

in computers, including e-mail between litigants. In litigation involving libel and slander, material posted on the web is considered published material, which raises questions about the liability of Internet service providers for information that they host. Jurisdictional issues arise as a result of the global nature of data transmission and the Internet. Although new legislation and case law have answered a host of these issues, huge numbers of cases, government reports and other initiatives continue to emerge.

The author's focus is on four dynamics of computer law: the rapid pace of technological change, the elusive nature of information, the blurring of the public and the private, and national and international laws in the face of the global technological revolution. In Chapter One he discusses the legal aspects of technology and the impact of technology and technological trends. In particular, the elimination of distance, mass customization and the development of an information-based society now play a key role in shaping the world.

In the chapters that follow, the author discusses computer law as it relates to issues of intellectual property law, criminal law, privacy and data protection, commercial law, evidence, jurisdiction and more. His discussion addresses the changes in these areas since the first edition and brings into play issues posed by global computer networks and law reform after the events of September 11, 2001.

The author ends the text where he began, with the four dynamics that shape computer law, drawing conclusions and raising questions about them that have been raised by the preceding chapters. The author introduces four themes that the legal system should consider in meeting the challenges of these dynamics, and four skill sets that practitioners can employ to meet present and future computer law problems.

Although numerous books have been written on the subject of computer law, I have not come across a single text that deals with the subject matter in such detail, especially computer law as it relates to other common law jurisdictions and the European Community. I would definitely recommend this as an essential addition to any Canadian library's law collection. The work is well organized, and includes many references to case law, a list of abbreviations, table of cases, and index. One final comment: given the book's subject matter, and the proliferation of non-print and electronic resources available on the topic, I might have opted to include a section that lists relevant web sites for national and international jurisdictions. That would balance the content of the work, as the use of online resources continues to be a growing trend in the research of current law.

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*The Corporate Counsel Guide to Employment Law.* By Peter Wilson and Allison Taylor. 2<sup>nd</sup> ed. Toronto: Canada law Book, 2003. xxvi, 288 p. Includes forms. ISBN 0-88804-383-X (softcover) \$79.00.

Since the first edition of *The Corporate Counsel Guide to Employment Law* in 1998, new developments have included the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5. This new edition highlights provincial legislation dealing with *PIPEDA*, as well as new employment legislation. Furthermore, it discusses new cases on sexual orientation as a prohibited ground of discrimination, non-competition employment contract clauses, termination for cause, and constructive dismissal, all of which have altered the employer/employee relationship.

Dealing only with employment issues for non-unionized employees, this volume follows the format of the previous edition and is divided into three parts.

Part 1, *Hiring*, covers the role of human rights in the hiring process, issues that can arise resulting in wrongful hiring, such as pre-employment representation, and the fundamentals of the employment contract. The authors outline the five areas of hiring practice that are subject to statutory exemptions: domestic employment, designated institutions, designated benefit plans, bona fide occupational requirements, and affirmative action programs.

Particularly useful are appended schedules that may be used by counsel as checklists. For example, provincial and territorial legislation varies on prohibited grounds of discrimination. A checklist is provided which outlines which provinces and territories include specific grounds such as political belief (seven prohibit); citizenship or civil status (one prohibits); or sexual orientation (all do – this is footnoted with a reference to the Supreme Court decision in *Vriend v. Alberta* (1998), 156 D.L.R. (4<sup>th</sup>) 385). Other useful charts include a checklist on how to incorporate these human rights considerations in application forms and interview scenarios. This section also includes a sample employment application form and a sample employment contract form.

Part 2, *Employment Relationship*, provides an outline of legislated employment standards. The focus is on the *Employment Standards Act, 2000*, S.O. 2000, c. 41, presumably because of its currency and breadth, rather than because of Ontario's centrality to all matters Canadian. Again, it is the schedules that are most beneficial to practitioners, listing all provincial and territorial legislation limiting hours of work and pay, employee leaves, and holiday and vacation entitlements.

Legislation pertaining to occupational health and safety as well as worker's compensation is similarly covered. Case commentaries on issues of sexual harassment and disability during employment provide a good overview of current recommended practices. Particularly useful is the inclusion of a sample employer harassment policy. Cases dealing with disability rely on the balance of human rights to Bona Fide Occupational Requirements (BFOR), and the writers have

included an overview of recent cases.

The authors also devote a brief chapter to the issue of privacy in the workplace as it pertains to personal information. This has become increasingly important with advances in surveillance technology, e-mail and the Internet. Whereas *PIPEDA* provides federal legislation to deal with some of these issues, it is current case law that informs the future direction of proposed provincial legislation. Where a province has enacted legislation that is "substantially similar" to the Act (s.26(2)), an Order in Council may negate the Act. It remains to be seen how the federal Privacy Commissioner will interpret the "substantially similar" threshold. For example, Alberta's recent legislation had been rejected, giving rise to questions of constitutional authority.

Part 3, *Termination*, relies on common law precedents in dealing with issues of dismissal with cause, and dismissal without cause. On a balance of probabilities, the employer carries the onus to show proof of cause using proper grounds for termination. Grounds include absenteeism, insubordination and incompatibility, dishonesty and criminal activity, incompetence, substance abuse, sexual harassment, breach of fiduciary duty, and finally, the result of progressive disciplin-

ary measures. The degree of variation from norms established for dismissal determines the nature and degree of remedies afforded to individuals according to statutory provisions as well as common law standards.

Finally, the degree of post-employment obligations remains dependent on the nature of work performed by the former employee. Again, it is current case law that sets the obligations and limitations of the employment contract.

This is a very useful update to the earlier edition. Designed to offer a guide, rather than a comprehensive treatment for practitioners, it will prove to be a very valuable desk-book. Of particular interest are the tables of legislation, as well as sample policies, contracts and letters. Although the table of cases is up to date, a table of statutes would have been very much appreciated.

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