



EMPLOYMENT LAW

Our experienced team of employment law lawyers acts for both employers and employees on a wide range of legal issues.

Our lawyers provide full employment law services, including advice on employment contracts, workplace communications and bulletins, workplace health and safety management, legal issues, and strategies. We also represent our clients in legal proceedings, negotiations, mediations, arbitrations, and other forms of dispute resolution.

Our lawyers routinely appear for employees and employers at:

- the Ontario Human Rights Commission;
- Employment Standards Hearings at the Ministry of Labour;
- the Ontario Superior Court of Justice; and
- the Ontario Court of Appeal;
- Ministry of Labour Provincial Claims;
- Ministry of Labour Occupation Health and Safety Claims;
- Workplace Safety and Insurance Board; and
- Workplace Safety and Insurance Appeals Tribunal.

Services

Members of the Employment Law Group work with our clients from the inception of employment, during the course of the employment relationship, and upon termination of employment, on various issues that include:

- hiring practices and procedures;
- drafting and assessment of employment contracts;
- advising on practical solutions on rights and obligations on employee's rights and employer's obligations under the Employment Standards Act, 2000, and at common law;
- advising on issues of sexual and verbal harassment during the course of employment;
- drafting severance or compensation packages for employers;
- consulting on the appropriateness of severance packages for employees;
- assisting employers with compliance with labour legislation with respect to mass termination of employees;
- providing guidance for human resources managers and executives to properly conduct termination meetings to ensure proper procedures are followed to minimize litigation risk;
- assisting in locating skills assessment offices, retraining programs, and placement consultants for out-placement counseling for departing employees;
- negotiating resolutions of disputes with respect to severance or compensation packages for both employer and employees;
- advancing or defending complaints filed with the Ministry of Labour;

Chairs

Martin Smith
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Members of the Group

Michael J. A. Beeson
Howard Borlack
Emily Cohen-Gallant
Marie-Pier Couturier
David Elmaleh
Samaneh Frounchi
Marisa Gilmore
Garett Harper
Shene Harris
Eitan Kadouri
Rachel Leck
Sabrina Lucibello
Mercédes Marin
Sandra Monardo
Miranda Serravalle
Irina Sfranciog
Martin Smith
Josh Sugar
Eric Turkienicz
Sean Valentine
Peter Vlaar

EMPLOYMENT LAW cont'd...

- advancing or defending constructive and wrongful dismissal actions at all levels of court; and
- providing assistance with workplace health and safety matters including effective management of WSIB matters that reduce direct costs for employers resulting in fewer lost days due to work injury. Through proactive involvement and management of WSIB claims, audits and classification reviews, employer premiums can be greatly reduced. Also, our practice group provides assistance in compliance with the Workplace Safety Insurance Act; and
- advancing or defending human rights code complaints brought within civil actions or at the Ontario Human Rights Commission, in accordance with the recently amended Ontario Human Rights Code.

In addition, the Employment Law Group assists employer and employees with issues surrounding the following:

- alcohol and drug testing, diversity and harassment policies;
- enforcement of non-solicitation and non-competition agreements; and defamation issues in relation to the employment relationship.

Featured Publications - for a complete list, please visit our website

- *Medical Marijuana: Considerations for Employers* by Sophia Souffront and Michael Blinick, First sent by MB Client Newsletter
- *Human Rights Claims: Part 6 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Torts that Flow from a Wrongful Dismissal Claim - Part 5 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Employment Law: Notice: Part 4 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Termination / Dismissal Part 3 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Employee & Employer Obligations Part 2 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Employment Law: Terminology - Part 1 of 6* by Sabrina Lucibello, First presented at a Client Employment Seminar
- *Back to the Future Causation Alert: Clusters Trumps Medical Causation in Judicial Review of Technicians' Breast Cancer* by Dr. Brian Murphy
- *Employers Beware: An Employee Charged Criminally for Sexual Assault May Not Be Sufficient Grounds To Terminate with Cause* by David Elmaleh
- *Divisional Court Comments on Termination Rights of Employer during Probation Period* by David Elmaleh, First published to a client employment law newsletter
- *Employment Termination Clauses: Failure to Specify Minimum Statutory Benefits after Dismissal, but Voluntary Provision of Those Benefits* by Ben Carino and Eitan Kadouri
- *Employment Contracts: New Term? New Consideration!* by David Elmaleh and Divya Khurana, First Published in the OBA Labour & Employment Law Newsletter
- *The Benefits of Employment Liability Practices Coverage: Civil Case Studies* by Martin Smith, First presented at an Employment Practices Liability Seminar
- *The Benefits of Employment Liability Practices Coverage: Human Rights Tribunal Cases* by Miranda Serravalle, First presented at an Employment Standards Liability Law Seminar Introduction
- *Termination Provisions and Employment Contracts: The New Order* by Martin Smith, First Published in an MB Employment Law Seminar