

Employment & Labour

Blaney McMurtry's approach to workplace law is rooted in the premise that employees are an employer's most important asset.

Blaneys' workplace lawyers have the necessary expertise to help organizations establish, sustain and enhance the constructive workplace relationships which are the foundation of the most productive and profitable enterprises. We encourage our clients to make active and regular use of our extensive knowledge and experience.

We are well-known to specialists in workplace law and to the administrative tribunals that govern it. We often speak to employer and employee organizations about the current developments in the law and the latest cases affecting it.

We host workplace law seminars for all of our clients and we tailor enterprise-specific seminars and briefing sessions for individual organizations.

We provide clients with checklists to help ensure that they cover all the bases in such areas as internal investigations, severance package preparation, and work arrangements for independent contractors to ensure all requirements are properly met.

While it is impossible to avoid all problems in the employment relationship, sound personnel policies, set out clearly and understandably and applied positively and pro-actively, can significantly reduce conflicts.

We support frontline managers and supervisors in their efforts to establish and maintain productive workplace relationships.

Blaneys' workplace lawyers provide the complete range of labour and employment law counsel and service to private-sector, public-sector and not-for-financial-profit enterprises and to trade unions.

EMPLOYMENT

- **We advise on severance packages**, whether they are mandated by statute law (as is the case in mass terminations), common law or are included in an employment contract.
- **We prosecute and defend wrongful dismissal actions.**

- **We structure “mass” terminations and downsizings in all sectors** — Economic and business conditions can oblige an employer to terminate a significant number of jobs in a short period of time. Ontario workplace law provides a number of protections for employees in such instances. The extent of these protections varies with an employee’s seniority and the number of employees involved. Blaneys workplace lawyers structure termination arrangements for each individual worker that comply with the law and include any additional measures that may be negotiated or that an employer may choose to add.
- Ontario workplace law requires employers to establish written policies on many areas including violence in the workplace, human rights (including protections from, and penalties for, discrimination and harassment), privacy and occupational health and safety. We help employers develop, maintain and apply these policies. Blaneys’ workplace lawyers also help clients draft policies on other key concerns such as pregnancy and parental leave, leaves of absence, promotions, discipline, termination of employment, protection of proprietary and confidential information as well as cell phone and computer use.
- **We advise on and draft employment contracts and consulting agreements**, for both employers and employees.
- **We defend claims against employers** under Employment Practices Liability insurance policies.
- **We prosecute and defend constructive dismissal actions** in which an employee alleges that a significant change in the terms of employment has led to a termination of the employment relationship.
- **We prosecute and defend actions for breach of fiduciary obligations**, where one party who acts for another in a position of responsibility and trust is accused of failing in his or her obligations to serve the ‘principal’s’ interest.
- **We handle cases involving allegations of employee fraud** including investigations, terminations and any court actions that may result.
- **We provide employers and employees with representation at all levels of court** including the Superior Court of Justice, Divisional Court, Court of Appeal and the Supreme Court of Canada.

HUMAN RIGHTS & EQUALITY

- **We represent employers and employees in applications before the human rights tribunals** and in connection with human rights policies and investigations.
- **We draft human rights, discrimination and harassment policies for our clients.**
- **We advise on pay and employment equity issues** – We help ensure that our clients have pay equity plans and employment equity plans when required; that the content of their plans complies with the law, and that communication about the plans is clear, understandable and timely.

IMMIGRATION - EMPLOYMENT & LABOUR

The increasingly global nature of business has contributed to a growing movement of people and investment from country to country; careful planning and professional assistance are needed to ensure that these international moves take place smoothly. Our Immigration Law

Group offers legal representation to a wide range of clients, including corporate human resource departments, foreign investors, and other high net-worth individuals.

As legal advisors to both corporate and individual clients, the Immigration Law Group provides legal advice covering all aspects of inbound Canadian and United States immigration law.

The Immigration Law Group provides assistance to foreign nationals seeking temporary or permanent admission to Canada and the United States, whether individually or as part of a corporate move. We can also draw upon the expertise of other practice groups within the firm to provide expert advice on employment law, tax planning, corporate/commercial law (including regulatory, technology, and intellectual property issues), and commercial real estate law, all of which are necessary when foreign companies or individuals bring their business and investment activities to Canada.

The Immigration Law Group represents clients throughout the world. Our immigration lawyers travel on a regular basis to meet with current and new clients and we have an extensive network of worldwide contacts.

LABOUR RELATIONS

- **We deal in all aspects of the certification process**, from the moment an organizing campaign begins to the applications and hearings before the Ontario Labour Relations Board or the Canadian Industrial Relations Board.
- **We are directly involved in the negotiation of collective agreements** in a variety of areas including hospitals and other health care facilities, education, daycare centres, social services, hospitality, construction, manufacturing, the film industry and the service industries. We are familiar with collective agreement provisions and issues across a wide range of industries and sectors and we are well placed to advise on and draft unambiguous contract language.
- **We handle all labour related cases in the construction industry.**
- **We provide advice and representation in negotiation, mediation, arbitration, and alternative dispute resolution.**
- **We prosecute and defend unfair labour practice cases.**

OCCUPATIONAL HEALTH & SAFETY

- We advise on occupational health and safety issues.
- **We assist clients in drafting occupational health and safety policies.**
- **We defend clients** in cases involving charges under the Occupational Health and Safety Act.
- **We help employers ensure that their policies and procedures are complete**, current and consistent with the Act and Regulations and with the most recent developments in case law.
- Where an occupational accident results in the death or injury of a worker, we conduct investigations to properly represent employers and survivors.
- **We represent clients at Coroners' Inquests.**

PENSIONS & BENEFITS

- **We advise on benefits and pension issues** — We are always up-to-date on the legal requirements as well as industry standards and patterns. We ensure that our clients have all the information and knowledge required to make informed decisions and comply with their obligations.
- Members of our group are often invited to speak at conferences on employer obligations under pension and benefit plans.

TRAINING

- **We train executives, managers, supervisors, and union representatives** in areas such as discipline and health and safety. We help them operate in ways that consistently comply with the substance as well as the spirit of the law, the collective agreement (when there is one), and workplace policies. Having clear policies is one thing. Knowledge of the full range of their implications and nuances, and operating in a manner that is sensitive to them, can be something else. Our “actual” case-based training makes active use of role-playing and helps our clients take their knowledge from the theoretical and apply it in the real world.

WORKPLACE SAFETY & INSURANCE

- **We advise employers and workers on all matters involving the Workplace Safety and Insurance Act (Workers’ Compensation).**
- **We advise employers with respect to the management of claims**, identifying areas where early intervention may reduce overall claims costs, cases where entitlement has been inappropriately granted, and cases where cost relief is available.
- **We advise workers about their rights under the Workplace Safety and Insurance Act**, ensuring that they understand both the financial benefits and rehabilitative supports to which they are entitled.
- **We advise insurance companies** about personal injury claims that might be more appropriately pursued as Workplace Safety and Insurance matters.
- **We represent employers, workers and insurance companies at all levels of the Workplace Safety and Insurance system** - in dealing with Case Managers and other personnel at the Workplace Safety and Insurance Board, and in appeals to the Board’s Appeals Branch and to the Workplace Safety and Insurance Appeals Tribunal (“WSIAT”).
- **Working closely with Blaney McMurtry’s insurance litigation lawyers**, we bring applications to the WSIAT on behalf of insurance companies, to remove the right to bring civil lawsuits and require litigants who were injured at work to pursue Workplace Safety and Insurance remedies instead.
- **The compensation of workers** who have been injured on the job or who have contracted illnesses because of factors in the workplace is one of the most involved and contentious areas of workplace law. Blaney McMurtry has special expertise in this area and a substantial track record for helping clients advance their interests in this unique area.

RELATED PRACTICES

- Litigation & Advocacy

- Health Law
- Immigration