

21st Annual Current Issues in Employment Law

Labour and Employment Law Section



In Person



Webcast

Date: Tuesday, April 25, 2023 | 9:00 am to 4:00 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Program Co-Chairs: **Laura Blumenfeld**, Blake, Cassels & Graydon LLP
Robert Richler, Bernardi Human Resource Law LLP



This program is eligible for up to 5.25 hours of Substantive Content.

This program is eligible for up to .75 hours of Professionalism Content.

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

Back for its 21st year, the Annual Current Issues in Employment Law is your essential guide for staying up to date on the latest developments in employment law. Our stellar faculty help you navigate the challenges of interpreting the law and structuring proactive and practical advice. Whether you represent employees or management, are new to the field, a seasoned lawyer, in-house counsel, or a human resources professional, this event is for you! Grow your expertise and ensure you have the knowledge you need to confidently advise your clients in today's fast-paced employment environment.

9:00 am Welcome and Opening Remarks

9:05 am **Legislative Update**

- Wesley Jamieson**, Ross & McBride LLP
Daria (Dasha) Peregoudova, Aird & Berlis LLP
- Round up of recent *Employment Standards Act* amendments
 - Exemptions for business and IT consultants
 - New rules for temporary workers
 - *Canada Labour Code* amendments: recent developments in the federal sector

9:50am **Workplace Privacy: Electronic Monitoring of Employees**

- Alysha Sharma**, Blake Cassels & Graydon LLP
Busayo Faderin, Koskie Minsky LLP
- Guidance on electronic monitoring policies
 - Productivity software: benefits and risks
 - How to deal with inadvertent innocent tracking
 - Termination issues and how to deal with non-disclosed electronic monitoring

10:35am Refreshment Break

10:50am **Recent Top Employment Law Cases**

- Inna Koldorf**, KPMG Law LLP
Paul Willetts, Vey Willetts LLP (Ottawa)
- Overview and analysis of recent important cases
 - Termination provisions
 - Termination of employment
 - Mitigation of damages
 - Damages for bad faith in the manner of dismissal

11:35am **Best Practices for Conducting Workplace Investigations**

- Nadya Tymochenko**, Miller Thomson LLP
Colin Johnston, Lenczner Slaght LLP
Suhaib Ibrahim, Bernardi Human Resource Law LLP
- When do you need a workplace investigation?
 - Steps to take to ensure that the process is procedurally fair
 - Choice of the investigator: internal versus external
 - Dealing with anonymous complaints
 - Who is entitled to a copy of the report?

12:30 pm Lunch

1:30pm **How to Work Effectively with your Mediator**

- P.A. Neena Gupta**, Gowling WLG (Canada) LLP
Stuart Rudner, Rudner Law
- How "open" should your discussions be?
 - When to solicit feedback from your mediator
 - Tips for communicating and framing offers

2:15pm **Beyond the ESA: Accommodated Leaves of Absence**

- David Alli**, Hicks Morley Hamilton Stewart Storie LLP
Emily Shepard, Human Rights Legal Support Centre
- What is the duty to accommodate?
 - Does the duty to accommodate require that a leave be approved?
 - What information can an employer request regarding an accommodated leave?
 - What are an employer's obligations when an employee is ready to return to work?
 - Can employment be terminated while on leave?

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Questions? pd@oba.org

- At what point is the contract frustrated?

3:00 pm Refreshment Break

3:15pm **Technology and Your Employment Law Practice**

Ray Leclair, LAWPRO

Ellen Low, Ellen Low & Co.

Cassandra Ma, Filion Wakely Thorup Angeletti LLP

- How to leverage AI and predictive analytics to better serve your clients.
- Tips for choosing new legal tech solutions to implement in your practice
- Strategies to maintain and enhance technological competence.

3:55pm Questions and Concluding Remarks

4:00pm Program Concludes

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