

28TH ANNUAL EMPLOYERS' CONFERENCE AGENDA
NOVEMBER 13, 2014

8:00 - 9:00 **REGISTRATION & BREAKFAST**

9:00 - 9:05 **INTRODUCTORY REMARKS**

9:05 – 9:35 **FAMILY STATUS ACCOMMODATION**
Allison Taylor

Family status accommodation, particularly for employees with child care needs, has been a rapidly evolving area of law with profound operational consequences for employers. A recent Federal Court of Appeal decision may bring clarity to a patchwork of inconsistent caselaw. How should employers react?

LEARN:

- The test established by the Federal Court of Appeal;
- Practical strategies to lawfully manage accommodation requests; and
- Aspects of accommodation that remain unclear and how to resolve them.

9:35 - 10:00 **THE NEW RULES OF EMPLOYMENT CONTRACT INTERPRETATION**
Jeff Murray

Contract law is the foundation of both employment law and labour law. Recently, the Supreme Court of Canada has made significant changes to the judicial approach to contract interpretation. These changes will likely have far-reaching repercussions for labour and employment law matters.

LEARN:

- The traditional rules of contract interpretation;
- The changes the Supreme Court has made to contract interpretation; and
- How these changes will affect your organization.

10:00- 10:25 **THE LATEST ON CONSTRUCTIVE DISMISSAL: THE DUTY TO MITIGATE**

Landon Young

Changing an employee's job or terms of employment can be fraught with legal peril. A recent decision from Ontario's highest court has added a new layer of complexity.

LEARN:

- How triggering the "duty to mitigate" can save your organization from legal liability; and
- How to implement a change of job or terms of employment to minimize your risk of liability.

10:25 - 10:45 **BREAK/NETWORKING**

10:45 - 11:30 **DEMONSTRATION: WSIB RETURN TO WORK MEETING**

Ryan Conlin, Jeremy Schwartz and Vivianne Ponce

A critical part of any employer's response to a worker's compensation claim is participating strategically and effectively in the Return to Work process. In this session, you will observe a mock Return to Work meeting, followed by a discussion of strategies to employ and common mistakes to avoid.

11:30 - 12:00 **Q&A**

12:00 - 1:10 **LUNCH and SPECIAL KEYNOTE SPEAKER:**

John Mortimer, President, Canadian LabourWatch Association and Principal, Mortimer & Company Consultants Inc.

State of the Unions: How Ontario Compares Abroad

Ontario's recent election exemplifies the political influence of the province's largest unions. Does this result belie the downward trend of unions generally? This presentation will discuss Ontario's recent experience and the future of labour relations for both private and public sector employers, with reference to domestic and international labour trends.

1:10 - 1:30 **PRIVACY LAW OBLIGATIONS FOR EMPLOYERS**
Jeremy Schwartz and Frank Portman

Courts are coming to grips with the new age of digital privacy rights, and employers are now, more than ever, vulnerable under the common law and the new Canadian Anti-Spam Legislation for the acts of their employees.

LEARN:

- The evolving rules and penalties under CASL;
- The consequences of class-actions against employers for privacy breaches by their employees; and
- Strategies to minimize your exposure to civil and regulatory liability for employee misuse of technology and confidential data.

1:30 - 2:00 **NAVIGATING NEW TEMPORARY FOREIGN WORKER RULES**
Ryan Conlin and Jessica Young

In response to a number of well-publicized scandals, the Federal Government has introduced sweeping changes affecting the Temporary Foreign Workers Program. Applications under the new process are heavily scrutinized by Service Canada. It is crucial for businesses to understand these changes in order to prepare successful applications.

LEARN:

- About the significant changes under the new process;
- How the changes impact eligibility of low skill workers;
- The onerous new advertising requirements;
- Ingredients of a successful Labour Market Impact Assessment application; and
- The significant penalties for non-compliance with the Temporary Foreign Workers Program.

2:00 - 2:20 **BREAK/NETWORKING**

2:20 - 3:30 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 ABOUT:

- **New requirements under AODA (Jessica Young)**
- **Summary judgment before the Courts (Landon Young)**
- **Health and Safety sentencing developments (Ryan Conlin)**
- **New leaves under the *Employment Standards Act* (Frank Portman)**
- **Employment law class actions (Jeremy Schwartz)**
- **Closing a unionized business after *Wal-Mart* (Jeff Murray)**

3:30 - 4:00 Q&A

4:00 CONFERENCE ENDS