

23rd Annual
Employers' Conference

Labour and Employment Law

Update 2009

Thursday, November 12, 2009
HOLIDAY INN SELECT, TORONTO AIRPORT

TOPICS INCLUDE:

- Just Cause for Dismissal
- Pandemic Planning
- New Obligations for Violence and Harassment Prevention
- Best Practices for Controlling Absenteeism
- WSIB Claims Management
- Protecting Your Organization from Departing Employees
- Employee's Rights in Insolvencies and Court Supervised Restructurings

Register on-line at www.sbhlawyers.com

Conference Agenda

8:00 am	Registration & Breakfast
9:00 - 9:15	Introductory Remarks
9:15 - 10:00	The Latest on Just Cause for Dismissal Allison Taylor Just cause for dismissal has always been difficult for employers to establish. Find out about the latest cases on what constitutes just cause and if it is becoming any easier for employers to establish just cause. LEARN ABOUT: <ul style="list-style-type: none">• When serious misconduct will constitute just cause,• The risks of asserting just cause for dismissal, and• How to handle a dismissal for just cause.
10:00 - 10:30	Pandemic Planning for H.R.: Is Your Organization Ready for the "Big One?" Ryan Conacher The threat of H1N1 (swine flu) has reminded employers of how vulnerable they can be to a pandemic. Advance planning can help reduce the impact on your organization. THIS SESSION WILL DISCUSS: <ul style="list-style-type: none">• The essential elements of a sound and workable pandemic plan.• How to manage attendance issues, WSIB claims, leaves of absence, etc.,• How to minimize potential liabilities to employees in the wake of the pandemic.
10:30 - 10:45	Break/Networking
10:45 - 11:30	Positioning Your Organization To Meet New Obligations for Violence and Harassment Prevention Barbara Humphrey Bill 168 will introduce detailed obligations with respect to violence and harassment prevention as well as risks of employee domestic violence spilling over into the workplace. This session will provide a road map for your compliance agenda and will address the following: <ul style="list-style-type: none">• Key elements of developing an effective workplace violence prevention program,• Best practices for effective prevention programs in your workplace environment,• Positioning your organization to survive an assessment.
11:30 - 12:00	Q&A
12:00 - 1:15	Lunch
1:15 - 2:00	Best Practices for Controlling Absenteeism Jeffrey Murray One of the biggest challenges for Canadian employers seeking to improve productivity is excessive absenteeism. The law imposes a myriad of restrictions on what employers can do to tackle this problem.

2:00 - 2:45	WSIB Claims Management: How to Manage Claims and Cut Costs in an Era of Unprecedented Surcharges Ryan Conlin WSIB costs have skyrocketed as experience rating changes have made it more difficult to obtain refunds. More than ever employers need to understand how to manage claims to avoid costly surcharges and to realize potential savings. THIS SESSION WILL REVIEW: <ul style="list-style-type: none">• Strategies for challenging questionable claims at the outset,• How to respond to vague and self serving medical notes,• Managing the challenge of workers who are not co-operating with their return to work program,• A discussion of how whether it is ever possible to terminate a worker with a WSIB claim during the re-employment window.
2:45 - 3:00	Break/Networking
3:00 - 3:30	Protecting Your Organization From Departing Employees Jeremy Schwartz You are about to terminate a manager who has never signed a written contract or any confidentiality or non-competition agreements. She has had intimate access to confidential proprietary information, and close contact with your key customers and personnel. The competition would love to find out your secrets. THIS SESSION WILL COVER: <ul style="list-style-type: none">• Strategies for obtaining enforceable confidentiality, non-competition and non-solicitation agreements at termination,• What the courts have recently said on the duties of departing employees and the enforceability of these agreements
3:30 - 4:15	Employees' Rights in Insolvencies and Court Supervised Restructurings Landon Young What happens to the employees' legal rights when an employer goes bankrupt or is restructured under a court supervised process? Find out in the day's final session, which will cover: <ul style="list-style-type: none">• The status of employee claims in a bankruptcy,• Exposure of company directors and officers to personal liability for unpaid employee wages,• Potential continuation of union bargaining rights and collective agreements,• Government programs for employees of insolvent employers.
4:15 - 4:45	Q&A

Speakers

BARBARA HUMPHREY

Barbara is recognized as one of Canada's leading human rights lawyers by Lexpert and has been named in Lexpert's top 25 women lawyers in Canada. Ms. Humphrey's nationally recognized human right expertise and human resource management expertise has been utilized to support employers for 25 years. Barbara is the author of the *Human Resources Guide to the Duty to Accommodate*.

RYAN CONACHER

Ryan practices in the areas of labour relations, employment law, occupational health and safety and human rights. His experience includes Representing employers in grievance arbitration and before the Labour Relations Board, advising employers on human rights complaints and counselling employers on employment standards issues.

RYAN 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 Compensation Law.

JEFFREY 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 Report*, *Canadian Cases on Employment Law* and many other leading journals.

ALLISON TAYLOR

In her role as counsel to Stringer Brisbin Humphrey, 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 SCHWARTZ

Jeremy practises in the areas of labour relations and employment law. His experience includes advising and representing employers in matters before the Ontario Labour Relations Board, advising and representing employers in matters before the Ontario Human Rights Tribunal, acting on behalf of employers in wrongful dismissal litigation, providing guidance to employers on how to minimize the costs and risks of terminations and of implementing changes in the workplace and advising employers in union avoidance and representing them in applications for certification.

LANDON 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 co-author of the new CLV Special Report *OH&S Due Diligence: A Practical Guide – 2nd Edition*.