

5th

HR

Stay abreast of the latest updates to Canada-wide law in HR compliance

Legal Risks

Avoiding Liability for Non-Compliance

Workshop Included: Social Media in the Workplace: Employer Liability Issues



Course Leader
Thomas A. Roper, QC, Roper Greyell LLP



Aiyaz Alibhai, Harris & Company



Shafik K. Bhalloo, Kornfeld Mackoff Silber LLP



Lilac Bosma, HSBC Bank Canada



Nicole M. Byres, Clark Wilson LLP



Peter A. Gall, QC, Heenan Blaikie LLP



Michael Howcroft, Blake, Cassels & Graydon LLP



Randy J. Kaardal, Hunter Litigation Chambers



Jo Anne Morefield, Peoples Trust Company



Carman J. Overholt, QC, Fraser Milner Casgrain LLP

Participating Organizations

Alexander Holburn Beaudin & Lang LLP
Blake, Cassels & Graydon LLP
Boughton Law Corporation
Clark Wilson LLP
Fraser Milner Casgrain LLP
Harris & Company LLP
Heenan Blaikie LLP
HSBC Bank Canada
Hunter Litigation Chambers
Kornfeld Mackoff Silber LLP
Peoples Trust Company
Roper Greyell LLP

"Interesting case studies."

"Very beneficial, practical material."

Who Should Attend

Senior Executives, VPs, Directors & Managers in HR, Employee/Labour Relations, Employment Equity, Compensation, Benefits, Staffing, Organizational Development; In-House Counsel; Lawyers; Consultants

Course Highlights

- Hear what leading HR experts from top Canadian organizations are doing to avoid liability for non-compliance in HR practices
- Get the latest update on HR compliance requirements
- Learn how to write a clear and concise HR manual
- Explore ways to cascade HR policies and procedures throughout your organization
- Hear best practices for training managers outside the HR department in human resources policies
- Gain insight on how to implement an accommodation policy



Joe Shaw, Harris & Company LLP



Melanie Vipond, Heenan Blaikie LLP



Michael Watt, Alexander Holburn Beaudin & Lang LLP



Mike J. Weiler, Boughton Law Corporation

FACULTY

COURSE LEADER

THOMAS A. ROPER, QC

Thomas A. Roper is a Partner with Roper Greyell. He practises in the areas of labour, employment and administrative law.

CO-LECTURERS

AIYAZ ALIBHAI

Aiyaz Alibhai of **Harris & Company LLP**, focuses his practice on representing knowledge industries and organizations.

SHAFIK K. BHALLOO

Shafik Bhalloo is a Partner with **Kornfeld Mackoff Silber LLP**. He focuses on corporate commercial litigation, general civil litigation and labour and employment law..

LILAC BOSMA

Lilac Bosma is Senior Counsel in the Legal Department of **HSBC Bank Canada** specializing in HR law.

NICOLE M. BYRES

Nicole Byres is a Partner and Chair of the Labour and Employment Practice Group at **Clark Wilson LLP**.

PETER A. GALL, QC

Peter A. Gall, Q.C. is a partner with our Labour & Employment Law group and member of the firm's Executive Committee at **Heenan Blaikie**.

MICHAEL HOWCROFT

Michael Howcroft is a Partner in the Labour & Employment Group at **Blake, Cassels & Graydon LLP**.

RANDY J. KAARDAL

Randy J. Kaardal is a senior litigator with **Hunter Litigation Chambers**.

JO ANNE MOREFIELD

Jo-Anne Morefield is Director, Human Resources with **Peoples Trust Company**., where she develops and implements people strategies that support & align with strategic business objectives.

CARMAN J. OVERHOLT, QC

Carman J. Overholt Q.C., LL.B., B.A. (Hons.) is a partner with **Fraser Milner Casgrain**, representing clients in connection with employment, labour relations and human rights issues.

JOE SHAW

Joe Shaw of **Harris & Company LLP**, is a highly effective and knowledgeable labour lawyer.

MELANIE VIPOND

Melanie Vipond is a member of the Labour and Employment Law group at **Heenan Blaikie**

MICHAEL WATT

Michael Watt is leader of the Labour & Employment Practice at **Alexander Holburn Beaudin & Lang**.

MIKE J. WEILER

Mike Weiler is leader of the Employment and Labour Group at **Boughton Law Corporation**.

COURSE PROGRAM

DESIGNING & IMPLEMENTING COMPLIANT POLICIES & PROCEDURES

Effective HR compliance requires the design of proper policies & procedures that are implemented and integrated into the overall business strategy. This session will explore best practices for designing employment policies in order to avoid the risk of noncompliance.

- Avoiding ambiguities in designing employment policies
- Drafting an employment policies and procedures manual
- Compliance and enforcement issues

COMPLYING WITH KEY COMPONENTS OF THE BC EMPLOYMENT STANDARDS ACT AND REGULATIONS

The Employment Standards Act sets out the minimum standards that provincially regulated employers must provide to their employees in the workplace. This session will examine the key components of the Act, recent and expected changes in the law, defining case law and the risk of noncompliance for failing to meet these standards.

- Key requirements of the BC Employment Standards Act
- Impact of recent changes to minimum rates of pay, hours of work & overtime, vacations, statutory holidays, forms of leave and termination pay
- Opportunities to contract out of minimum standards: collective agreements or variances
- Avoiding legal risk of noncompliance including penalties and corporate officer liability

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers' papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the HR Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge HR topics as delivered at our many recent HR conferences and courses.

- *This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.*
- *For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.*
- *Attendance at this course can be reported as 12 hours of Continuing Professional Development (CPD) to the Law Society of B.C.*
- *The Barreau du Québec automatically accredits training activities held outside the Province of Quebec and accredited by another Law Society which has adopted MCLE for its members*

EMPLOYEE AND WORKPLACE PRIVACY COMPLIANCE

Privacy at the workplace is becoming a critical issue with the growing potential to monitor employees. This discussion will address how to remain privacy compliant in the collection, use and disclosure of employee information in addition to other emerging workplace privacy issues.

- Legal risks associated with employee surveillance and monitoring
- Legal obligations related to disclosure and document retention
- Establishing effective workplace privacy policies
- Privacy obligations upon termination of employment
- Impact of social media: use of social media in the hiring process

TRAINING MANAGERS IN HR POLICY AWARENESS AND COMPLIANCE

In order to truly achieve the degree of compliance demanded for in today's legal environment, managers must be made aware of its importance and requirements. This session will outline successful practices in training to avoid claims.

- Training needs and analysis: focus on avoiding claims
- Reviewing policy manual with each manager
- Communicating HR policies and achieving buy-in

TERMINATION & CHANGES TO EMPLOYMENT

This presentation will outline best practices for carrying out legally sound terminations and implementing changes to employment terms. It will also provide guidance on successful change management techniques that assist in averting business disruption while minimizing legal exposure for noncompliance.

- Statutory requirements for lawful terminations
- Legal considerations in dealing with cutbacks and temporary layoffs
- Understanding constructive dismissal and wrongful dismissal claims
- Using progressive discipline to avoid difficult terminations
- Impact of employment contracts on terminations

HUMAN RIGHTS ISSUES IN EMPLOYMENT

This presentation will examine the leading human rights issues for HR professionals and the impact of human rights related legislation across the country. It will also look at best practices for developing and implementing compliant accommodation policies and procedure.

- Key HR issues stemming from Canadian & BC Human Rights law
- Remedial powers of human rights tribunals and arbitrators
- Dealing with disabled employees: impact on employment policies, procedures and training
- Preventing & addressing human rights complaints
- Investigation of an alleged human rights issue

PREVENTING BULLYING, HARASSMENT AND VIOLENCE

Claims of bullying, harassment and violence in the workplace can lead to lawsuits as well as have a dramatic impact on morale, reputation and overall productivity. This session will detail tactical considerations in the implementation of workplace violence & harassment policies and highlight the skills and knowledge needed to effectively manage harassment in the workplace.

- Legal responsibility of employers in the face of bullying, harassment, violence
- Criminal laws addressing violence and bullying in the workplace
- Establishing a comprehensive bullying and harassment policy
- How to identify workplace bullying situations: training staff
- Conducting investigations into claims of harassment & bullying

CONDUCTING COMPLIANT WORKPLACE INVESTIGATIONS

Having effective policies & procedures in place before an investigation gets underway is critical to avoiding the legal fallout from a mishandled one. This discussion details critical strategies for avoiding the most dangerous legal snares when conducting workplace investigations.

- Legal issues surrounding surveillance: at work and elsewhere
- Uses of evidence in legal proceedings: civil vs. criminal
- Can you make an investigation report privileged?
- Legal issues when conducting an investigation in a unionized environment
- Establishing internal investigation guidelines: factors to consider

MENTAL HEALTH IN THE WORKPLACE

Bringing up the topic of mental illness with an employee can be construed as intrusive and lead to allegations of discrimination. This is just one example of potential legal issues in the context of mental health. This session will examine legal implications arising out of mental health problems and how to avoid discrimination and human rights violations.

- How allegations of discrimination may arise
- Managing mentally ill employees without infringing on their rights
- Accommodation strategies for mental health issues
- Developing effective return to work programs
- Legal considerations in assessing and handling mental health claims

HANDLING & DOCUMENTING EMPLOYEE COMPLAINTS

The way in which an employee's complaint is initially responded to will have a direct impact on how it is resolved and can mean the difference between a quick resolution and a drawn out lawsuit. This session will look at best practices for determining the merits of a complaint and how to document complaint procedures.

- Legal requirements of a grievance procedure
- Determining if a complaint is merited
- Choosing whether to handle a complaint informally or formally
- Challenges associated with documentation
- Complaint management in a unionized environment

DRAFTING COMPLIANT EMPLOYMENT CONTRACTS

One way that employers can avoid constructive dismissal claims is by drafting effective employment contracts. This presentation will provide techniques for employers to minimize the prospect of an employee succeeding in a constructive dismissal claim.

- Proper drafting to end the prospect of a constructive dismissal claim
- Notice requirements
- Factors in determining enforceability
- Enforceable non-compete and non-solicitation clauses
- Drafting enforceable termination clauses to limit liability

WORKSHOP

SOCIAL MEDIA IN THE WORKPLACE: EMPLOYER LIABILITY ISSUES

The dramatic rise in the use of social media both in and out of the workplace presents HR challenges to employers. This workshop will examine the evolving law and explore key legal risks stemming from employee use of social media.

- Key risks when managing the use of social media in the workplace
- Developing clear employee social media policies
- Developing case law
- Expectation of privacy of employees and how this is managed
- Addressing the possible liability areas through employment contracts and policies

Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

Latest Legal Developments Impacting HR Practices: Emerging Risks of Non-Compliance

Barry A. Kuretzky
Kuretzky Vassos Henderson LLP

Complying With Key Components of the Employment Standards Act

Matthew L.O. Certosimo
Borden Ladner Gervais LLP

Employment Practices Liability Risk Management

Mary A. Porjes
Porjes Walsh

Employee and Workplace Privacy Compliance

Karen M. Sargeant
Fasken Martineau DuMoulin LLP

Training Managers in HR Policy Awareness and Compliance

Sarah Crossley
Norton Rose OR LLP

Changes Affecting Terms of Employment

Blair McCreddie
Fraser Milner Casgrain LLP

Human Rights Issues

Julie McAlpine Jeffries, BA, LLB, LLM
University of Toronto

Case Studies: Preventing Workplace Violence and Harassment

Normand Côté
Bank of Montreal

Risks Associated with Employees' Use of Social Media

Michael T. Gray, MIR
Durham Catholic District School Board

HR Record Management Compliance

Andrew P. Sebastian
Wardrop Engineering Inc., a Tetra Tech Company

Conducting Compliant Workplace Investigations

Alev Hincer, MBA, CHRP
Linde Canada Limited

Designing & Implementing Compliant Policies & Procedures

Peter Israel
Israel Foulon LLP

Linking HR Compliance

Pierre Lebel
pm2 - Performance Measurement & Management

Employment Practices Liability Risk Management (Panel discussion)

Pierre Lebel
pm2 - Performance Measurement & Management

Employee & Workplace Privacy Compliance (Panel Discussion)

Pierre Lebel
pm2 - Performance Measurement & Management

HR Compliance Questions

Cheryl Wallace
FinanciaLinx Corporation

HR Audits: Best Practices in Strategic Measurement & Management

Peter Watson
pm2 - Performance Measurement & Management

Labour Relations Policies & Compliance

Robert W. Kitchen
Borden Ladner Gervais LLP

Latest Legal Developments: HR Compliance Requirements

Soma Ray-Ellis
Himelfarb Proszanski LLP

Handling & Documenting Employee Complaints

Barbara Benoliel
Preferred Solutions Inc.

Employment Practices Liability (EPL) Risk Management

Alexandra Kindbom
Marsh Canada Limited

Reducing Your Labour Costs While Minimizing Liability

Stuart E. Rudner
Miller Thomson LLP

Aligning HR Policies Procedures & Practiced Post M&A

Charles Kingsley Marful
Ernst & Young LLP

Designing Employment Policies and Procedures

Hugh A. Christie
Gowling Lafleur Henderson LLP

Proving the Value of Your HR Services: Best Practices in Strategic Measurement Ad Management

Brett Knowles
pm2

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Metropolitan Hotel Vancouver, 645 Howe Street, Vancouver, BC, V6C 2Y9

Conditions: Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to November 7, 2012. No refunds will be issued after this date.

Discounts: Federated Press has special team discounts. Groups of 3 or more from the same organization receive 15%. For larger groups please call.

Payment must be received prior to November 14, 2012

Phone: 1-800-363-0722 Toronto: (416) 665-6868 Fax: (416) 665-7733

TO REGISTER FOR HR LEGAL RISKS	REGISTRATION COSTS
Name _____	NUMBER OF PARTICIPANTS: <input style="width: 50px; height: 20px;" type="text"/>
Title _____ Department _____	COURSE: \$1975
Approving Manager Name _____	COURSE + PROCEEDINGS CD-ROM: \$1975 + \$175 = \$2150
Approving Manager Title _____	PROCEEDINGS CD-ROM: \$599
Organization _____	NOTE: Please add 13% HST to all prices.
Address _____	Proceedings CD-ROM will be available 60 days after the course takes place
City _____ Province _____ Postal Code _____	Enclose your cheque payable to Federated Press in the amount of:
Telephone _____ Fax _____ e-mail _____	<input style="width: 150px; height: 30px;" type="text"/>
Please bill my credit card: <input type="checkbox"/> AMEX <input type="checkbox"/> VISA <input type="checkbox"/> Mastercard	GST Reg. # R101755163
# _____ Expiration date: ____ / ____	PBN#101755163PG0001
Signature: _____	For additional delegates please duplicate this form and follow the normal registration process
Payment enclosed: <input type="checkbox"/> Please invoice. PO Number: _____	
WHEN CALLING, PLEASE MENTION PRIORITY CODE: HRLR1211/E	
MAIL COMPLETED FORM WITH PAYMENT TO: Federated Press P.O. Box 4005, Station "A" Toronto, Ontario M5W 2Z8	