



## **Protected Human Rights in New Brunswick**

Introduction

Provincial vs Federal jurisdiction

## **Primer on Employment Law & Human Rights**

Remedies for Workplace Abuse or Termination

Civil Action for Wrongful Dismissal, Aggravated, Punitive Damages

Statutory Remedies under Employment Standards Act, OH&S

Federally Regulated: Canada Labour Code Unjust Dismissal

Unionized Worker; Grievance Procedure: Concurrent Jurisdiction

Human Rights: Provincial or Federal

Workers' Compensation: Impact

## **Review of Protected Human Rights: Provincial**

Disability: Physical, Mental, Addictions

Religious Belief

Dress Code

Marital Status

Family Status

Age

Deadnaming

Sexual Harassment

Gender

Pregnancy

Political Belief

### **Scope Enhanced**

Perception

Reprisal

Poisoned Workplace

### **Making the Complaint**

Limitation Period

Civil Action

Grievance by Collective Agreement

Sexual Harassment

The Process under the Human Rights Act

Dismissal by The Investigative Report

Settlement Offer

Hearing before the Labour & Employment Board

### **Proving Employment**

Employment

The Workplace

Workplace Consequences

### **Proving the Case**

Prima Facie Case

No Intent Required

An Influential Factor

Liability of the Employer

A Final Decision ?

**Remedies**

Injured Feelings

Recent Awards

History of Awards in New Brunswick

Awards in other Jurisdictions

Blaney v NB

Legal Costs

Loss of Past Income

The Principles of the Award

Impact of Employment Contract

Defences to the Claim

Violation Causes the Extended Lost Income Claim

Clicking Time Clock – Delay in Getting to Hearing

Precedent Awards for Lost Income

Reinstatement

Principles

Precedent Cases

Loss of Future Income

Principles

Precedent Cases

Out of Pocket Losses

Job Search Expenses

Medical Costs

Loss of Fringe Benefits

Loss of Disability Insurance

Public Interest Remedies

**Duty to Accommodate**

Defining the Duty

Precedent Awards

Undue Hardship

Employer's Defence

**Settlement Discussions**

Mediation through the HR Commission

Private Mediation

Advantages of Mediation

Tax Issues

Repayment of E.I. Benefits

**Blaney v NB**

**Statistics of Cases from the HR Commission**