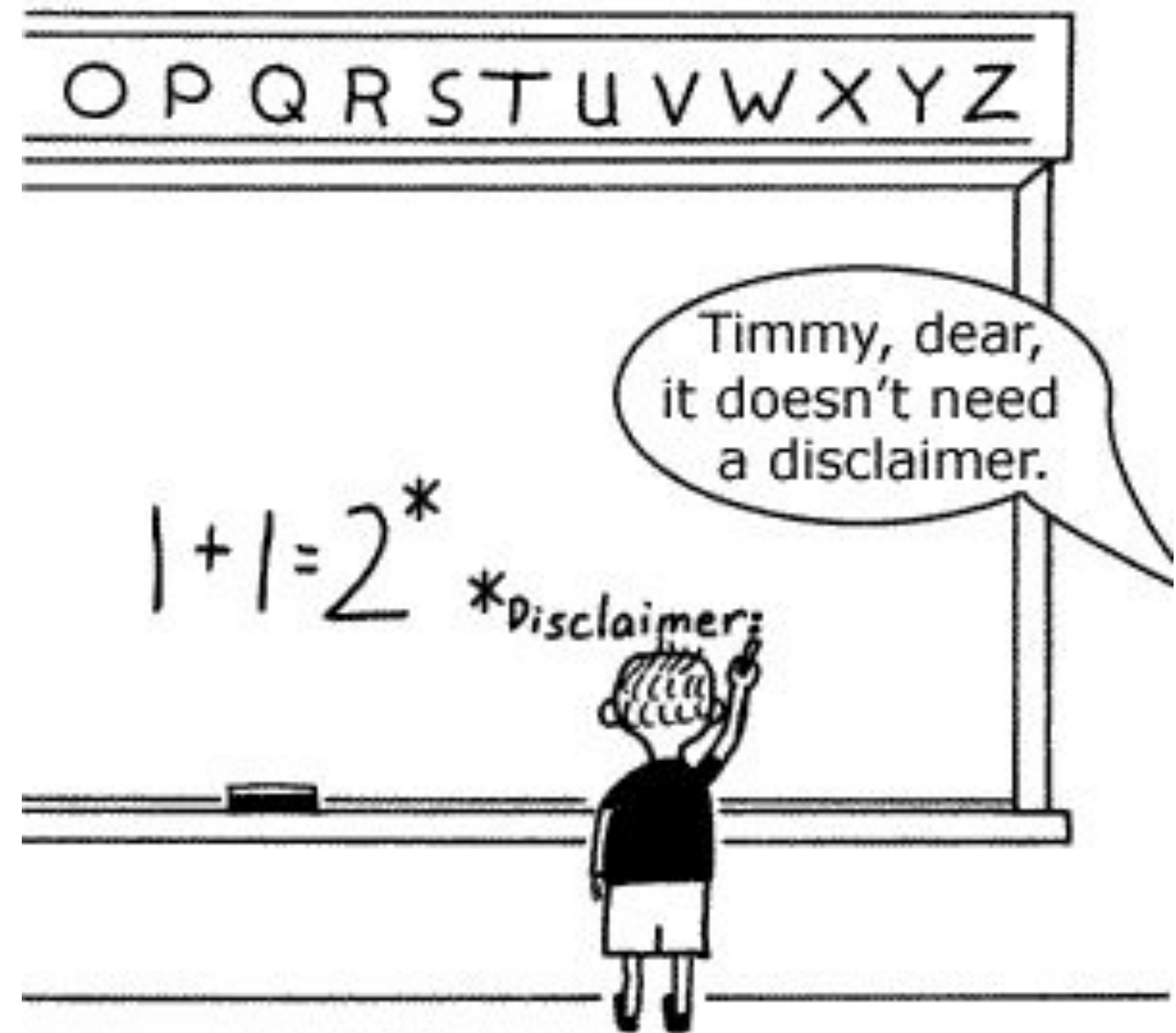
We acknowledge that the land on which we operate is the traditional territory of the Anishinaabe, Haudenosaunee, Huron-Wendat, and Mississaugas of the Credit First Nation, who have stewarded these lands for generations.

We recognize that Indigenous Peoples lived and thrived here long before the arrival of settlers, and we acknowledge the lasting impacts of colonialism. As part of our commitment to truth and reconciliation, we strive to learn, unlearn, and understand the history and effects of these wrongs.

We are grateful to live and work on this land.

Legal Disclaimers

Timmy
doesn't need
a disclaimer
but we do...



Legal Disclaimers

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Presentation Roadmap

- Introduction
- Legal Framework
- Human rights
- Duty to accommodate - Obligations
- Duty to accommodate - Limits
- WSIB and Benefits
- Short-Term Disability (STD) and Long-Term Disability (LTD) Benefits

Introduction

- Navigating illness and disability in the workplace is legally complex.
- Employers must balance business needs with employee rights under multiple laws.
- Most employers are regulated provincially, but some are subject to federal regulation.

Legal framework

- Key areas of law include:
 - Ontario Human Rights Code (HRC)
 - Employment Standards Act, 2000
 - Common law obligations
 - WSIB regulations and STD/LTD.
- Each requires specific compliance.

Common Law

- Employers are allowed to terminate at any time without cause.
- Termination must be for valid, non-discriminatory reasons.
- Reasonable notice or pay in lieu is required unless frustration of contract applies.
- Courts consider disability when determining notice periods.
- Employers must exhaust the duty to accommodate before terminating.

Defining Disability

- Disability includes:
 - Physical, mental, and episodic conditions (HRC).
 - Visible and invisible impairments.
 - Yes, disability includes if someone is living with an addiction, and includes the requirement to ask about a potential addiction if one is suspected to exist.

Proving a Disability

- Employees must:
 - Provide sufficient medical information to support their need for accommodation.
 - Demonstrate how their condition impacts their ability to perform job duties.
 - No, they are not required to provide a diagnosis.

The Duty to Inquire

- Employers must:
 - Inquire about potential disabilities if there are observable signs of impairment (including signs of addiction).
 - Avoid relying solely on the employee to initiate discussions about accommodation.

Duty to Accommodate – SCC Guidance

Duty to Accommodate (Ontario)

- Employers have two key responsibilities:
 - **Procedural Duty:** Conduct a thorough, individualized assessment of the employee's needs.
 - **Substantive Duty:** Implement meaningful accommodations to the point of undue hardship.
 - These duties are interdependent; failure in either can constitute a breach of the HRC.

Duty to Accommodate (Collaborate

Duty to Accommodate – Sub

Duty to Accom

Mental Health and Accom

Duty to Accommodate – Summary

WSIB

STD and LTD

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