

30th ANNUAL EMPLOYERS' CONFERENCE AGENDA

NOVEMBER 16, 2016

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

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

9:05 – 9:45 **THE BRAVE NEW WORLD OF HARASSMENT AND WORKPLACE VIOLENCE**
 -Ryan Conlin

Bill 132 has amended the Occupational Health and Safety Act to impose sweeping new obligations on employers and to arm Ministry of Labour Inspectors with new powers to intervene in harassment cases. This past year has also seen the Ministry of Labour pursue prosecutions for contraventions of workplace violence legislation.

Learn:

- About these new employer duties,
- The scope of Ministry of Labour Inspectors' powers to order the employer to appoint an "impartial" investigator at the company's expense,
- The extent of an employer's duty to investigate harassment complaints and the federal experience with similar provisions, and
- How to ensure your workplaces program meets due diligence standards for violence and harassment

9:45 - 10:15 **THE CHANGING WORKPLACES REVIEW AND WHAT IT MEANS FOR EMPLOYERS**
 - Jeff Murray

The Ontario government has been conducting a comprehensive review of the options to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995. The Interim Report has now been released and the review is entering its final phase. The review promises to bring significant changes across labour and employment law that will directly affect employers.

Learn:

- What legislative changes employers can expect from the review,
- The expected timelines for these anticipated changes, and
- What employers can do now to get ready.

10:15 - 10:35 **BREAK/NETWORKING**

10:35 – 11:00 **BONUS AND INCENTIVE ENTITLEMENTS UPON TERMINATION OF EMPLOYMENT**
- *Landon Young*

The issue of an employee's entitlements to bonus and other incentive payments upon termination of employment is often a messy one that can lead to litigation. Conflicting caselaw from the courts has made it difficult for employers to know when incentives are payable and exclusions enforceable.

Learn:

- What potential legal entitlements dismissed employees have to future bonus payments under the common law,
- How future bonus amounts can be quantified, and
- Options for employers to reduce liability for future bonus payments to dismissed employees.

11:00 – 11:30 **THE LATEST ON WRONGFUL DISMISSAL DAMAGES**
- *Allison Taylor*

Ontario's Court of Appeal recently imposed significant damages on an employer alleged to have treated an employee in an abusive manner. This case demonstrates how employers can face liability for multiple types of damages beyond the usual pay in lieu of notice when found by a court to have violated an employee's human rights, or to have engaged in harsh or bad faith conduct.

Learn:

- The various legal categories of damages employers can be ordered to pay in wrongful dismissal lawsuits,
- The potential impact of recent caselaw for settlement negotiations in wrongful dismissal cases including for allocation of payments for tax sheltering, and
- How employers can avoid exposure to damages for alleged harsh and bad faith conduct.

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

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

1:15 - 1:45 EMPLOYEE MEDICAL INFORMATION: WHAT EVERY EMPLOYER NEEDS TO KNOW
- Frank Portman

This session will review the scope of employers' rights to employee medical information in the context of accommodation. The duty on employers to maintain the confidentiality of employee medical information will also be reviewed including recent cases that demonstrate the risk of liability to employers who fail to maintain confidentiality.

Learn:

- The kind of medical information an employer has a right to ask an employee to provide,
- How the evolving law of privacy applies to employers when it comes to medical information, and
- Best practices for maintaining the confidentiality of employee medical information.

1:45-2:15 MAKING EMPLOYEE DISCIPLINE WORK (WITHOUT THE LEGAL HEADACHES)
- Jeremy Schwartz

Progressive discipline is almost a mantra as a best practice for human resources professionals and can be an effective tool for improving employee performance. However, discipline of non-unionized employees can carry a risk of constructive dismissal and even human rights claims.

Learn:

- How to carry out employee discipline without risking a constructive dismissal claim,
- The potential human rights traps of discipline in certain situations, and
- How to build a case for a just cause dismissal with effective use of employee discipline.

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:

- What's next with the Accessibility for Ontarians with Disabilities Act?
- Employment Standards Act Enforcement Update
- Marijuana Legalization: What it Means for Employers
- Unjust Dismissal in the Federal Sector
- Review of recent Notable Notice Periods

3:30 - 4:00 Q&A

4:00 CONFERENCE ENDS