

# Human Resource Legal Issues for Education Professionals

Monday, May 11, 2020

## AGENDA

### 8:00 Registration

### 8:30 Welcome and Introduction from the Chairs

Jennifer Trépanier, Keel Cottrelle LLP  
Nicola Simmons, Keel Cottrelle LLP

### 8:35 Legislative Overview

Jennifer Trépanier, Keel Cottrelle LLP  
Nicola Simmons, Keel Cottrelle LLP

This session will review the legislative framework applicable to human resources in the education sector. It will give you an up-to-date foundation for the rest of the conference.

The legislation includes:

- The Education Act and Regulations
- Ontario College of Teachers Act
- Early Childhood Educators Act, 2007
- Teaching Profession Act
- Employment Standards Act, 2000
- Labour Relations Act, 1995
- Occupational Health and Safety Act
- Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”)
- Personal Health Information Protection Act, 2004 (“PHIPA”)
- Ontario Human Rights Code (“OHRC”)
- Criminal Code (“CC”)
- Canadian Charter of Rights and Freedoms
- Constitution of Canada
- Cannabis Act, 2017
- Cannabis Statute Law Amendment Act, 2018
- Smoke Free Ontario Act

### 9:15 Staff-Student Safety: Understanding the Occupational Health and Safety Act

- Overview of school board OHS/A obligations
- What does a risk assessment under OHS/A involve?
- Who “needs to know” about risks of violence from students?
- The impact of the OHS/A on students with special needs, their teachers and other educational workers
- What training and assistance are boards obliged to provide?
- Emergency preparedness training?
- Strategies for dealing with violent behavior at the school level

## **10:00 Refreshment Break**

## **10:15 Risk Management in the Era of Social Media**

**Marnie Baizley**, Employment, Labour & Contracts Lawyer Workplace Investigator, AWI-CH, SpringLaw

- Overview of employee privacy rights and workplace privacy law
- Freedom of expression and the Charter
- Use of workplace technology and data governance
- Discipline for social media misconduct
- Social media content ownership
- Post-employment social media conduct
- Role of policies to mitigate risk

## **11:00 Workplace Investigations, Off-Duty Conduct, Staff Discipline**

**Stephanie Strong**, Superintendent of Human Resources and Employee Relations, Dufferin-Peel Catholic District School Board

- How to manage workplace investigations
- What are a school board's obligations when there are misconduct allegations?
- Legal issues around off-duty conduct
- Understanding the discipline process
- Determining appropriate discipline in differing circumstances

## **12:15 Luncheon and Keynote Address**

### **“Navigating Mental Health in the Workplace”**

**Lawrence D. Blake**, Certified Psychological Health and Safety Advisor, Program Manager, Mental Health Works, Canadian Mental Health Association, Ontario

## **1:30 Human Rights Update**

**Wade Poziomka**, Ross & McBride LLP

**Njeri Damali Sojourner-Campbell**, Hicks Morley Hamilton Stewart Storie LLP

- Overview of the law on accommodation of employees
  - disability, family status, creed/religion, gender identity/expression
- Addressing workplace harassment
- The impact of the “me too” movement

## **2:45 Break**

## **3:00 Legal Updates in HR Law Sector**

**Christian Paquette**, Fasken Martineau DuMoulin LLP

- Overview of the latest HR cases
- Update on grievance arbitration decisions
- What are the issues being seen at education labour grievances?
- Update on the state of the collective agreements

## **3:45 Program Concludes**