

Approved by HRP A for
30 Continuing Professional
Development hours



The Osgoode Certificate in HR Law for HR Professionals

*"Would recommend this program to my HR colleagues in a heartbeat!
Great way for HR professionals to deliberate and discuss issues in HR today.
Very relevant and practical."*

Nancy Quattrocchi, Vice-President, Corporate Services
Canadian Foundation for Healthcare Improvement

March 1 - April 6, 2016 | 5 Modules over 6 Weeks | Toronto, Canada



Human Resources
Professionals
Association



Why You Should Attend

Program Details

Dates

Module One

Critical Issues in the Hiring Process / Navigating the *Employment Standards Act*
March 1, 2016

Module Two

Equity, Diversity and Accommodation: Human Rights at Work / Occupational Health and Safety Compliance in Ontario
March 8, 2016

Module Three

Conducting Workplace Investigations
March 22, 2016

Module Four

Terminating the Employment Relationship: Minimizing Your Legal Exposure
March 30, 2016

Module Five

The Workplace in the Social Media Age: Confronting the Challenges / Afternoon Group Exercise: Pulling it All Together
April 6, 2016

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

For Further Program-Related Information

Please contact:
Paul Truster, Program Lawyer
at 416.597.9733 or email
ptruster@osgoode.yorku.ca

In the increasingly complex and litigious employment world, HR professionals need a solid understanding of the many laws and procedures governing the employment relationship, and the legal risks that can arise in the workplace. Failure to follow the rules and to anticipate and properly manage risk can result in serious financial and reputational damage for your organization, its board, managers, supervisors and others. You need to know what to do and when.

Now in its eighth offering, *Osgoode's Certificate in HR Law for HR Professionals* was specifically designed by and for human resource professionals. In five consecutive one-day modules, co-chairs Stuart E. Rudner and Natalie C. MacDonald and an experienced, multi-disciplinary faculty will provide you with cogent, practical advice and strategies on how to be proactive and avoid costly mis-steps. There will be plenty of opportunities for questions, discussion and debate. The focus is on practical learning that you can put to work immediately. Take advantage of this opportunity to connect with and learn from experts and peers who share your challenges.

What You Will Learn

- Impact of social media in the hiring process
- Drafting employment agreements: dos and don'ts
- Navigating the *Employment Standards Act*, including overtime pay, minimum wage, leaves of absence, pregnancy leave, personal emergency leave, employees' obligations when on leave, termination of employment and severance pay
- Occupational Health and Safety: the key provisions
- How evolutions in workplace violence and domestic abuse law impact employment relations
- Refusing unsafe work and assessing legitimacy of refusals: practical considerations
- Equity, diversity and accommodation, including tips and tools for reducing discrimination complaints and protecting your organization against claims
- Practical strategies regarding the duty to accommodate
- A comprehensive guide to conducting workplace investigations: the investigative process, pre-investigative steps, interviewing, making a finding and remedies
- Terminating the employment relationship and minimizing your legal exposure
- References: what you can and cannot do
- Releases (and the impact of releases on a subsequent human rights complaint)
- The workplace in the social media age: confronting the challenges and risks

Who Should Attend

- HR Professionals/Executives
- VPs/Directors/Managers of Human Resources
- VPs/Directors/Managers of Labour Relations
- Supervisors and Managers
- Disability and Return to Work Managers
- Training and Benefits Specialists
- HR Consultants
- Mediators and Arbitrators of Employment and Labour Law Disputes
- Employment and Labour Relations Consultants
- Business Owners



THE OSGOODE CERTIFICATE IN HR LAW FOR HR PROFESSIONALS

Across five intensive, one-day modules, the essential elements of HR law will be delivered by a multi-disciplinary faculty with years of experience in a variety of workplaces. Classes are taught using a blended-delivery method that includes lectures, case studies and group and class discussions. Practical approaches and solutions are emphasized.

THE CURRICULUM

MODULE ONE

March 1, 2016, 9:00 a.m. – 4:30 p.m.

Critical Issues in the Hiring Process / Navigating the *Employment Standards Act*

Morning Session

- Writing job descriptions: dos and don'ts
- Screening and interviewing job applicants
- The impact of social media in the hiring process
- Privacy obligations
- Negligent misrepresentation and inducement
- Drafting employment agreements – key components and format
- What clauses should always be included?
- Employment duties
- Compensation, benefits and bonuses
- Termination provisions
- Non-competition, confidentiality and restrictive covenants

Faculty

Michelle S. Henry, Borden Ladner Gervais LLP

Richard J. Nixon, Davis LLP

Afternoon Session

This intensive session is designed to deepen your knowledge of the *Employment Standards Act, 2000*. There will be ample opportunity for questions and discussion.

- The scope of the *ESA*: who's covered by it, and who's not?
- Hours of work; overtime pay; minimum wage; public holidays
- Vacation with pay
- Equal pay for equal work
- Leaves of absence – when does an employee qualify?
 - Pregnancy leave; parental leave; family medical leave
 - What obligations do employees have when on leave?
 - Tips for devising appropriate leave policies
- Termination of employment
 - General notice requirements
 - Individual vs. mass terminations – what are your obligations?
 - What are the requirements during the notice period?
 - Calculating severance pay
- Complaints and enforcement

Faculty

Karen R. Bock, Davis LLP

Barry Kuretzky, Kuretzky Vassos Henderson LLP

MODULE TWO

March 8, 2016, 9:00 a.m. – 4:30 p.m.

Equity, Diversity and Accommodation: Human Rights at Work / Occupational Health and Safety Compliance in Ontario

Morning Session

- The Ontario *Human Rights Code* – application and scope
- Guidance for interpreting the *Code*
- What is discrimination?
 - Sex discrimination
 - Race discrimination
 - Disability discrimination
 - Age discrimination
 - Religious beliefs
 - Sexual orientation
- Strategies to prevent/address human rights issues
- Duty to accommodate requests regarding
 - Family status
 - Aging workers
 - Observance of religious beliefs
 - Sexual orientation
 - Addiction
- **Workshop:** Human rights and accommodation group exercise – an opportunity to delve more deeply into the tricky area of workplace accommodation using real examples.

Faculty

R. Mark Fletcher, Grosman, Grosman & Gale LLP

James Heeney, Robinson Heeney LLP

Afternoon Session

A Practical Guide to Occupational Health and Safety Compliance in Ontario

- Workplace parties: who is an employer, who is a worker?
- Joint health and safety committees: duties and responsibilities
- Refusing unsafe work
- Facing the Challenges under Bill 168
- Due diligence: meeting the standards of your industry
- What happens if there is an accident? A checklist of dos and don'ts
- Workplace violence and domestic abuse

Faculty

Robert England, Miller Thomson LLP

Natalie C. MacDonald, Rudner MacDonald LLP

Michelle D. MacGillivray, Miller Thomson LLP

MODULE THREE

March 22, 2016, 9:00 a.m. – 4:15 p.m.

Conducting Workplace Investigations

Failure to stay on top of issues and to conduct a proper investigation can expose your organization to considerable risk. When faced with allegations of employee workplace misconduct you must be equipped to conduct a proper and effective workplace investigation. You need to know when to act and how. To do so, you must be aware of the laws that govern the investigative process and the problems and pitfalls that can trap the unwary.

The Investigative Process and Pre-Investigative Steps

- Objective of the investigation
- Role of advisors and role of the investigator
- Getting it in writing
- Preparing an investigation plan – exercise: prepare the plan
- Documentation

Interviewing

- Listening skills – active listening exercise
- What to tell the complainant, respondent and witnesses
- Creating the right questions
- Why people are reluctant to complain
- Confidentiality
- Off-the-record statements

Making a Finding and Preparing the Report

- One person's word against another's
- Assessing credibility
- The burden of proof
- Similar fact evidence

After a Finding

- Remedies to consider
- What if the complaint is malicious?
- Preventing retaliation and further incidents: tips and tools

Faculty

Sarah C. Crossley, Norton Rose Fulbright Canada LLP

Kevin Robinson, Robinson Heeney LLP

Krista Siedlak, Turnpenney Milne LLP

MODULE FOUR

March 30, 2016, 9:00 a.m. – 4:30 p.m.

Terminating the Employment Relationship: Minimizing Your Legal Exposure

- Statutory requirements for lawful terminations
- Drafting the termination letter: what should go in it and what shouldn't
- Dismissal for just cause: tips for building and documenting the case
- Can an employee's off duty (or pre-hire) conduct amount to just cause?
- The effect of condoning misconduct
- Termination without cause: best practices

- Structuring the severance package – dealing with claims for bonuses, commissions, pension plans, life and health benefit extensions
- Important considerations relating to large scale terminations
- Releases that work
- What impact will a release have on a subsequent human rights complaint?
- Requests for references: what should you do?
- The role of arbitration and mediation in the context of terminations

Faculty

Jennifer M. Fantini, Borden Ladner Gervais LLP

Chris Foulon, Israel Foulon LLP

Lisa Goodfellow, Miller Thomson LLP

Natalie C. MacDonald, Rudner MacDonald LLP

MODULE FIVE

April 6, 2016, 9:00 a.m. – 4:15 p.m.

The Workplace in the Social Media Age: Confronting the Challenges / Afternoon Group Exercise: Pulling it All Together

Morning Session

Social media is an area of law that is rapidly developing as one of the most interesting and complex in the employment relationship. Our expert faculty tackles the major potential pitfalls facing employers in this area today. Topics include:

- The prevalence of social media: what are the major concerns
- Using social media in the hiring process
- The ownership of social media accounts
- Tips for adapting the employment contract to address social media issues
- The impact of social media on restrictive covenants
- Confidentiality conundrums
 - the "rogue" employee – monitoring the employee's online activity and disciplining offenders
- The employee's expectation of privacy inside and outside the workplace
- Tips for developing a social media policy

Faculty

Stuart E. Rudner, Rudner MacDonald LLP

Lisa Stam, Koldorf Stam LLP

Afternoon Session

Group Exercise: Pulling it All Together

Advance your practical skills by applying your experience and the knowledge you've learned in the program to a realistic case study that raises challenging HR law issues - issues you are likely to encounter regularly within your organizations.

Faculty

Natalie C. MacDonald, Rudner MacDonald LLP

Stuart E. Rudner, Rudner MacDonald LLP



The *Osgoode Certificate in HR Law for HR Professionals* draws on the expertise and experience of leading HR and legal experts, including:

Karen R. Bock, Davis LLP

Sarah C. Crossley
Norton Rose Fulbright Canada LLP

Robert England
Miller Thomson LLP

Jennifer M. Fantini
Borden Ladner Gervais LLP

R. Mark Fletcher
Grosman, Grosman & Gale LLP

Chris Foulon, Israel Foulon LLP

Lisa Goodfellow, Miller Thomson LLP

James Heeney, Robinson Heeney LLP

Michelle S. Henry, Borden Ladner
Gervais LLP

Barry Kuretzky
Kuretzky Vassos Henderson LLP

Natalie C. MacDonald
Rudner MacDonald LLP

Michelle D. MacGillivray
Miller Thomson LLP

Richard J. Nixon, Davis LLP

Kevin Robinson
Robinson Heeney LLP

Stuart E. Rudner
Rudner MacDonald LLP

Krista Siedlak, Turnpenney Milne LLP

Lisa Stam, Koldorf Stam LLP

"[The best thing was] learning about social media as this is something that is everywhere. And, learning about the privacy vs. public aspect of this topic."

Ashleigh Gamez, Corporate Manager, HR, Agnico Eagle Mines, Ltd.

"Overall, this course was critical and fundamental to my being able to practice effectively in Ontario."

Dawn Bassant, Senior Consultant, Hives Management Associates

"The faculty have all been exceptional and informative. They engaged us as HR professionals to be informed with tools and relevant case law to have a positive effect in the organizations we represent. This has been a very rewarding learning experience."

Carrie Stone, Human Resources Manager, Edson Packaging Machinery Ltd.

ADVISORY BOARD

PROGRAM DIRECTORS

Natalie C. MacDonald
Rudner MacDonald LLP

Stuart E. Rudner
Rudner MacDonald LLP

ADVISORY BOARD

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of Diversity and Inclusion

Sunil Kapur, McCarthy Tétrault LLP

Richard J. Nixon, Davis LLP

Ian J. Turnbull, Director
Canadian Privacy Institute

Mardi Walker
formerly Senior Vice President, People
Maple Leaf Sports & Entertainment Ltd.

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. Osgoode Professional Development embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for human resources, health care, public procurement and other professionals.

**THE OSGOODE CERTIFICATE IN
HR LAW FOR HR PROFESSIONALS
SPRING 2016 REGISTRATION**

*"A very good program. [I] would recommend it
to any Human Resources professional."*

Sandra Penman
Human Resources Manager, Johnson Controls

Name:	Title:								
Firm/Company:	Practice Area:								
Address:									
City:	Province:	Postal Code:							
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Fee Per Delegate

\$4,295 plus HST

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Fees paid by individuals are eligible for a tuition tax credit. Dress is business casual.

Need accommodations? Check our website at www.osgoodepd.ca/hotelandparking.html

Payment Options – Payment must be made prior to the program

- ☐ Cheque enclosed (payable to York University – GST# R119306736)
☐ Bill my credit card: ☐ VISA ☐ Mastercard

Card# _____ Expiry: _____

Signature: _____

Payment Amount: _____

Program Changes

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

Location

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

For Further Program-Related Information

Please contact: Paul Truster, Program Lawyer
at 416.597.9733 or email ptruster@osgoode.yorku.ca.

Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date (March 1, 2016). Written cancellations received after February 9, 2016 will include an administration charge of \$700. No refunds will be issued after the program commences. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by February 16, 2016.

Certificate of Program Completion

You will receive a certificate upon completion of The Osgoode Certificate in HR Law for HR Professionals. Participants must attend all program modules and pass the take-home assessment to receive a certificate.

Public CLE Seminars

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4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394

