

2019 Annual Conference Program

Thursday, September 12, 2019

10:30 am – 5:00 pm **Conference Registration** – *Ballroom A-B Foyer*

10:30 am – 12:30 pm **Board of Directors Meeting** – *Chaudiere Room*

12:45 pm – 1:00 pm **Welcome** – *Ballroom A-B*

1:00 pm – 2:10 pm **#What'sNext? How Employers are grappling with challenges two years after #MeToo** – *Ballroom A-B*

This panel will discuss some of the most difficult challenges employers face when a workplace harassment complaint is received, including: whether, when and how to investigate, and what steps can be taken to manage in a culture where harassment complaints are either routinely filed or rarely filed due to fears of retaliation. The panel will debate whether investigation is an inevitable next step or can be refused; consider clients' options when managing serial/vexatious complainants and ask whether they can ever be fired; examine ADR mechanisms when mediation has been declined; consider policy content to allow employers to be agile/flexible in responding to complaints, as well as the needs of the parties and the workplace more broadly both during and after an investigation. The panel will also discuss communications to employees before, during and after an investigation and how to best address workplace rumours. The panel will consider how to assist clients once an investigation report has been issued with outcomes that may involve damaged teams finding a way to work together again, changes in reporting relationships requested by an employee or manager, ongoing fears of retaliation, and broader cultural shifts that may be required.

Chair: Jean Torrens, MLT Aikins LLP, Calgary, AB

Lisa Southern, Southern Law, Vancouver, BC

Amanda Sarginson, NAV CANADA, Ottawa, ON

Michelle Willette, Cox & Palmer, St. John's, NF

2:10 pm – 3:10 pm **OHS Session: Deep in the Trenches: Practical Tips in Defending OHS Charges** – *Ballroom A-B*

An action-packed panel built around one or more scenarios, this panel will provide you with: practical tips for defending OHS charges; guidance on how to establish due diligence; and best practices for documenting due diligence.

Chair: Ryan Conlin, Stringer LLP, Toronto, ON

Loretta Bouwmeester, Mathews Dinsdale & Clark LLP, Calgary, AB

Eric Thibaudeau, Langlois, Montréal, QC

Nadine Zacks, Hicks Morley Hamilton Stewart Storie LLP, Toronto, ON

3:10 pm – 3:30 pm **Break / Pause** – *Ballroom A-B Foyer*

3:30 pm – 4:30 pm **Practice Corner 2.0: Tips For the Use of Social Media Evidence in Hearings / Trials** – *Ballroom A-B*

This panel will provide a practical and demonstrative session on the use of social media evidence in trials and hearings. This interactive A to Z panel will review how to capture, preserve, introduce and present social media evidence. The session will address the interplay between social media evidence and the rules of evidence.

Chair: Henry Dinsdale, Hicks Morley Hamilton Stewart Storie LLP, Toronto, ON

Paul McLean, Mathews Dinsdale & Clark LLP, Vancouver, BC

Robyn Jarvis, Harris & Company LLP, Vancouver, BC

- 4:30 pm – 5:00 pm **Annual General Meeting (all members welcome)** – *Ballroom A-B*
- 5:45 pm – 6:30 pm **Corporate Counsel Only - Private Networking Reception**
– *Pinacclle / Panorma Room*
- 6:30 pm – 8:30 pm **“Meet & Greet” Reception - All Welcome – cocktails and hors d'oeuvres (dinner on own)** – *Pinacclle / Panorma Room*
- 8:30 pm – 11:00 pm **Thirsty Thursday Social** – *Bier Markt, 156 Sparks Street*

Friday, September 13, 2018

7:30 am – 8:30 am **Continental Breakfast and Registration** – *Ballroom A-B Foyer*

8:30 am – 9 :40 am **Cross-Country Problems: This Year's Biggest Issues Facing Labour Practitioners and Strategic Input for Resolving Them** – *Ballroom A-B*

This panel is not to be missed. Experienced labour law panelists from across the country will discuss trending/pressing labour law issues. You will hear about issues faced by the panelists in their practices and what they see on the horizon. The focus of this panel will be on issues/trends that are or may be of national importance. This interactive panel will leave you with strategic input and practical labour law takeaways.

Chair: Rebecca Saturley, Stewart McKelvey, Halifax, NS

Adrian Frost, Thompson Dorfman Sweatman LLP, Winnipeg, MB

Hugh McPhail, McLennan Ross LLP, Edmonton, AB

Myriane LeFrançois, Borden Ladner Gervais LLP, Montréal, QC

Donald Jarvis, Fillion Wakely Thorup Angeletti LLP, Toronto, ON

Marcia McNeil, Pulver Crawford Munroe LLP, Victoria, BC

9 :40 am – 10:40 am **WAKE UP: Pay Equity is Knocking at Your Clients Door!** – *Ballroom A-B*

Recent pay equity developments and trends need to be on our collective radar. More importantly, we need to educate our clients about the trends in this area so that they can take proactive steps. The panel will review the recent legislative changes to address pay equity, offer practical insight on its application, including in the context of recent tribunal hearings, and address steps our clients should be taking so that they are ready when pay equity knocks at their doors.

Chair: Karen Jensen, Norton Rose Fulbright Canada LLP, Toronto, ON

Raquel Chisholm, Emond Harnden LLP, Ottawa, ON

Evan Vandyk, Toronto Dominion, Toronto, ON

Frederic Massé, Borden Ladner Gervais LLP, Montréal, QC

10:40 am – 11:00 am **Break** – *Ballroom A-B Foyer*

11 :00 am – 12:00 pm **Challenging Terminations: It's More Than a With Cause or Without Cause Termination!** – *Ballroom A-B*

This panel will leave you with plenty of practical tips to assist in managing challenging termination requests from clients, including: during statutorily-protected leaves; while on a work visa; during sick leave; when returning from a lengthy pregnancy/parental leave or sick leave; in the federal context in the post-*Wilson* world in the absence of just cause (and in other jurisdictions with similar protections).

Chair: **Jamie Jurczak, Taylor McCaffrey LLP, Winnipeg, MB**

Shana Wolch, McCarthy Tétrault LLP, Calgary, AB

Chris Deehy, Lapointe Rosenstein Marchand Melancon, Montréal, QC

Ian Campbell, Fasken Martineau DuMoulin LLP, Toronto, ON

12:00 pm – 1:30 pm **Lunch** – *Ballroom C*

1:30 pm – 2:30 pm **Human Rights Session - Too Hot to Accommodate: Challenging Accommodation Requests** – *Ballroom A-B*

This panel will discuss the most difficult and challenging accommodation requests we receive as practitioners and offer practical advice/solutions. The panel will address issues such as: accommodation requests restricting the management of employees (eg. mental health claims that an employee cannot work with a particular manager/co-worker or must work from home due to stress at work); accommodations involving unique/fringe addictions (eg. porn/sex addictions); and accommodations involving competing human rights (eg. religious practices).

Chair: **Marino Sveinson, Pulver Crawford Munroe LLP, Vancouver, BC**

Brittany Carson, Lavery, de Billy LLP, Montréal, QC

Clarence Bennett, Stewart McKelvey, Fredericton, NB

Simon-Pierre Paquette, Canadian National Railway Company, Montréal, QC

2:30 pm – 3:30 pm **Privacy Session – Employee Snooping: The Rise of Little Brother in the Workplace** – *Ballroom A-B*

This panel will explore the most common data breaches, “employee snooping” from the employment law perspective. Many of these cases have spawned class action lawsuits across Canada and there appears to be a tendency of arbitrators to disallow automatic termination for such misconduct. The Panel will explore this phenomenon with an eye towards the creation of policies for employers to permit “zero tolerance” for snooping and to possibly limit the employer’s liability by making it clear that engaging in employee snooping is done so as a “frolic of one’s own”. The Panel will introduce model policies with explanatory guidance.

Chair: **David Fraser, McInnes Cooper, Halifax, NS**

Meghan Cowan, Aird & Berlis LLP, Toronto, ON

de Lobe Lederman, Blakes Cassels Graydon LLP, Calgary, AB

3:30 pm – 3:50 pm **Break** – *Ballroom A-B Foyer*

3:50 pm – 4:50 pm **What's Mindfulness Got to do With it: Cultivating Resilience, Leadership and Success** – *Ballroom A-B*

Joy Noonan is an accomplished lawyer turned labour mediator who, after several hundred mediations, found herself disheartened by the repeated, harmful cycles of workplace dysfunction and conflict she was observing. Regularly asked to mediate situations that had gotten past any easy management intervention, she found herself searching for a logic-based vehicle to help organizations ease this cycle of 'reactivity'.

In 2015, Joy joined the ranks of the internationally renowned Potential Project (partnered recently with Harvard School of Business) to help bring "mindfulness at work" into leadership at an organizational level. In this session, Joy will discuss the idea behind the Potential Project, what drew her to it and discuss why major organizations have become so deeply interested in this kind of training for their leadership. She will speak about the myth of multi-tasking, focused awareness and what it really means to "work mindfully" in today's over-stimulated world. Joy will also share some of the powerful results that this kind of practice is delivering to PP clients, to her work as a mediator - and how we in the legal profession might begin to bring this concept credibly into our own workplaces, into our legal practices ... and into our lives. The discussion will include the power of mindfulness tools in mediations, hearings and when advising clients who are managing workplace conflicts.

Introduction by: Mark Crestohl, Accenture, Inc., Toronto, ON

Speaker: Joy Noonan, Aptus; mediator/arbitrator, Ottawa, ON

6:15 pm - 6:30 pm **Meet Buses for Transportation to Reception & Dinner** – *Albert Street Exit*

6:30 pm - 7:30 pm **Reception** – *The Canadian War Museum*

7:45 pm **Dinner** – *The Canadian War Museum*

9:45 pm – 10:00 pm **Meet Buses to Go Back to Hotel or to Heart & Crown** – *War Museum Entrance*

10:00 pm **An Evening at Ottawa's Irish Village** – *Heart & Crown (Byward Market), 67 Clarence Street*

Saturday, September 14, 2019 / Samedi, le 14 septembre 2019

8:00 am – 9:00 am **Breakfast** – *Ballroom C*

9:00 am – 10:10 am **Is This Really Happening? A Cross-Canada Review of the Top Issues and Trends in Employment Law** – *Ballroom A-B*

Panelists on this interactive panel will discuss trending/pressing employment law issues from across the country. You will hear about key issues faced by the panelists in their practices and in their jurisdictions. The focus of this interactive panel will be on major issues/trends that are or anticipated to be of national importance. The panel will also provide strategic input and practical takeaways.

Chair: Jonathan Dye, Fillion Wakely Thorup Angeletti LLP, Toronto, ON

Jana Linner, MLT Aikins LLP, Regina, SK
Kyle MacIsaac, Mathews Dinsdale & Clark LLP, Halifax, NS
Matthew CooperWilliams, CooperWilliams Law, Vancouver, BC
Hélène Bussièrès, Stikeman Elliott, Montreal, QC
George Vuicic, Hicks Morley Hamilton Stewart Storie LLP, Ottawa, ON

10:10 am – 10:30 am **Break** – *Ballroom A-B Foyer*

10:30 am – 11:40 am **Walking the Line: Let's be Frank!** – *Ballroom A-B*

This panel will discuss counter-organizing strategies, discuss the dark side of organizing and counter-organizing strategies and consider both the legality and the ethics of client-proposed strategies. The core theme of the panel will focus on the fact that the battles in organizing and counter-organizing are not fought in the courts or before labour tribunals. The panel will consider practical and innovative strategies to deal with union organizing.

Chair: Jack Graham, Q.C., McInnes Cooper, Halifax, NS

Gavin Hume, Q.C., Harris & Company LLP, Vancouver, BC
Claude Dufresne, Loranger Marcoux Avocats s.e.n.c.r.l., Montréal, QC
Sundeeep Gokhale, Sherrard Kuzz LLP, Toronto, ON

11:40 am – 11:55 pm **Closing Remarks** – *Ballroom A-B*