

27TH ANNUAL EMPLOYERS' CONFERENCE
LABOUR AND EMPLOYMENT LAW

UPDATE 2013

THURSDAY, NOVEMBER 7, 2013
TORONTO CONGRESS CENTRE



SPECIAL GUEST KEYNOTE SPEAKER:

ANN GOMEZ

Productivity Consultant and Founding President of Clear Concept Inc.

HOW TO FOCUS IN A MULTITASKING WORLD

TOPICS INCLUDE:

- Using contracts to prevent wrongful dismissal lawsuits
- Workplace alcohol and drug testing
- Demonstration: Conducting a workplace accident investigation
- Getting ready for AODA's employment standard
- Family status accommodation
- Accommodation of disabled employees
- Just cause for employee dismissals
- WSIB claims management
- Tightening business immigration rules
- Forum shopping for human rights complaints
- Collective bargaining trends



HRPA MEMBERS:
Attendees Receive 5 CPD Credit Hours
toward HRPA Recertification

8:00 - 9:00 Registration & Breakfast

9:00 - 9:15 Introductory Remarks

9:15 - 9:45 **USING CONTRACTS TO PREVENT WRONGFUL DISMISSAL LAWSUITS**

Landon Young

Wrongful dismissal awards from the courts have become increasingly generous and unpredictable. The best way to prevent your organization from being hit with one is to have employment contracts in place that define an employee's rights on termination. However, in recent cases the courts have subjected such contracts to close scrutiny to find them unenforceable.

LEARN:

- What can and cannot be contracted out of in regard to employee termination rights,
- How to avoid drafting pitfalls that can render your contract void, and
- Best practices for entering into employment contracts so that they will stand up in court.

9:45 - 10:15 **WORKPLACE ALCOHOL AND DRUG TESTING**

Jeff Murray & Ryan Conlin

The Supreme Court of Canada decision in Irving Oil regarding the rights of employers and employees when it comes to drug and alcohol testing has stirred a national debate. Find out what the implications of this decision are for your organization.

LEARN:

- In what circumstances random screening may be lawful,
- What types of drug and alcohol testing are permissible, and
- To what extent the rules differ between union and non-union workplaces.

10:15 - 10:35 Break/Networking

10:35 - 11:30 **DEMONSTRATION: CONDUCTING A WORKPLACE ACCIDENT INVESTIGATION**

Ryan Conlin and Jeremy Schwartz

Coordinating and conducting an effective workplace accident investigation is essential for implementing enforceable discipline, keeping as much as possible privileged and confidential, and preparing to defend any OHS charges that may result. In this session, you will observe a mock post-accident interview followed by a discussion of common mistakes and best practices.

11:30 - 12:00 Q&A

12:00 - 1:20 Lunch



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PRESENTS

HOW TO FOCUS IN A MULTITASKING WORLD

1:20 - 1:50 **AODA'S EMPLOYMENT STANDARD – WILL YOU BE READY?**

Jessica Young & Jeremy Schwartz

The Employment Standard under the Accessibility for Ontarians with Disabilities Act (AODA) will soon be applicable to all employers in Ontario. The requirements are broad and the penalties for non-compliance are significant.

LEARN:

- What the AODA Employment Standard requires, from recruitment, to return-to-work, accommodation and even succession and redeployment planning,
- What deadlines apply to your organization, and
- Practical strategies for meeting your obligations.

1:50 - 2:30 **FAMILY STATUS ACCOMMODATION**

Allison Taylor

The duty to accommodate “family status” under human rights law has been receiving greater attention from the courts and tribunal lately. Despite the inclusion of the ground in various human rights statutes for more than 20 years, it remains a somewhat nebulous concept. So how can employers know what is required?

LEARN ABOUT:

- What human rights tribunals and arbitrators are saying about the scope of employers’ obligations to accommodate “family status”,
- Which circumstances engage legal protection for family status, and
- Practical strategies to lawfully manage accommodation requests.

2:30 - 2:50 Break/Networking

2:40 - 3:40 **LEGAL ROUNDUP**

In this session we will provide concise, ten minute summaries of some of the most significant legal developments affecting employers from the past year.

LEARN:

- Accommodation of disabled employees (Allison Taylor)
- Just cause for employee dismissals (Landon Young)
- WSIB Claims Management (Ryan Conlin)
- Tightening Business Immigration Rules (Jessica Young)
- Forum Shopping for Human Rights Complaints (Jeremy Schwartz)
- Collective Bargaining Trends (Jeff Murray)

3:40 - 4:30 Q&A

4:30 Conference Adjourns

SPEAKERS



JEFFREY D.A. MURRAY

Jeffrey advises and represents employers in all areas of labour relations and employment law. He has extensive experience working with employers in healthcare, manufacturing and construction. Jeff has published articles in *Lawyers Weekly*, *Canadian HR Reporter*, *Canadian Cases on Employment Law* and many other leading journals.



RYAN J. CONLIN

Ryan practises in all areas of labour and employment law with a particular focus on workers' compensation and occupational health and safety matters. His workers' compensation practice includes litigation before the WSIB and WSIAT, claims management, independent operator issues and revenue matters. He is the author of the *"Employer's Guide to Workplace Safety and Insurance"* and co-author of several CLV Reports on *OH&S Due Diligence and Corporate Liability for OH&S Under Bill C-45*. Ryan is also an Adjunct Professor at University of Western Ontario teaching Workplace Health, Safety and Workers' Compensation Law.



LANDON P. YOUNG

Landon advises employers in all areas of labour and employment law. He has particularly extensive experience in achieving positive and cost-effective results for employers facing wrongful dismissal lawsuits. A member of the firm's OH&S Practice Group, he is author of the CLV Special Report *Managing OH&S Inspections and Search Warrants*.



ALLISON L. TAYLOR

Allison represents employers before the courts and tribunals on issues arising out of employment and the termination of employment. Her practice includes wrongful dismissal and human rights litigation, drafting of employment and consulting contracts, and providing advice on pay equity, benefits and similar issues. She is the co-author of *The Corporate Counsel Guide to Employment Law* and co-author of *A Guide to Alternative Work Relationships*.



JEREMY D. SCHWARTZ

Jeremy practises in the areas of labour relations, employment and health and safety law. His experience includes advising and representing employers in arbitration, negotiations, and matters before the Ontario Labour Relations Board, the Human Rights Tribunal of Ontario and in the courts. Jeremy proactively counsels employers to help ensure legal compliance and avoid litigation, and provides strategic and targeted representation when litigation is unavoidable.



JESSICA N. YOUNG

Jessica advises and represents clients in all areas of employment and labour law including human rights matters, wrongful dismissals, labour arbitrations, AODA, employment standards compliance and privacy issues.

PAYMENT OPTIONS

ONLINE: www.stringerllp.com/seminars-events

PHONE: (416) 862-1616 **TOLL FREE:** 1(866) 821-7306 **FAX:** (416) 363-7358

MAIL: Stringer LLP, 110 Yonge St, Suite 1100, Toronto ON M5C 1T4

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CONFERENCE PRICE PAYMENT

\$495.00 PER PERSON (\$438.05 + 13% HST) (HST # 121726442RT0001)

(Includes Full Day Conference, Lunch, Refreshments, Materials).

METHOD OF PAYMENT

CHEQUE: PAYABLE TO STRINGER LLP (HST # 121726442RT0001)

CREDIT CARD: VISA MASTERCARD

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CONFERENCE LOCATION

Toronto Congress Centre

650 Dixon Road, Toronto, Ontario M9W 1J1

PHONE (416) 245-5000

DIRECTIONS

From Hwy 401 – exit Dixon Rd W, turn into The Toronto Congress Centre

From Hwy 427 north – exit at Dixon Rd E, follow until left turn into The Toronto Congress Centre

From Hwy 427 south – exit Hwy 409 E, follow until to Martin Grove Rd, travel south on Martin Grove Rd, turn right on Dixon Rd, turn right into The Toronto Congress Centre

From Hwy 407 – exit Hwy 27 S, follow until Dixon Rd E, turn left into The Toronto Congress Centre

From the Gardiner Expressway – exit Hwy 427 N, follow to Dixon Rd E, turn left into The Toronto Congress Centre

