

Employment Law Case Summaries

This sheet can be used as a template for you to complete as the course proceeds. You should try to complete an entry for each case assigned in the course.

Section of Course: Common Law -- Hiring and Recruitment [week 2]

Case Name: *Seneca College v. Bhudaria* [1981] Supreme Court of Canada

Location: Text, 80

Key Facts (keep very brief): A woman (B) applies for professor job 10 different times, but never even gets an interview – she alleges the jobs were filled with less qualified people who were not East Indian. She sues Seneca alleging a ‘tort of discrimination’.

Legal Issue/Question (What issue is the court asked to answer?): Is there a common law tort of discrimination that bans discrimination on basis of race?

Key Finding: No, there is no tort of discrimination in Canada. Canadian governments have already addressed discrimination in contracts in human rights legislation, so that precludes the court from developing its own common law tort of discrimination.

Important Point for course: Supreme Court ruled that there is no common law rule banning discrimination in formation of contracts. This applies to *employment contracts* too. So this case told us that common law doesn’t prevent discrimination in employment contracts. Need to look to government regulation, like human rights codes, for rules banning discrimination, not common law.

Section of Course:

Case Name:

Location: Text page or Supp. Reading

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Legal Issue/Question: Key Finding:

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