

Labour and Employment Law: Employment Law Update



Live



3.5 Substantive Hours
0.5 Professionalism Hours

Date: Friday, June 7, 2013 | 9:00 am to 1:00 pm

Location: Holiday Inn Barrie Hotel & Conference Centre
20 Fairview Road, Barrie, Ontario

Program Chairs: *Inna Koldorf, CCPartners LLP*
Rob Boswell, Counsel, CCPartners LLP

Note: New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

Stay up-to-date by attending this half-day program which will provide an in-depth look at the latest developments in this dynamic area of law. You will walk away knowing the current state of the law on employee use of social media and other technology, constructive dismissal, punitive & aggravated damages, employee accommodation and drug & alcohol testing.

Register now to secure your spot. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks from the Program Chairs

9:05 am **Aggravated and Punitive Damages since Honda v. Keays**

- How has *Honda v. Keays* changed the aggravated and punitive damages landscape?
- What has been the trend in awards of damages in employment-related litigation?
- A review of *Piresferreira v. Ayotte*, *Higginson v. Babine Forest Products Ltd.* and *Boucher v. Walmart Canada*
- Managing client expectations regarding litigation strategy and expected returns

Mark Geiger, Partner, Blaney McMurtry LLP

9:40 pm **Update on Drug & Alcohol Testing**

- Have courts successfully struck a balance between an employer's right to ensure health and safety at the workplace and employees' right to be free from intrusion?
- What forms of drug and alcohol testing at the workplace are permissible?
- Are random drug and alcohol testing at the workplace the new norm?
- A review of *Irving Pulp & Paper Ltd.* and *Suncor Energy*

Nicole Vaillancourt, Besse Merrifield & Cowan LLP

10:15 pm **Update on Constructive Dismissal**

- Anti-Harassment: What are the practical implications of *Bill 168*?
- Health and safety law update: What cases have emerged since the *Occupational Health and Safety Act* was amended?
- What cases have emerged that you need to know about?

Edward J. Chadderton, Partner, Carroll Heyd Chown LLP

10:30 pm Networking Break

11:05 pm **Family Status Accommodation at the Workplace**

- In what circumstances is an employer required to accommodate an employee based on family status?
- Review of the recent Federal Court decision in *Johnstone* and other decisions on family status from the HRTO and the CHRC
- What are the implications of these new cases for managing lawyers and employees in your law practice?

Kevin D. MacNeill, Partner, Heenan Blaikie LLP

11:40 pm **Social Media and the Workplace**

- How can an employer safely use social media to screen candidates?
- When can an employer place limits on employees' use of social media within and outside of the workplace?
- Practical guidelines for using social media as an investigative tool of employee misconduct
- Case law update: employee conduct on social media that justifies discipline or termination
- Applying social media controls within your law firm

Doug MacLeod, MacLeod Law Firm: Employment & Labour Lawyers

12:15 pm **Employee Computer Surveillance in the Post-R. v. Cole World**

- R. v. Cole* – what are the practical implications of this Supreme Court of Canada decision on invasion of an employee's privacy at the workplace?
- Could properly drafted policies effectively negate any employee right to privacy when using employer's computers and other technology?
- What is the scope and what are the limits of computer surveillance in the workplace?
- What surveillance is appropriate to conduct within your law firm?

Rob Boswell, Counsel, CCPartners LLP

12:50 pm Question and Answer Session and Closing Remarks

1:00 pm Program Concludes

Brought to you with the assistance of:



PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org