

29TH ANNUAL EMPLOYERS' CONFERENCE AGENDA
NOVEMBER 5, 2015

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

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

9:05 – 9:35 **DISMISSAL FOR JUST CAUSE**
Landon Young

Employers alleging just cause for termination can face significant risks if the employee's conduct falls short of the legal standard. As a result, employers should understand this important legal concept before proceeding with a termination for just cause and what the courts expect from employers when terminating for just cause.

Learn:

- What the courts have been saying recently about the types of misconduct that will constitute just cause,
- When and when not to assert just cause for termination, and
- The best practices for terminating an employee for just cause.

9:35 - 10:05 **UNION REAWAKENING**
Jeff Murray

This year we have seen significant decisions by the Supreme Court of Canada that strengthen employee rights to unionize and strike. These decisions may have far-reaching implications for both union and non-union employers.

Learn:

- What the Supreme Court has decided in regard to employee rights to unionize and strike,
- Where the law may go next on this issue, and
- The potential impact of these decisions on your workplace.

10:05 - 10:20 **BREAK/NETWORKING**

10:20 – 11:00 **DEMONSTRATION: HEALTH AND SAFETY PROSECUTION**

Ryan Conlin, Jeremy Schwartz and Vivianne Ponce

You hire an expert, licensed contractor to install a new HVAC unit in your facility. Unbeknownst to you, the contractor employs an unlicensed electrician who electrocutes himself working on your job. Now the Ministry of Labour has charged YOU as the “employer”. How did that happen?

Learn:

- What it’s like to be on the hot seat in an OHS prosecution and what kinds of evidence your counsel will need for your defence,
- How to identify and proactively address OHS shortcomings in your contractor engagement program, before you find yourself on the witness stand, and
- OHS best practices for managing contractors

11:00 – 11:30 **CASUALS, CONTRACTORS, INTERNS AND TEMPS: WHAT YOU DON’T KNOW COULD HURT YOU**

Allison Taylor

Employment relationships can come in a variety of legal shapes and sizes. Employers often mistakenly assume that they do not have the same legal obligations to individuals who work for them, but are not “regular” or traditional employees. These types of working arrangements have recently attracted heightened legal scrutiny with an increased risk of liability.

Learn:

- How amendments to the Employment Standards Act, 2000 have increased the risk of liability to temporary agency workers,
- When interns can be unpaid and when they cannot, and
- The risk of liabilities to non-regular workers and how to manage them.

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

12:00 - 1:15 **LUNCH**

1:15 - 1:45 **THE LATEST ON EMPLOYMENT STANDARDS ENFORCEMENT**
Frank Portman

The Ontario government has made enforcement of the Employment Standards Act a political priority and has launched a public consultation to consider further amendments. Find out where enforcement could be headed, what the Ministry of Labour has actually been doing to enforce the ESA and what you should be doing to make sure your organization is complying with the law.

Learn:

- The potential consequences for employers of the Ministry's "Changing Workplaces Review",
- What you need to know about record keeping, and
- What to do if the Ministry comes knocking.

1:45-2:15 **EMPLOYEE HARASSMENT COMPLAINTS: WHAT TO DO WHEN YOU GET THEM**
Jessica Young

Many employers face increasing numbers of harassment complaints in the workplace now that the *Occupational Health and Safety Act* requires employers to have a process for such complaints. Unfortunately, such processes can be abused by employees and employers are often unsure how they have to go in responding to harassment complaints.

Learn:

- What legal duties employers have when they receive harassment complaints,
- How to respond to harassment complaints, and
- What to deal with frivolous or false harassment complaints.

2:15 - 2:30 **BREAK/NETWORKING**

2:30 - 3:30 LEGAL ROUNDUP

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

Topics:

- Proposed new WSIB experience rating system (Ryan Conlin)
- Workplace immigration rule changes (Jessica Young)
- Family status accommodation (Allison Taylor)
- Enforceability of ESA minimum termination agreements (Landon Young)
- Discipline and termination for online misconduct (Jeremy Schwartz)

3:30 - 4:00 Q&A

4:00 CONFERENCE ENDS