



14TH ANNUAL CURRENT ISSUES IN EMPLOYMENT LAW

Date: December 21, 2016

Jonathan Dye, Filion Wakely Thorup Angeletti LLP
Nancy Shapiro, Koskie Minsky LLP

Original program was held on May 5, 2016

AGENDA

Welcome and Opening Remarks from the Program Chairs

Just Cause is Not a Lost Cause: Summary Dismissal since McKinley

Stuart Rudner, Rudner MacDonald LLP

Richa Sandill, Articling Student, Rudner MacDonald LLP

- Making sense of judicial concerns about "the capital punishment of employment law"
- How to build the just cause wall brick by brick
- When is a single instance of misconduct sufficient?
- Dealing with performance concerns and off-duty conduct
- The consequences of false allegations of cause: extraordinary damages

Enforceability of Employment Contracts since Machtinger

Jodi Gallagher Healy, Hicks Morley Hamilton Stewart Storie LLP (London)

- Practical advice on how to draft, enforce and challenge termination clauses in light of evolving caselaw
- How recent developments may impact your drafting and the advice you provide: from early termination of fixed term contracts, to severability and probationary clauses and more

Break (15 Minutes)



Professionalism Hours: The program contains 1h 30m

Substantive Hours: This program is eligible for up to 5h

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When are Workplace Investigations Protected by Privilege?

Mark Crestohl, Senior Counsel, Labour and Employment Law Canada, Accenture Inc.

Adrian Jakibchuk, Littler LLP

Janice Rubin, Rubin Thomlinson LLP

Nancy Shapiro, Koskie Minsky LLP

Jonathan Dye, Filion Wakely Thorup Angeletti LLP (moderator)

- Strategies for preserving privilege
- How to challenge privilege claims
- The interplay between solicitor-client privilege and your professional confidentiality obligations
- Getting ready for Bill 132

Break (15 Minutes)

The Impact of Hryniak on Summary Judgment in Employment Cases

Rachel Turnpenney, Turnpenney Milne LLP

- How to determine if your case is appropriate for summary judgment
- Putting your best foot forward: evidence on summary judgment motions
- Do summary judgement and just cause mix?

Revisiting Punitive, Aggravated and Human Rights Damages: Keays 10 Years Later

Hugh Scher, Scher Law Professional Corporation

- Key guidance on pursuing and defending aggravated and punitive and human rights damages claims in Court
- Unraveling conduct that may give rise to these damages Potholes and Legal Actions

Break (10 Minutes)

Where We Stand on Restrictive Covenants

Matthew Certosimo, Borden Ladner Gervais LLP

- The latest on post-termination competition, solicitation and confidentiality since RBC, Shafron and Payette
- The lasting limitations in Lyons
- Exploring the enforceability of hybrid covenants
- Is geography “boxed in” by a dated view of territorial limitations?



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Enhance Your Ability to Tackle Ethical Challenges

Jonathan Dye, Filion Wakely Thorup Angeletti LLP

Chris Foulon, Israel Foulon LLP

Darryl Hiscocks, Torsys LLP

Loreta Zubas, Zubas + Associates

Nancy Shapiro, Koskie Minsky LLP (moderator)

- Mistakes happen: How to handle them
- Responding to client dishonesty: What are your obligations?
- Best practices for dealing with emotional clients

Closing Remarks



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