

News

Section 46.1 Code Damages Awarded by Court

Date: October 16, 2013

The Ontario Superior Court of Justice recently awarded damages under section 46.1 of the Ontario *Human Rights Code*, a section added to the *Code* in 2008 to permit courts to award damages for violations of the *Code*. [Wilson v. Solis Mexican Foods](#) appears to be the first decision in which such damages have been ordered by an Ontario court.

In this case, the Court found that the termination of the plaintiff had been partly motivated by the plaintiff's ongoing back disability, thereby engaging the plaintiff's rights under the *Code*. As a result, in addition to three months reasonable notice, the Court ordered \$20,000 in damages for injury to dignity, feelings and self-respect. In so ordering, the Court noted that the employer did not co-operate in the accommodation process by permitting a gradual return to work, but rather had insisted on a "complete recovery."

For a more detailed discussion of this case, see our Case in Point blog post entitled "[Ontario Court Awards Damages under Human Rights Code](#)" (Brenda J. Bowlby (Retd)).