

16th Annual Current Issues in Employment Law

Labour and Employment Law



In-Person



Webcast

Date: Friday, April 27, 2018 | 9:00 am to 4:30 pm



Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Substantive Hours: This program is eligible for up to **5h 15m**
Professionalism Hours: This program is eligible for up to **1h 15m**

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

Chairs: **Lorenzo Lisi**, Aird & Berlis LLP
Nancy Shapiro, Koskie Minsky LLP

Ensure you have the expertise to confidently advise your employer and employee clients on critical employment law issues with this essential program. Our exceptional faculty will share helpful insights to get you up-to-date on key challenges, recent developments and emerging trends, and help you stay on top of your field.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **The Doctrine of Just Cause: Where Are We Now, and Where Are We Going?**

Matthew Certosimo, Borden Ladner Gervais LLP

Andrea Wobick, Ursel Phillips Fellows Hopkinson LLP

- Grappling with common law vs ESA threshold for termination
- What can be learned from *Fernandes v. Peel Educational & Tutorial Services Limited?*
- The ongoing “Mckinley-ization” of Just Cause
- Impacts of social media use, harassment and criminal convictions on just cause

9:45 am **Exploring the Enforceability of Termination Provisions Through the Lens of Fairness Principles**

Jeffrey Goodman, Hicks Morley Hamilton Stewart Storie LLP

Stephen Moreau, Cavalluzzo LLP

- Fairness principles as a foundation of the jurisprudence in this area
- Helpful drafting advice and the essential constituent components of an enforceable agreement
- Important red flags to watch out for
- Moving forward: Modernizing your employment agreements and offer letters

10:25 am Networking Break

10:40 am **Recent Tales of Restrictive Covenant Enforcement**

Nancy Ramalho, Stikeman Elliott LLP

Stephen Shore, Ogletree Deakins International LLP

- The latest from the Courts on non-solicits and non-competes
- Advising departing employees on their legal and professional obligations

11:20 am **No “Roll Back” for Walmart Extraordinary Damages in *Galea v. Walmart* and Other Key Developments in Damages**

Natalie MacDonald, MacDonald & Associates LLP

12:00 pm Lunch (Provided)

1:00 pm **The Impact of *Paquette v. TeraGo Networks* on Payment of Bonuses**

Arleen Huggins, Koskie Minsky LLP

Nancy Shapiro, Koskie Minsky LLP

- When will bonuses be payable following termination?
- Key advice on policy drafting
- What does “integral” mean?
- Application to other forms of compensation, such as stock option plans and pension plans

1:40 pm **The Latest on Employer Drug and Alcohol Testing and Marijuana**

Darryl Hiscocks, Torys LLP

Sarah Crossley, Littler LLP

- What you need to know about *Suncor Energy* and the TTC decisions
- Preparing for the legalization of marijuana

2:20 pm Networking Break

2:35 pm **Independent Contractors: Practical Issues and Current Developments**

Kumail Karimjee, Karimjee Greene LLP

Sarah Graves, Fasken Martineau DuMoulin LLP

- Clarifying the general legal principles, including how independent contractors are treated under different legal regimes
- Practical issues with independent contractor agreements
- Class actions in the “gig” economy, including the Uber action
- The post-Bill 148 world—practical issues and how to address them

3:15 pm **Tackling Professionalism Challenges in Your Employment Law Practice**

Rich Appiah, Appiah Law

Dave McKechnie, McMillan LLP

David Whitten, Whitten & Lublin

- Critical advice for handling joint retainers
- Managing your obligations when getting off the record
- Strategies for responding to incivility
- Responsibly advising clients and effective strategies for managing the client relationship
- Dealing with self-represented plaintiffs
- Handling relationships where capacity may be issue

4:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org