

## Employment & Labour

For employers, the growing complexity of legal compliance in the workplace is a major issue. CEOs, managers, and human resources professionals must cope with constantly changing legislation affecting the employment relationship. They need prompt, comprehensive response from their legal advisors.

At Torkin Manes, response is key: we're there when our clients need us. There's a union organizer at your door? A complaint of harassment has been made against a senior executive? We walk you through the steps to take while we prepare your case. But we don't stop there: we help you draft policies and procedures to minimize your exposure. From prevention to litigation, Torkin Manes is with you all the way.

Whenever possible, we prefer to be proactive, thinking ahead on creative ways to prevent problems. With a new client, we review any existing employment contracts and collective agreements, checking for any possible issues in time to take preventive action. We record when collective agreements expire and whether the client has sound HR policies and procedures in place.

In a dispute, our general approach is to seek the resolution that is in the best interest of our client, avoiding lengthy, costly, and uncertain hearings wherever possible. Where this is not possible, we thoroughly prepare to represent our clients right through to trial and appeal.

We represent clients in a wide range of industries, notably health and long-term care, municipal, construction, architecture, engineering and design, manufacturing, retail, food and hospitality, banking, professional services, insurance, pharmaceuticals, transportation, telecommunications, and automotive. We have substantial client involvement in both the private and public sectors, and in both provincially regulated and federally regulated sectors

### Employment

Our Employment & Labour Law Group advises and represents employers in the full range of employment matters, from structuring employment contracts, agreements, and policies, to applications, complaints and other proceedings under both federal and provincial legislation. We also advise and represent employers in matters before the Ontario Courts, including wrongful dismissal and departing employee litigation.

We have special expertise in matters involving privacy of employee information. Our Group advises employers on the conduct of workplace investigations and will conduct investigations ourselves, should a third party investigation be advisable.

### Human Rights

A significant portion of our practice includes advising employers on human rights issues related to hiring, disability, accommodation, discrimination, harassment, discipline and termination. We have extensive experience in dealing with all manner of alleged discrimination and/or harassment on the basis of all prohibited grounds, including (most commonly) disability, race, ethnicity, place of origin, religion, sex,

sexual orientation and family status. We provide prompt advice on human rights issues that arise in the workplace, drafting policies, conducting investigations, and helping to determine appropriate remedies, which sometimes include discipline or termination. In addition to our significant experience in the investigation, mediation and adjudication of internal discrimination and harassment complaints, all of our lawyers regularly represent clients before the Ontario Human Rights Tribunal in defence of complaints of discrimination and/or harassment in the workplace.

## Labour Relations

Torkin Manes has significant experience advising and representing employers in all aspects of labour relations, more particularly set out below.

We are well known and respected by the major unions as being firm, but fair. We regularly negotiate with the Canadian Union of Public Employees, UNIFOR (formerly Canadian Auto Workers), the Christian Labour Association of Canada, the Ontario Nurses' Association, Service Employees International Union, United Food and Commercial Workers Canada, Canadian Union of Postal Workers, Ontario Public Service Employees Union, Public Service Alliance of Canada and United Steelworkers of Canada. They view us as resolution-oriented and pragmatic, while being respectful and collaborative.

Some of our many services include advice and representation relating to:

- Employment & Human Rights
- Offers of employment, contracts, and agreements
- Hours of work, overtime, public holiday and vacation entitlements
- Advice with respect to the *Employment Standards Act* and responding to applications and appeals under the *Act*
- Workplace discipline and termination
- Maternity, parental and other leaves of absence
- Illness, disability and accessibility
- Workplace injuries and their reporting
- Pay Equity complaints and appeals
- Responding to applications for employee reinstatement rights, including those under the *Human Rights Code* and the *Canada Labour Code*
- Wrongful dismissal litigation, including mediation and including injunctive proceedings
- Different entitlements of employees, contractors and volunteers
- Workplace policies and handbooks
- Restrictive covenant issues, including litigation relating to fiduciary duties and oppression actions
- Responding and providing advice regarding union certification campaigns
- Responding to and providing advice and litigation with respect to unfair labour practice complaints
- Acting as counsel in all matters involving employers before the Ontario Labour Relations Board and the Canada Industrial Relations Board
- Collective agreement negotiations
- Applications to terminate bargaining rights

## Workplace Investigations

More and more employers are recognizing what an important tool a workplace investigation can be in discovering problems and preventing their reoccurrence.

The main objective of any workplace investigation is to provide a sound and factual basis for decisions by management. The investigation should also produce reliable documentation that can be used to support management actions.

If you are a human resources professional or a manager, you may be tasked with the responsibility for overseeing a workplace investigation. Undertaking a workplace investigation on your own may seem like an overwhelming task, given all of the complexities involved and the steps required to prepare factual and reliable documentation that will directly impact the decision of the adjudicators.

The lawyers in our Employment & Labour Group have extensive experience advising employers on how to manage the conduct of workplace investigations. Our employment lawyers have conducted numerous workplace investigations on behalf of employers. We understand what is legally required to demonstrate a thorough and objective investigation – and we understand the legal consequences of a workplace investigation that is completed inadequately.

## Workplace Investigations Training Course

### Day 1

- Introduction to Workplace Investigation
- Abuse, Discrimination, Harassment and Investigations: A Brief Overview
- Planning an Effective Investigation
- Witness Interviews and Assessing Credibility
- Gathering and Retaining Evidence
- Effective Investigative Report Writing
- A Trauma-Informed Approach to Investigations

### Day 2

- The Mock Investigation

We share our expertise through a variety of hands-on, interactive and practical workplace investigation training programs designed to meet the specific challenges facing human resources professionals and managers.

To arrange for Workplace Investigations Training or for more information on our training course, please contact us.

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