

13th Annual Current Issues in Employment Law

Labour & Employment Law



In-Person



Webcast

Date: Friday, May 1, 2015 | 9:00 am to 4:30 pm
Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Jonathan Dye**, Filion Wakely Thorup Angeletti LLP
Nancy Shapiro, Koskie Minsky LLP



This program contains 1 Professionalism Hour
This program is eligible for up to 5.75 Substantive Hours

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

Ensure you have the expertise to confidently advise your employer and employee clients on critical employment law issues with this essential program. From contracts to damages, our exceptional faculty will get you up-to-date on key cases and current trends to help you stay on top of your field.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **When Will Your Termination Clause Be Enforced?**
Greg McGinnis, Mathews, Dinsdale & Clark LLP

- Understanding the effect of recent case law
- Practical drafting strategies to increase enforceability

9:50 am **Unraveling the Latest Developments on Constructive Dismissal**
Robert Colson, Teplitsky, Colson LLP

- Differentiating between the duty to mitigate in wrongful dismissal versus constructive dismissal cases
- When does the duty to mitigate require a constructively dismissed employee to stay with their employer? An analysis of *Farwell v. Citair*
- What is the impact of constructive dismissal on restrictive covenants?

10:35 am Networking Break

10:50 am **The Final (?) Word on Family Status and the Duty to Accommodate**
Jeffrey Goodman, Hicks Morley Hamilton Stewart Storie LLP
Hugh Scher, Scher Law Professional Corporation
Nancy Shapiro, Koskie Minsky LLP
Lisa Stam, Koldorf Stam LLP

Engage with our panel of experts as they tackle a series of case studies to help you clarify the circumstances in which accommodation is required. You will also gain best practices for how to respond to such a request for accommodation.

11:35 am **Defining Just Cause in 2015**
Casey M. Dockendorff, Filion Wakely Thorup Angeletti LLP (London)

- How is the law of just cause changing?
- Top 5 just cause cases from the past year
- Expert insights on making your case for employer and employee counsel

12:15 pm Networking Lunch

1:00 pm **Advising Your Clients on Workplace Violence and Harassment Investigations**
Christine M. Thomlinson, Rubin Thomlinson LLP

From managing expectations to guiding the process, gain invaluable insights on how to effectively advise:

- Your employer client who is dealing with a complaint
- Your employee client who is the subject of a complaint

1:45 pm **Conducting an Effective Fraud Investigation**
Edward Nagel, nagel + associates

- Challenges and opportunities in using internal resources for investigations
- Key sources of paper and electronic evidence to confirm/dispel fraud allegations
- How an organization's technology is commonly used to carry out fraudulent activity (including dissipating misappropriated assets)
- The role of technology in current fraud investigations: Identifying, securing and preserving evidence
- Missteps to avoid in today's forensic investigations

2:30 pm Networking Break

2:45 pm **Avoiding the Pitfalls of Contingency Fee Arrangements**
Jonathan Dye, Filion Wakely Thorup Angeletti LLP
David A. Whitten, Whitten & Lublin
Stuart Rudner, Rudner MacDonald LLP
Dave McKechnie, McMillan LLP

- Whether you represent employee or management clients, the existence of a contingency fee arrangement can have significant implications for the resolution of your file. Join our exceptional panel as they explore this issue, including:
- Critical guidance on structuring your contingency fee arrangement
 - Protecting yourself with essential documentation
 - Contingency fees gone wrong: How to minimize your risks
 - What to do when the opposing side's contingency fee arrangement creates hurdles in negotiation or mediation

3:30 pm **Pursuing Human Rights Damages in a Wrongful Dismissal Case**
Christopher Foulon, Israel Foulon LLP

- How have the courts treated section 46.1 of the Ontario *Human Rights Code*?
- Helpful tools for successfully bringing or resisting a claim for human rights damages
- Making sense of variances between federal and provincial awards

4:15 pm Questions and Concluding Remarks

4:30 pm Program Concludes



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Questions? pd@oba.org