Employment Law Essentials

Need-To-Know Issues for the Modern Workplace

Employment law today is a multi-faceted field intersecting with other areas of the law to address the complex needs of the modern workplace. No longer is it just about drafting enforceable employment contracts; now it also encompasses such present-day issues as employee privacy, workforce inclusivity, remote work, data security, corporate whistle blowing, and more.

This program describes the current Canadian landscape in employment law, with additional glances at human rights law, workers’ compensation and privacy issues at work. It also explores legal developments in emerging “hot button” areas, which continue to accrue as governments adjust to the needs and challenges of the modern workforce.

Note: while not a central focus, labour relations issues and unionized workplaces will be briefly touched on so that participants can recognize areas where a different approach will be needed.

Takeaways

- Grow your awareness of federal and provincial legislation that currently regulates the workplace, as well as directions employment law might evolve
- Appreciate the employer’s obligations with respect to workers’ compensation and occupational health and safety
- Understand employees’ common law obligations regarding confidential information, duty of loyalty, fiduciary duty, etc.
- Learn the best ways to draft and implement employment contracts in order to improve their enforceability and minimize the risk of complaints and claims
- Better shelter your business by increasing your knowledge of matters pertaining to strong workplace policies, human rights obligations, intellectual property protection, and more
- Discover how business transactions affect employment obligations and common issues that arise
- Explore best practices for conducting proper workplace investigations and for terminating employment with or without cause
- Become more familiar with human rights law in tricky “hot button” areas such as prohibited acts of discrimination, pay equity and systemic discrimination
Program Content

Overview of Applicable Workplace Legislation
- Federal and provincial legislation: the Canada Labour Code, the BC Employment Standards Act, etc.

Drafting Enforceable Employment Agreements
- Defining employee status, position and remuneration
- Key contractual terms and conditions, such as termination clauses
- Common challenges to contractual enforceability

Protecting the Employer’s Business
- Workplace policies
- Intellectual property
- Common Law protection against unfair competition
- Enforceability of restrictive covenants during and after the termination of employment, including non-competition, non-solicitation and confidentiality clauses

Workers’ Compensation
- Employer and employee obligations
- Bullying and harassment complaints and compensation claims

Employment Issues Arising from the Sale of a Business
- Asset and share transactions
- Common employer issues
- Termination or transfer of employment relationships
- Handling pension plans

Workplace Investigations
- Complaint process
- Identifying the need for an investigation
- Choosing an investigator
- Whistleblower protection

Human Rights Issues at Work
- Discrimination claims
- Employment and pay equity
- Investigating and managing employee complaints
Program Content, cont’d

“You're Outta Here!” - Terminating the Employment Relationship

- Ways the employment relationship can end: without cause, for just cause, constructive dismissal and frustration
- Notice periods: statutory, contractual and common law
- Calculating reasonable notice at common law
- Employer obligations in the dismissal process
- Tort law: wrongful dismissal, defamation, intimidation, misrepresentation, intentional infliction of mental suffering, bad faith, breach of contract, etc.

Need-to-Know HR Issues

- Vicarious liability for employee misconduct
- Off-duty conduct and social media use
- Developments in workplace privacy rights: employee surveillance

Special Feature

This program includes small group discussions and case law studies built from real cases (often cases in which the program leaders were directly involved). Participants will leave equipped with concrete skills to address a wide array of issues that may arise at work.

Audience

Managers, executives and human resource professionals from the private, public and non-profit sectors will all benefit from attending.

Program Leaders

This program will be co-facilitated by at least two of the following partners at Overholt Law LLP, a boutique workplace law firm located in Vancouver. Collectively, the leaders bring a wealth of knowledge and diverse perspectives on the complex issues facing employers today.

Preston Parsons has practiced law for over 10 years. His practice includes advising both employers and employees on all types of workplace law issues, with a focus on proactive measures to prevent trouble from arising. He also advises and represents a variety of professionals in investigations and disciplinary proceedings. Over the course of his career he has appeared before the BC Supreme Court, BC Court of Appeal, BC Human Rights Tribunal, BC Labour Relations Board and more.
Program Leaders, cont’d

Jennifer Kwok has practiced law for over 10 years. Drawing on her past career as a Patrol Constable with the Vancouver Police Department, she frequently conducts workplace investigations into a wide variety of complaints, for organizations of all sizes. She also provides training and advises clients on labour and privacy matters, advocating for a proactive perspective to prevent clients from finding themselves in legal jeopardy.

Carman Overholt (Q.C.) is the founder of Overholt Law, the predecessor to Overholt Law LLP. For over 35 years he has worked with senior management and human resource professionals to ensure compliance with labour, employment and human rights legislation, and to develop policies that minimize the risk of litigation. He has appeared frequently before the BC Supreme Court, BC Court of Appeal, BC Human Rights Tribunal, BC Employment Standards Tribunal and the Canadian Industrial Relations Board in a variety of commercial and labour arbitration proceedings. He has also represented employers in connection with collective bargaining.

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