

32nd ANNUAL EMPLOYERS' CONFERENCE AGENDA
November 8, 2018 ~ Toronto Congress Centre

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

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

9:05 – 9:45 **TERMINATION CLAUSES**
- Allison Taylor

Contracts are about certainty, and termination clauses are supposed to provide employers and employees with certainty about employees' entitlements on termination. Yet, with each new court decision, the law often seems less certain.

Learn:

- What the courts are saying now about the interpretation and enforceability of specific termination provisions in employment contracts
- About common mistakes to avoid in your contractual termination provisions

9:45 – 10:15 **BILL 148 - FAIR WORKPLACES, BETTER JOBS ACT – YEAR IN REVIEW**
- Amanda Boyce

We've been hard at work helping our clients digest and comply with the sweeping changes to the Employment Standards Act introduced earlier this year. In this presentation, we'll provide a practical review of the hottest topics and questions.

Learn

- New rules requiring equal pay between full-time, part-time, and agency workers
- Lessons learned in the early days applying the new rules concerning the minimum wage, improved vacation entitlements, and especially enhanced emergency leave
- Practical ways to prepare for the new scheduling provisions coming this winter

10:15 - 10:30 **BREAK/NETWORKING**

10:30–11:00 **NEW WSIB STRESS REGIME: WHAT IT MEANS FOR LITIGATION OF STRESS CLAIMS**
-Ryan Conlin

In response to successful Charter challenges, the WSIB has created new mental stress policies which make it much easier for workers to get WSIB benefits for stress claims. This significant change also has important implications for other areas of litigation, as the WSIB has exclusive jurisdiction to adjudicate workplace accidents - which now includes a broader range of stress claims.

Learn:

- What is covered and what isn't: An outline of the new WSIB stress policies
- When employers are required to report stress claims to the WSIB
- How the new policies may limit the ability of workers to sue in court for work related stress
- The impact of the new policies on the litigation of stress claims at the Human Rights Tribunal and under collective agreements

11:00-11:30 **THIEVING EMPLOYEES**
- Landon Young

Employers invest in firewalls, locks and security systems to avoid breach by outsiders. But what protections are in place to prevent breaches from the inside? What can you as an employer do if you find that an employee has stolen from you?

Learn:

- How policies and employment agreements can help protect your business from employee fraud and misappropriation
- How you can monitor employee conduct without breaching employee privacy rights
- What you can and should do if you suspect employee fraud or theft

11:30– 12:00 **Q&A**

Attendees will have an opportunity to ask their questions of the presenters related to the morning's topics.

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

1:00 - 1:30 **IT'S LEGAL – EH?**
- Jeremy Schwartz

Recreational marijuana use is 'firmly' scheduled for October 17. Provincial and municipal governments have pleaded for more time to prepare. Are you ready?

Learn:

- The scope of the duty to accommodate medical marijuana
- Practical tips for managing suspected recreational use/intoxication
- Legal tools to protect your organization and to respond to workplace intoxication

1:30 - 1:50 **WORK PERMITS 101**
- Naseem Malik

Global economic and political events have a way of tightening border laws and scrutiny, and immigration officers famously have no sense of humour. If bringing in foreign talent is business-critical, navigating through the ever-changing red tape is essential.

Learn:

- When work permits are required by law and how to apply, including new identity requirements and background checks
- About eligibility for work permits and entry programs
- How to ensure you have satisfactory and compliant offers of employment

1:50 – 2:05 **BREAK/NETWORKING**

2:05 – 2:30 **GENDER, IDENTITY AND THE WORKPLACE**
- Frank Portman

The Ontario Human Rights Code now includes gender identity and expression in the list of prohibited grounds of discrimination. But even before that, some workplaces have struggled with workplace inclusiveness and accommodation.

Learn:

- What “gender identity” and “gender expression” mean under the law
- The scope of employers’ obligations and rights to ask and confirm
- The duty to accommodate in context

2:30 - 3:00 **THIRD PARTY MEDICAL ADJUDICATION OF EMPLOYEE DISABILITY CLAIMS: TIPS AND TRAPS**
- *Jeff Murray*

Many employers now use insurers or third-party firms with medical expertise to adjudicate employee disability claims to manage rising absenteeism. However, the reliance on a third party to decide if your employees are disabled and unable to work raises several legal issues and potential pitfalls for employers.

Learn:

- The potential legal risks of relying on the findings of a third-party adjudicator
- The legal limits for collection of medical information on third party adjudicators and how they apply to your employees
- To get the medical information you may need to deal with a claimed disability

3:00 – 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:

- When is harassment just cause?
- Responding to union applications for your employee contact list
- General Damages trends in wrongful dismissal
- Avoid OH&S liability as “constructor” when hiring construction contractors

3:30 - 4:00 **Q&A**

Attendees will have an opportunity to ask their questions of the presenters related to the afternoon’s topics.

4:05 **CONFERENCE ENDS**