

## Fundamentals of Employment Law (YLD)

**Date:** Monday, September 23, 2013 | 9:00 am – 1:00 pm

**Location:** Twenty Toronto Street Conferences and Events  
(OBA Conference Centre)  
20 Toronto Street, 2nd Floor, Toronto

**Program Chairs:** **Kate A. Dearden**, Borden Ladner Gervais LLP  
**Inna Koldorf**, Crawford Chondon & Partners LLP - Brampton



3.5 Substantive Hours  
0.5 Professionalism Hours



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

You have just received your first employment law file. Now what do you do next? Be sure you are prepared and participate in this program where you will gain an essential overview of the most common issues in employment law from both employee and employer perspectives. We have designed this session to help you be confident and develop your skills in employment law cases.

Our faculty of experienced employee and employer counsel will provide you with step-by-step expert guidance starting with the initiation of an employment relationship, determining whether there is “just cause”, and dealing with issues surrounding termination of employment. They will also share with you their views on the current “hot topics” and trends in employment law.

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 Co-Chairs

9:10 am **Employment Agreements**

- What are the advantages of written employment agreements?
- How to maximize the enforceability of the contract and avoid common mistakes
- Key terms of the employment agreement and their implications
- Drafting guidelines and options: best practices

**Catherine Milne**, Turnpenney Milne LLP

9:40 am **Just Cause**

- The current definition of just cause
- What is the effect of terminations with and without just cause?
- Common grounds for termination for just cause
- Condonation
- Effective use of progressive discipline
- After-acquired cause

**Kevin Robinson**, Robinson Heeney LLP

10:10 am **Constructive Dismissal**

- What is constructive dismissal?
- What changes can employers introduce without triggering constructive dismissal?
- Bill 168 and constructive dismissal
- Latest developments and case law

**Lisa C. Cabel**, Borden Ladner Gervais LLP

10:40 am Networking Break

10:55 am **Termination: Gaining Perspectives from Both Sides**

- Advice from employer counsel
  - estimating notice, drafting termination letters
  - advice on carrying out termination
  - obligations during notice period
  - anticipating and managing potential litigation issues

- Practical guidelines from employee counsel
  - giving advice to employees who have been dismissed
  - how to review and improve severance packages
  - determining when it is time to litigate

**A. Kelsey Orth**, Crawford Chondon & Partners LLP - Brampton

**Nancy M. Shapiro**, Koskie Minsky LLP

11:30 am **Hot Topics in Employment Litigation**

- *Post-Honda and Keays*
  - what is the standard for claiming “moral damages”?
  - what evidence is required and what are the trends in damage awards?
- Family Status: examining recent case law on employer’s obligations for employees with childcare and eldercare responsibilities
- Disability Leave: what are the obligations of employers and employees when disability prevents an employee from working?
- Mediation
  - crafting your strategy
  - creative settlement terms
  - releases
  - taxation issues
  - managing client expectations

**Pamela S. Connolly**, Bernardi Human Resource Law Professional Corporation - Mississauga

**R. Mark Fletcher**, Grosman, Grosman & Gale LLP

**Kevin D. MacNeill**, Heenan Blaikie LLP

**Lior Samfiru**, Samfiru Tumarkin LLP

12:35 pm **Q & A with the Pros: Dealing with Difficult Situations**

- Dealing effectively with self-represented parties and difficult representatives
- Dealing with your client’s inconsistent statements
- Client considerations for individuals with special circumstances (disability, language, etc.)

12:55 pm Concluding Remarks & questions

1:00 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)