

JEREMY D. SCHWARTZ

Partner

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eremy practises in all areas of Human Resources law, including employment, employment standards and employment contracts and negotiations, labour and construction labour relations, occupational health and safety and human rights.

Jeremy has represented employers at all levels of Ontario courts, before the Ontario Labour Relations Board, Workplace Safety and Insurance Appeals Tribunal, and the Human Rights Tribunal of Ontario.

Jeremy has a practical, proactive approach to client service and enjoys the challenge of helping clients to focus and achieve their strategic objectives.

His experience includes:

- acting on behalf of employers in wrongful dismissal litigation;
- advising employers in union avoidance and representing them in applications for certification;
- assisting employers to navigate complex labour relations issues and representing employers at arbitration and the bargaining table;
- advising employers on health and safety due diligence and representing employers faced with orders and defending health and safety charges; and
- providing guidance to employers on how to minimize the costs and risks of terminations and of implementing changes in the workplace.

Publications

- "Split hairs and sector disputes," Daily Commercial News, Construction Law (co-author)
- "For industrial machine guarding, eternal vigilance is the price of freedom," Canadian Safety Reporter (co-author)
- "Forum Shopping a Growing Problem," The Lawyers Weekly, Focus on Labour & Employment Law (co-author)
- "E-Contracts: Contracting Electronically in Employment," The Lawyers Weekly, Focus on Labour & Employment Law
- "Giving Notice of Altered Contract Won't Lower Damages: Wronko," The Lawyers Weekly, Focus on Labour & Employment Law
- "How to Avoid Liability in Disputes Over Work Assignments," Daily Commercial News, Vol.81 No.73, Construction Law

Representative Cases

R. v Sterling Crane Division of ProCrane Inc. (unreported, January 31, 2018). The Ontario Court of Justice, on appeal, quashed the sole conviction from trial, on the basis that the Learned Justice of the Peace had made key findings of fact absent evidence, and despite receiving only evidence to the contrary. The Trial Court had already dismissed one of two charges. The Crown subsequently withdrew this remaining charge.

R. v Fitness One et. al. (unreported, January 13, 2017): Successfully moved to stay nearly 200 charges in a prosecution under the Employment Standards Act, 2000 against ten corporate defendants and one individual defendant (a corporate director) for unconstitutional delay.

FEATURED VIDEO



EDUCATION

- B.A. (Hons.), York University (2002)
- J.D., Queen's University (2006)

[Labourers' International Union of North America, Ontario Provincial District Council v Pomerleau Ontario Inc., Borea Construction, and D.H. Blattner & Sons Inc./Blattner Energy Inc.](#), 2015 CanLII 23978 (ON LRB): Defeated union successor employer application against U.S. parent corporation. Unionized construction firm purchased shares of outgoing joint-venture partner; following which union argued its bargaining rights and collective agreements attached to joint-venture and flowed up to U.S. parent and its other subsidiaries and divisions.

[Carpenters' District Council of Ontario, Local 494, Applicant v. 1256458 Ontario Ltd. and PCR Contractors Inc., and Labourers' International Union of North America, Local 625](#), 2014 CanLII 2276 (ON LRB): Successfully defended employer's work assignment, and so defeated union's grievance for significant damages for allegedly unreasonable assignment between competing union jurisdictional claims.

[Labourers' International Union of North America, Local 183 v. Normac Kitchens Limited](#), 2016 CanLII 32882 (ON LRB): Successfully defended against union application for certification. (Additional key interlocutory decisions – [2015 CanLII 6632](#), [2016 CanLII 26942](#), [2014 CanLII 61362](#)).

[Marcia Robertson v Canadian Auto Workers Union, Local 707 v Voith Industrial Services of Canada Inc.](#), 2014 CanLII 7990 (ON LRB): Employee alleged her union failed to represent her, and sought reactivation of multiple grievances. Successfully represented employer's interests as intervenor.

[Vinokur v. York Condominium Corporation #201](#), 2011 HRTO 962 (CanLII): Defended condominium corporation against human rights application brought by a unit owner, by bringing successful early motion for summary dismissal.

[Globalive Wireless Management Corp. v Selectcore Ltd.](#) (Ontario Court of Appeal, In Chambers, Unreported, February 12, 2015): Successfully defended against motion to stay a \$1Million judgement in favour of our client pending appeal. (Related decision – [2015 ONSC 507](#))