

2016 HOT BUTTON HR LEGAL ISSUES FOR EDUCATION PROFESSIONALS



Get a practical, up-to-date understanding of the complex and often thorny human resource legal issues facing the education sector and strategies about how to manage them. Our expert faculty will discuss:

- The top 2016 HR issues facing educators
- Privacy rights: striking the right balance
- Best practices in conducting workplace investigations
- The human rights of staff vs students: how should you prioritize?
- What are the implications when your board ignores inappropriate behaviour?
- Employer obligation to provide a safe workplace

Plus! Apply what you have learned with the **Interactive Case Study!** A chance to engage about the issues, strategies and best practices you can add to your HR toolkit.

Learn the key issues and tactics you can immediately put to use in your workplace

Endorsed By



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Chair

Jennifer Trépanier, Keel Cottrelle LLP

Date and Time

April 18, 2016
8:30 a.m. - 3:30 p.m. EST

Location

Osgoode Professional Development
1 Dundas St. W., 26th Floor
Toronto, ON

Webcast Available



2016 HOT BUTTON HR LEGAL ISSUES FOR EDUCATION PROFESSIONALS

Budget cuts, changes in technology, and a constantly evolving legal landscape all contribute to increasingly complex HR challenges in the education sector. What do you do when your investigation reveals improper conduct? How do you balance competing human rights? What are your obligations for your employees' mental health? These and other challenges make it imperative that you have a clear understanding of the law, its implications, and your obligations.

This *OsgoodePD* program focusses on the most critical human resource issues facing school boards today. You will hear about the top issues in 2015 including:

- Student-teacher harassment: legal implications for school boards
- Off-duty employee-employee conduct and the potential for employer liability
- Video surveillance and monitoring of staff
- The National Standard on Psychological Health & Safety in the Workplace

This is an essential course for those involved in human resources in Ontario's education system. You will walk away with a better understanding of the issues you face on a daily basis and the confidence to face them head on.

Plus! Don't miss the practical **Case Study** that will carry through the day which will give you tools, strategies and best practices to handle these challenging HR issues in your organization.

REGISTER NOW

by visiting osgoodepd.ca



Chair

Jennifer Trépanier, *Keel Cottrelle LLP*

Faculty

Jane M. Gooding, *Filion Wakely Thorup Angeletti LLP*

Kimberley Ishmael, *Keel Cottrelle LLP*

Craig A. Lewis, *RZCD Law Firm LLP*

Sapna Mahajan, *Director, Prevention and Promotion Initiatives, Mental Health Commission of Canada*

Nicola Simmons, *Keel Cottrelle LLP*

Glenn Stuart, *StuartLaw*

Robyn White, *Cavalluzzo Shilton McIntyre Cornish LLP*

Meaghen A. Russell, *Filion Wakely Thorup Angeletti LLP*

WHO SHOULD ATTEND

- School Administrators
- Superintendents of HR
- Directors of HR
- Managers of HR
- HR Consultants
- Teachers
- Supervisory Officers
- School Trustees
- Directors of Education
- School Board staff
- Representatives from Federations, the Ministry of Education, and Ontario College of Teachers
- Representatives from School Board/education related associations
- Advocates for students and parents
- Education lawyers

Do you understand your legal obligations and risks well enough to make efficient, sound and confident decisions?



AGENDA

8:00

Registration and Continental Breakfast

8:30

Welcome and Introduction from the Chair

JENNIFER TRÉPANIÉ, *Keel Cottrelle LLP*

To prepare you for the day's sessions, the program Chair will present a complex fact scenario that's designed to get you thinking about issues that will be discussed throughout the day, including:

- Mental health and accommodations
- Conducting workplace investigations
- Privacy rights: striking the right balance

8:50

Top HR Issues Facing Educators in 2016

JENNIFER TRÉPANIÉ, *Keel Cottrelle LLP*

CRAIG A. LEWIS, *RZCD Law Firm LLP*

A concise update on the current and critical HR legal issues in 2016 and the potential implications for school boards, including:

- Student-teacher harassment: implications for school boards
- Heightened human rights damage awards on the basis of sex discrimination
- Does "family status" include elder care?
- Age discrimination: what you need to be aware of
- Damages awarded to an employee fired due to pregnancy
- Off duty employee conduct: when employer may be liable
- What you need to know about indefinite administrative suspensions and constructive dismissal

10:05

Refreshment Break

10:20

Understanding the Latest on Privacy Rights and Obligations for School Boards

NICOLA SIMMONS, *Keel Cottrelle LLP*

KIMBERLEY ISHMAEL, *Keel Cottrelle LLP*

Using a practical approach, the facilitators will walk you through best practices and current law related to the very latest privacy issues facing school boards, including:

- Privacy considerations when conducting workplace investigations
- GPS tracking

- Video surveillance and monitoring of staff
- Employer-issued computers: recent decisions of interest
- Employee use of social media & potential privacy implications
- Striking the right balance between employee/employer rights
- Best practices in implementing privacy policies in the workplace
- Top privacy cases in 2016

11:10

Challenges and Best Practices in Balancing The Human Rights of Staff and Students

GLENN STUART, *StuartLaw*

- Competing rights: overview of the key challenges
- Strategies for determining how to prioritize competing rights
- Student human rights issues vs teacher/staff right to a safe workplace: how to strike the right balance
- Pre-empting conflict of rights versus responding to conflict of rights

12:00

Luncheon

12:45

Strategies for Conducting Effective Workplace Investigations

MEAGHEN A. RUSSELL, *Filion Wakely Thorup Angeletti LLP*

JANE M. GOODING, *Filion Wakely Thorup Angeletti LLP*

- School board obligation to investigate where potential exists for negative impact on the school
- Investigation strategies to address inappropriate behavior involving students or co-workers including: off-duty conduct; pornography; cyber bullying
- Consequences of a school board's failure to reasonably investigate
- Investigation best practices including:
 - Who should conduct investigation?
 - Resources/skills required to conduct effective investigation
 - Union roles
 - Evidentiary issues
- Review of recent cases focusing on workplace investigations

1:30

Employee Mental Health: From Obligation to Accommodation

SAPNA MAHAJAN, *Director, Prevention and Promotion Initiatives, Mental Health Commission of Canada*

ROBYN WHITE, *Cavalluzzo Shilton McIntyre Cornish LLP*

- Impact of mental health issues in the workplace: statistical, economic and social
- Employer obligation to provide a safe workplace
- Potential consequences for failing to fulfill your obligations
- Review/analysis of the first National Standard on Psychological Health & Safety In the Workplace
 - Why invest in employee mental health?
 - Development of processes and structures in the workplace to address psychological health & safety
- Case study review: a look at implementation challenges, opportunities & barriers in the education sector
- The evolution of the law: moving towards mental health accommodations and obligations
- Current developments around mental health stress claims; WSIB claims; grievance claims; accommodations; return to work

2:15 Refreshment Break

2:30 HR Case Study Analysis: Bringing it All Together

JENNIFER TRÉPANIÉ, *Keel Cottrelle LLP*

JANE M. GOODING, *Filion Wakely Thorup Angeletti LLP*

ROBYN WHITE, *Cavalluzzo Shilton McIntyre Cornish LLP*

In this final session of the day, these experts will focus on the key topics/issues of the day and what lessons can be taken away. This is an excellent opportunity to hear from and engage these experts on how you can take the knowledge you have gained from the day's sessions and apply it directly into your school or board setting.

3:30 Program Concludes



Eligible CPD/MCLE hours:

LSUC (ON): 6.25 CPD Hours (1.0 Professionalism; 5.25 Substantive)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca

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Fee Per Delegate

\$525 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

Date & Time

April 18, 2016

8:30 a.m. to 3:30 p.m. EST

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 5 days prior to the program date. No other refund is available.



4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
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2. **ONLINE** at
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4. **CALL US** at 416.597.9724 or 1.888.923.3394