

BORA LASKIN LAW LIBRARY



3 1761 03340 1993

EQUALITY IN EMPLOYMENT

Volume II

Katherine Swinton

1991-1992

Faculty of Law
University of Toronto

* These materials were prepared with the assistance of Eugene Cipparone

0114
A 1
11/12
11/11
12

BORA LASKIN LAW LIBRARY
JAN 7 1992
FACULTY OF LAW
UNIVERSITY OF TORONTO

EQUALITY IN EMPLOYMENT

Volume II

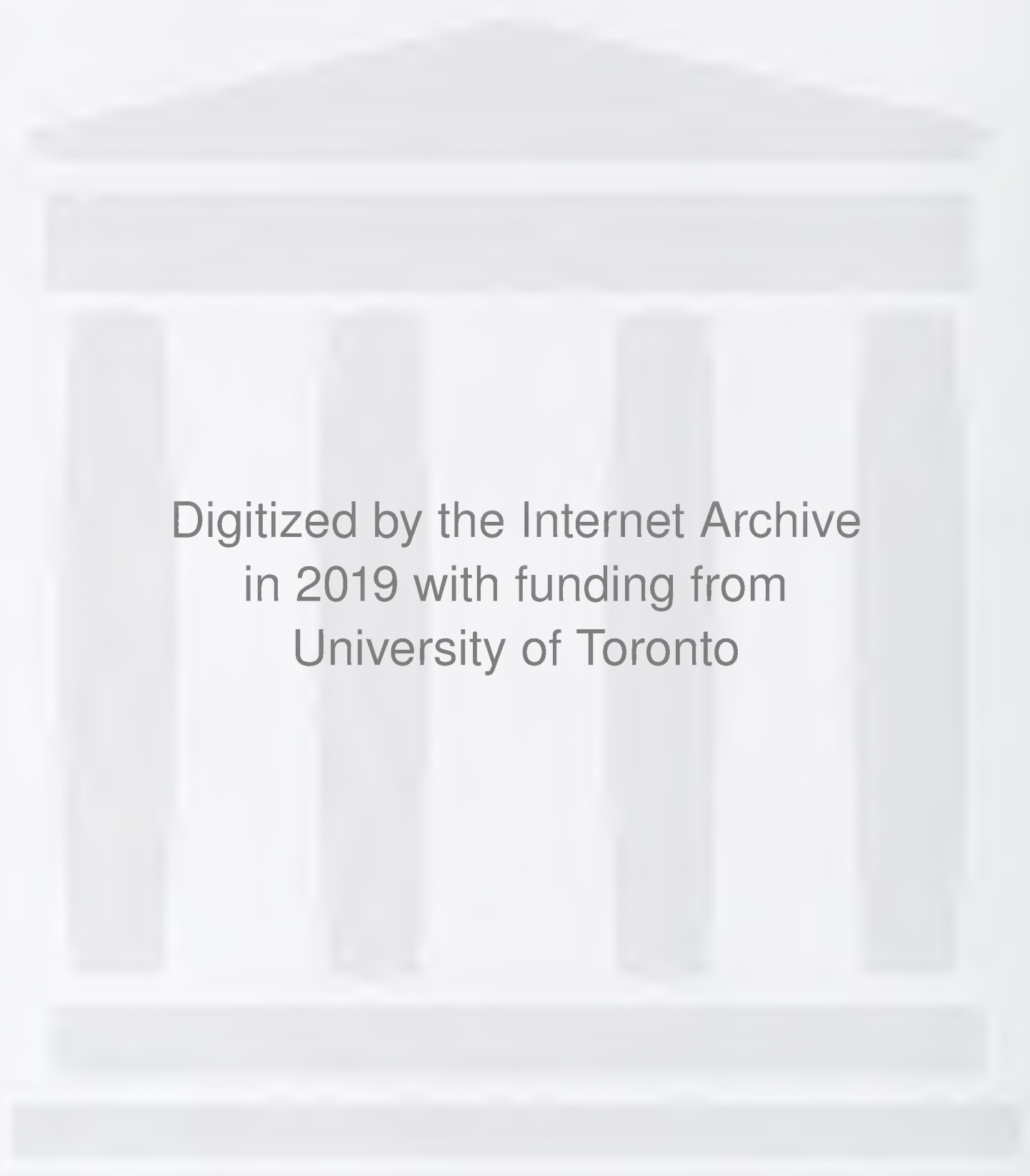
Katherine Swinton

1991-1992

Faculty of Law

University of Toronto

* These materials were prepared with the assistance of Eugene Cipparone



Digitized by the Internet Archive
in 2019 with funding from
University of Toronto

Equality in Employment 1991-1992

TABLE OF CONTENTS

Volume II

Chapter 7 - Gender Equality

A) Introduction

| | |
|---------------------------------------------------------------------------------------------------------------------|-----|
| <u>R. v. Nguyen ; R. v. Hess</u> | 528 |
| <u>Reference Re Family Benefits Act</u> | 537 |
| G. Brodsky and S. Day, <u>Canadian Charter Equality Rights for Women: One Step Forward or Two Steps Back?</u> | 551 |

B) Pregnancy

| | |
|------------------------------------------------------------------------------------------------------------------|-----|
| <u>Brooks v. Canada Safeway Ltd.</u> | 556 |
| <u>Schachter v. Canada (F.C.T.D.)</u> | 571 |
| <u>Schachter v. Canada (F.C.A.)</u> | 588 |
| <u>The Globe and Mail, April 12, 1989</u> | 594 |
| <u>Re Ontario Human Rights Commission and Board of Commissioners of Police of the Town of Fort Francis</u> | 595 |
| W. W. Williams, "The Equality Crisis: Some Reflection on Culture, Courts and Feminism"..... | 599 |
| S. A. Law, "Rethinking Sex and the Constitution"..... | 608 |
| <u>The Queen v. Symes</u> | 619 |
| "Maternity/Paternity Leave", CCH Canadian Labour Law Reports..... | 622 |
| <u>Canada Labour Code, S.C., Division VII</u> | 624 |
| <u>Employment Standards Act, S.O., Part XI</u> | 627 |

C) Reproductive Hazards

| | |
|----------------------------------------------------------------------------------------------------|-----|
| <u>Re Wiens and Inco</u> | 631 |
| <u>Heincke v. Emrick Plastics</u> | 633 |
| <u>International Union, U.A.W. v. Johnson Controls</u> | 643 |
| <u>Re OPSEU (Mrs. Helen Barss) and The Crown in Right of Ontario (Ministry of Education)</u> | 656 |

| | |
|----------------------------------------------------------------------------------------------------|-----|
| Canadian Human Rights Commission..... | 665 |
| K. Swinton, "Regulating Reproductive Hazards in the Workplace: Balancing Equality and Health"..... | 667 |
| <u>An Act Respecting Occupational Health and Safety</u> , S.Q.... | 673 |
| M. Nash, "Out of Harm's Way"..... | 674 |
| Ontario Advisory Council, "Report Concerning Reproductive Hazards in the Workplace":..... | 675 |

Chapter 8 - Pay Equity

| | |
|----------------------------------------------------------------------------------------------------------------------|-----|
| P. Weiler, "The Wages of Sex: The Uses and Limits of Comparable Worth"..... | 683 |
| P. C. McDermott, "Pay Equity in Ontario: A Critical Legal Analysis"..... | 699 |
| R. E. Robb, "Equal Pay for Work of Equal Value: Issues and Policies"..... | 715 |
| <u>Ontario Nurses' Association v. Haldimand-Norfolk Regional Board of Commissioners of Police (P.E.H.T.)</u> | 724 |
| <u>Haldimand-Norfolk Regional Board of Commissioners of Police v. Ontario Nurses' Association (Ont. C.A.)</u> | 741 |
| <u>Wentworth County Bd. of Ed. v. Wentworth Women Teachers' Assoc. and Ont. Public School Teachers' Assoc.</u> | 742 |

Chapter 9 - Disability

A) What is a Disability?

| | |
|---------------------------------------------------------------------------------------------------|-----|
| M. H. Rioux, "Labelled Disabled and Wanting to Work"..... | 758 |
| <u>Biggs v. Hudson</u> | 780 |
| <u>Re Pacific Western Airlines Ltd. and Canadian Air Line Flight Attendants Association</u> | 785 |
| Canadian Human Rights Commission..... | 790 |
| <u>Re Glengarry Industries / Chromalox Components and U.S.W.A., Local 6976</u> | 791 |
| <u>R. v. Swain</u> | 796 |

B) Accommodating Disability

| | |
|-----------------------|-----|
| <u>Problems</u> | 801 |
|-----------------------|-----|

| | |
|----------------------------------------------------------------------------------------------------|-----|
| <u>Worker's Compensation Act, S.O.</u> | 802 |
| M. Minow, "Learning to Live with the Dilemma of Differences: Bilingual and Special Education"..... | 804 |
| D. Baker and G. Sones, "Employer Obligations to Reinstate Injured Workers"..... | 814 |

Chapter 10 - Harassment

| | |
|------------------------------------------------------------------------|-----|
| <u>Robichaud v. The Queen</u> | 822 |
| <u>Janzen v. Platy Enterprises Ltd.</u> | 828 |
| <u>Re Canada Post Corp. and Canadian Union of Postal Workers</u> | 838 |
| <u>Hinds v. Canada Employment and Immigration Commission</u> | 844 |
| <u>NOTE: Unions and Harassment</u> | 850 |

Chapter 11 - Visible Minorities and Employment

| | |
|-------------------------------------------------------------------------------------------------------------|-----|
| Economic Council of Canada, <u>New Faces in the Crowd: Economic and Social Aspects of Immigration</u> | 854 |
| P. Andiappan, M. Crestohl, and J. Singh, "Racial Discrimination in Employment in Canada"..... | 861 |
| J. Reitz, "Ethnic Concentrations in Labour Markets and Their Implications for Ethnic Inequality"..... | 864 |
| R. Ng, "Immigrant Women: The Construction of a Labour Market Category"..... | 905 |

Chapter 12 - Aboriginal Peoples and Employment

| | |
|------------------------------------------------------------------------------------------------------------------|-----|
| A. Siggner, "The Socio-Demographic Conditions of Registered Indians"..... | 915 |
| R. Powless, "Native People and Employment: A National Tragedy"..... | 932 |
| R. Gibbins and J.R. Ponting, "An Assessment of the Probable Impact of Aboriginal Self-Government in Canada"..... | 936 |
| "Fair Field, No Favours for Syncrude Natives", <u>The Globe and Mail</u> | 938 |
| "Mine to Give Preferences to Natives", <u>The Globe and Mail</u> | 941 |

