

The 10 Biggest Hr Compliance Cases Of The Year (So Far)



One of my favorite parts of running the HRI compliance service is the cross-country sweep of court, arbitration and administrative cases that I get to do. Among the literally hundreds of cases I look at each month, only the juiciest ones make it to our jurisdiction-specific [Month In Review](#) reports. And now that we're halfway through 2021, I figured I'd do a countdown of what I think are the most significant cases of the year. Go to the [HRI site](#) for a summary of each case.

10. BC court doesn't let flight attendants bring sexual harassment class action against WestJet [[Lewis v WestJet Airlines Ltd.](#)]
9. Québec court says employer must at least consider letting employee telecommute from Hawaii [*Syndicat des professeurs et professeures de l'Université Laval (SPUL) and Université Laval*]
8. Alberta human rights tribunal upholds termination of employee for failing to disclose his medical marijuana use until he was drug tested [[Bird v Lafarge Canada Inc.](#),]
7. Federal arbitrator nixes termination because positive marijuana post-incident test result didn't prove the employee was impaired at the time of the incident [[Canadian National Railway Company v United Steelworkers, Local 2004](#)]
6. Canadian Supreme Court leaves intact a [controversial ruling](#) ([Waksdale v. Swegon North America Inc.](#)) striking down a contractual termination notice limit for violating the Ontario ESA
5. Alberta high court clarifies employer's duty to accommodate the scheduling needs of working parents [[United Nurses of Alberta v Alberta Health Services](#)]
4. BC government hit with record \$176K fine for injury to dignity, feelings and self-respect [[Francis v. BC Ministry of Justice \(No. 5\)](#)]
3. Ontario arbitrator upholds retirement home's right to require employees to be COVID tested [[Christian Labour Association of Canada v. Caressant Care Nursing & Retirement Homes](#)]

2. BC tribunal rules out workers comp [mental stress benefits](#) for essential workers affected by having to work during COVID [*Review Reference #R0269567*]

And the top HR compliance case of 2021, at least in my opinion [*drumroll. . .*]

1. **Ontario court recognizes a new tort giving victims of online harassment the right to sue for money damages** [[Caplan v. Atas](#)]