
38th ANNUAL EMPLOYERS' CONFERENCE AGENDA
December 6, 2024

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

9:05 – 9:40 **Avoiding Common Contract Drafting Errors**



Jeremy Schwartz

‘Standard’ employment contract clauses are routinely being challenged and constantly struck down by courts, as employers learn the hard way. Moreover, as legislation is routinely replaced and amended, it can be very difficult to keep templates and practices up to date.

Learn:

- How to draft enforceable termination language and avoid common provisions elsewhere in the contract that undo your good drafting;
- Recruiting and onboarding traps that can invalidate your contract from the start;
- How to lawfully restrict bonus and incentive entitlements on termination; and
- Methods to implement new contracts and introduce amendments.

9:40 – 10:15 **QUEBEC EMPLOYMENT LAW PRIMER**



Robert Boyd, Cain Lamarre LLP (Guest Speaker)

Quebec’s employment laws differ significantly from the rest of Canada. Find out what these key differences are and when you may need the help of a Quebec employment lawyer. Whether your organization has employees in Quebec or not, this session will be of interest to all employers and HR professionals.

Learn:

- How employment contracts in Quebec can protect employers and their legal limits;
- How the regulatory employment law regime works in Quebec;
- Key employment standards entitlements Quebec employees have; and
- What duties employers have under Quebec’s language laws.

10:15 – 10:45

BACK TO THE FUTURE: OWNER DUE DILIGENCE



Ryan Conlin

The Superior Court has dismissed the Crown's appeal of the due diligence findings in the Sudbury. This potentially brings an end to one of Canada's longest running legal sagas and brings much needed clarity for owners.

Learn:

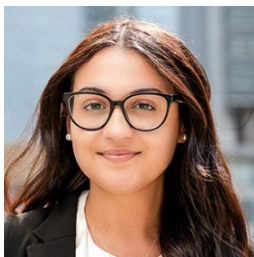
- How to prequalify potential constructors;
- Does due diligence require monitoring of the project;
- The level of participation an owner can have on a project;
- What type of contract language should owners have in light of the decision; and
- What the decision means for constructors.

10:45 – 11:00

MORNING BREAK

11:00 – 11:30

WORKPLACE POLICIES: WHAT YOU NEED TO KNOW



Natalie Cabellero

With changes to employment legislation in recent years, it has become a challenge for employers to ensure they have the policies they must have. But even if your organization is meeting the legal minimums, you could still be vulnerable. Find out what policies you not only must have, but also what you should have and how to prepare and implement them in a way that works for your organization.

Learn:

- What policies you must have to meet legal requirements and what they must contain;
- What policies you should have to protect your organization from legal claims;
- How to draft policies not only to comply with the law, but also to help achieve your business goals and avoid “hamstringing” your organization; and
- Practical tips for implementation strategies, and how to effectively integrate these policies into their organizations to foster a safe, respectful, and compliant work environment.

11:30 – 12 noon

Q & A

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

1:00 – 1:30 **EMPLOYEE DISCIPLINE: THE DO'S AND DON'TS**



Jeff Murray

Employee discipline is a murky legal area. On one hand employers can face legal claims as a result of employee discipline, on the other they can also face legal claims for wrongful dismissal without having given prior discipline. Employment legislation can also prohibit employee discipline for certain reasons. There are also different legal considerations that apply to union and non-union employees.

Learn:

- When employers may impose discipline and when they cannot;
- The different forms of employee discipline and how to decide on the appropriate form of discipline;
- How to prepare an effective progressive discipline policy; and
- The differences in carrying out discipline for unionized vs non-union employees.

1:30 – 2:15 **MEDICAL NOTES AND DOCUMENTS: CUTTING THROUGH THE CONFUSION**



Allison Taylor

Much confusion reigns when it comes to medical notes. The law does not provide crystal clear guidance on when employers can and cannot ask for them and missteps can be costly. Further complicating the issue is that medical notes are often terse and ambiguous. Find out how to navigate through the confusion.

Learn:

- When employers may ask for medical notes and documents and when employees may refuse;
- Legal requirements and best practices for protecting the confidentiality of medical information;
- How to interpret medical notes and when to be suspicious of them;
- Special considerations that can apply to mental health related notes; and
- When and how to ask for more information including independent medical examinations.

2:15 – 2:30 **BREAK**

2:30 – 3:00 **EMPLOYERS' DUTY OF GOOD FAITH: WHAT DOES IT MEAN?**



Landon Young

Employers have long had a duty of good faith when carrying out employee terminations. However, the courts are increasingly invoking the notion that employers have a duty of good faith when it comes to performing employment contracts more broadly than before. What is the scope of this duty now? Does it apply to everything an employer does? This session will consider these questions as well as some practical tips to avoid litigation involving this issue.

Learn:

- What the courts are saying about the duty of good faith;
- In what contexts can the duty of good faith apply;
- The kinds of damage awards employers can face from bad faith-based claims; and
- How employers can protect themselves from claims they have breached the duty of good faith.

3:00 – 3:30 **LIGHTNING LEGAL ROUNDUP**

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

Topics:

- The latest on the enforceability of termination clauses;
- Review of the latest legislative amendments of note;
- Workers Compensation (WSIB) update; and
- Recent trends in damages awards from the Courts in wrongful dismissal actions.

3:30 – 4:00 **AFTERNOON Q&A**

4:00 **CONFERENCE ENDS**

~ Cocktail Reception for In-Person Attendees ~