

# THE OSGOODE CERTIFICATE IN ADVANCED HUMAN RESOURCES LAW FOR SENIOR HR EXECUTIVES

November 30 and December 1, 7 and 8, 2017  
4 Days  
In Person

Achieve mastery of the legal aspects of HR risk management under the guidance of top employment lawyers and HR VPs/COOs.

With distinguished panels featuring:

**Jill Bartley, CHRL**

Chief Operating Officer, cbm Canada

**Sandra Bennett**

Associate Vice-President,  
Human Resources, Durham College

**Mark Edgar**

Senior Vice President,  
Human Resources, RSA

**Andrea Garson**

Principal, Breaking Glass HR Consulting

**Donna Pascal**

Vice-President, Human Resources  
and Talent Management, Dynacare

**Betsy L. Smith**

Vice President, Human Resources,  
ECN Capital

**Gordana Terkalas**

Vice-President, Human Resources,  
Aecon Inc.

## PROGRAM DIRECTORS

**Natalie C. MacDonald**  
MacDonald & Associates

**Stuart E. Rudner**  
Rudner Law

## LOCATION

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

Register today at: [osgoodepd.ca/advanced-hr](http://osgoodepd.ca/advanced-hr)



# Drawing on the expertise and insights of top employment law counsel and HR leaders from diverse industry sectors, including:

## Program Directors



**Stuart E.  
Rudner**

Rudner Law

Stuart works with employees and employers, helping them to understand their legal rights and obligations and providing the strategic advice they need to pursue their goals. At every stage, Stuart's focus is on achieving practical, cost-effective solutions for his client.

Stuart has repeatedly been named in *Canadian HR Reporter's Employment Lawyers Directory*. In 2008, Stuart was retained to represent the Human Resources Professionals Association at the Supreme Court of Canada in the landmark employment law case of *Keays v. Honda Canada Inc.* In recent years, he has also acted as a mediator in employment-related disputes. His balanced approach has earned the respect of employers and employees as he works with them and their counsel to achieve a reasoned resolution.

Named one of Canada's top Legal Social Media Influencers, Stuart continues to expand his reach. He is the founder and moderator of the Canadian HR Law Group on LinkedIn, which now counts more than 9,000 HR professionals, lawyers and business people as members. He enjoys an ever-increasing following for his prolific Twitter updates @CanadianHRLaw and blog posts; in addition, he is regularly called upon by the media to provide his expert opinion on employment law matters. A prolific communicator, Stuart is the author of the critically acclaimed *You're Fired! Just Cause for Dismissal in Canada*, and a contributor to four other employment law texts.



**Natalie C.  
MacDonald**

MacDonald & Associates

Natalie represents both employees and employers, and assists in providing clear, practical advice, in an effort to help clients understand their rights and obligations.

Natalie has been repeatedly named among *Canada's Top Employment Law Practitioners* (a comprehensive directory of the top employment law and immigration law practitioners in Canada). One of her cases, *Antidormi v. Blue Pumpkin Software Inc.* [2004] is regarded as one of the leading decisions in the area of inducement.

Natalie is the leading authority on extraordinary damages in Canadian employment law. She is the author of the critically acclaimed and often cited *Extraordinary Damages in Canadian Employment Law* (Carswell). Natalie was Editor-in-Chief of the *Employment Bulletin* for seven years, and a regular contributor to *Canadian HR Reporter*, *Canadian Employment Law Today* and *Canadian Employer*. She is frequently called upon by the media for her expert commentary and opinion on employment law issues.

## Supporting Faculty

**Jill Bartley**

Chief Operating Officer, cbm Canada

**Sandra Bennett**

Associate Vice-President,  
Human Resources, Durham College

**Mark Edgar**

Senior Vice President, Human  
Resources, RSA

**Andrea Garson**

Principal, Breaking Glass HR  
Consulting & Course Director in Human  
Resource Management,  
York University [formerly VP of  
Human Resources at Workopolis]

**Donna Pascal**

Vice-President, Human Resources  
and Talent Management, Dynacare

**Betsy L. Smith**

Vice President, Human Resources,  
ECN Capital

**Gordana Terkalas**

Vice-President, Human  
Resources, Aecon Inc.

# The Osgoode Certificate in Advanced Human Resources Law For Senior HR Executives

Going far beyond the *Osgoode Certificate in HR Law For HR Professionals* program, this advanced Certificate program is built around an intensive **case-study method** supplemented by expert instruction and “**fireside chats**”. The focus is on analyses of, and creative responses to, thought-provoking scenarios which present serious risks of liability to your organization. The format realistically simulates the process that senior HR executives use for dealing most effectively, from beginning to end, with the most pertinent issues in the HR world.

Issues embedded in the case studies include: the legal maze of recruitment and hiring, drafting employment agreements and policies, addressing workplace performance issues, discipline and dismissal – along with what happens should the dispute head to the courtroom.

By the conclusion of this four-module program, you can expect to be significantly better informed on emerging trends in workplace law, and better placed to apply and integrate strategies to reduce your organization’s exposure to the hazards and costs of litigation.

**Enrollment is strictly limited to ensure maximum opportunity for class discussion, small-group work and individualized feedback.**

**This advanced program doesn’t duck the hard questions, but provides the strategic insights and legal knowledge needed by senior HR professionals in such areas as:**

- Drafting far-reaching provisions relating to termination, bonuses, commission, stock options, continuance of benefits, non-solicitation and non-competition clauses
- Effectively planning and managing performance: clear answers and thoughtful approaches to the challenging employee
- What must be accommodated, how far do you need to go, and how much information can you require from the employee?
- Effectively preventing or resolving harassment in the workplace
- The hydra-headed dangers in conducting workplace investigations and how to surmount them
- Avoiding or addressing the problems and pitfalls surrounding discipline and termination
- The senior HR Professional’s role and responsibilities in the context of the litigation process—regardless of whether or not the matter actually proceeds to trial

## Who Should Attend?

- Holders of the *Osgoode Certificate in HR Law for HR Professionals*; **and/or**
- Human Resources professionals with experience in the HR role and a desire to take their expertise to the next level

## Agenda

**Day 1: November 30, 2017**

**9:00 a.m. – 4:30 p.m.**

### Pre-Employment: Job Postings/Interviewing/ Drafting Employment Agreements & Policies

#### Morning Session:

##### Job Postings and Conducting Job Interviews

- Best practices for job postings: and the implications of not following them
- Job descriptions that are inaccurate or misleading: Is there a duty of care between a candidate and the employer, and what are the practical consequences of breaching that duty?
- Identifying potential discrimination in the job advertisement/description: ensuring that your hiring practices comply with all applicable laws
- How do the courts interpret Bona Fide Occupational Requirements (BFORs) and their limits?
- Tips to avoid/minimize risk of inducement
- Permissible and impermissible questions in conducting the job interview
- Checking the applicant’s social media profile and avoiding the pitfalls
- Potential human rights claims resulting from job postings/advertisements

#### Afternoon Session:

##### Drafting Effective Employment Agreements and Policies

- What are the legal implications of an offer letter?
- Tips and tools for crafting a valid, enforceable contract congruent with organizational needs
- Avoiding the errors that can unexpectedly make an employment contract unenforceable
- How to protect against constructive dismissal claims: the art of incorporating the necessary flexibility into the job description
- The scope of termination provisions to include

- Non-compete and non-solicitation agreements: current judicial thinking on the protection of legitimate business interests and 'reasonable' restrictive covenants
- Drafting provisions relating to severance pay, bonuses, commission, stock options, career counseling, continuance of benefits: how to avoid going wrong

## Day 2: December 1, 2017

9:00 a.m. – 4:30 p.m.

### During the Employment Relationship: Policies and Addressing Performance Issues

#### Morning Session: Employment Policies

Organizations invest substantial time and money in devising, reviewing and maintaining employee handbooks and policies. Careful preparation of these policies, appropriate dissemination and consistent application will help to reduce the risk of litigation and protect against costly employment claims. What should go into employment policies and what should not? How do savvy organizations ensure that those policies are regularly updated and consistently applied?

- Determining the policies your organization needs
- How to effectively communicate the organization's values and expectations and implement its policies
- The essential scope of policies and procedures: harassment, privacy, use of technology/social media, benefits, discipline, and absenteeism
- Policy hazards and omissions and taking steps to ensure that policies will be enforceable
- Conducting effective policy and handbook reviews and updating

#### Afternoon Session: Performance Management: A Comprehensive Guide to the Legal Landscape

- Tools for effectively assessing and managing performance

- Establishing specific, measurable objectives
- Performance Improvement plans: key considerations in managing challenging employees
- Communicating expectations and consequences effectively
- Human rights issues and accommodation
- How are the standards and evidentiary requirements for showing 'undue hardship' evolving?
- Creating a record you can rely upon for discipline and potential dismissal

#### Fireside Chat: How To Effectively Use Written Policies and Procedures

## Day 3: December 7, 2017

9:00 a.m. – 4:30 p.m.

### Discipline and Dismissal

This day focuses on preventing or minimizing the risks and extent of liability in the areas of employee misconduct, discipline and dismissal, and highlights the best practices to adopt to enable you to avoid costly errors and mistakes.

- Just cause – the latest cases and tips and strategies for building and documenting the case
- What amounts to condonation or acquiescence?
- Investigating alleged or suspected misconduct
- Assessing proportionality in the context of a just cause dismissal
- What are the consequences if cause is alleged but is not proven?
- Terminations without cause: the latest cases on determining notice requirements
- How do you go about structuring a severance package, and how do you deal with claims for bonus, commissions, pension plans, life and health insurance benefit extensions?
- Drafting releases that work: how to draft an effective release and waiver of claims, and when to ask for a release
- What effect does a release have in the context of a human rights complaint?

- The duty to mitigate: how far does the law require ex-employees to go?
- Best practices for conducting termination interviews
- Dismissal meetings: when, where, who and how long?
- Tips for giving references

#### Fireside Chat: To Terminate With or Without Cause?

## Day 4: December 8, 2017

9:00 a.m. – 4:30 p.m.

### The Litigation Process: What To Expect If You Have to Go To Court

In the closing day of the program, Stuart Rudner and Natalie MacDonald will provide detailed guidance as to what happens if an employment case hits the courts or tribunals, as well as the key considerations to bear in mind regarding discoveries, mediation, arbitration and settlement.

- Limitation periods for claims before the courts
- Pleadings
- Mediation
- Costs and settlement offers
- Examination for discovery
- Summary judgment
- Pre-trial
- Trial and beyond
- Human rights and other claims
- Enforcing restrictive covenants: practical considerations

#### Note:

Lunches will be served from 12:00 p.m. – 1:00 p.m. There will also be a 15-minute refreshment break in the morning and afternoon sessions of each day.

# Fireside Chat Panels

The afternoon sessions on Days 2 and 3 will conclude with focused and practical panel discussions involving the following Senior Human Resources Vice-Presidents/COOs:

**Jill Bartley, Chief Operations Officer, cbm Canada & cbm USA**

Jill is a Certified Human Resource Leader (CHRL) with more than 25 years' experience in management, leadership, human resources and organizational development for both profit and not-for-profit organizations. cbm is a global NGO working to provide life-saving interventions to children and families caught in the cycle of poverty and disability.

Jill received a Graduate Certificate (Honours) in Human Resources, a certificate in Business Management Studies and a Certificate in HR Law from Osgoode Professional Development. Jill is certified by Workitect in their approach to Competency Model Building and in Advanced Competency Modeling. Jill is a qualified facilitator for the Leadership Challenge, certified by International Leadership Associates. She most recently completed the Executive Program in Leading Sustainable Strategic Change at Schulich School of Business.

**Sandra Bennett, Associate Vice President, Human Resources, Durham College**

A collaborative leader with over 20 years of Human Resources experience within a unionized broader public sector environment, Sandra brings her expertise in labour relations and conflict resolution to her role as Associate Vice President, HR, as well as to a number of provincial committees within the College sector. Under her leadership, Durham College has been selected as a GTA Top Employer for six consecutive years. Recently implemented workplace initiatives include "Employee Wellness Release Time", and employees supporting a community organization through volunteering over 700 hours.

**Mark Edgar, Senior Vice President, Human Resources, RSA Insurance**

Mark Edgar joined RSA in January 2011 in the role of Vice President, Human Resources with overall responsibility for HR across all companies within RSA Canada. Previously Mark was based in the UK as Head of Human Resources within Centrica Plc; a major energy company operating in the UK under the British Gas brand. Mark holds a BSc (Hons) in Management Sciences from the University of Warwick and is a member of The Chartered Institute of Personnel and Development.

**Andrea Garson, Principal, Breaking Glass HR Consulting & Course Director in Human Resource Management, York University [formerly VP of Human Resources at Workopolis]**

With over 20 years of HR experience with Tier 1 organizations, practicing values based leadership, Andrea Garson is a leading authority on culture, engagement, leadership development and attracting and retaining key talent. During her tenure as Vice President Human Resources at Workopolis, the company was recognized as the first recipient of the Best Emerging Organization distinction as part of the Canada's 10 Most Admired Corporate Cultures program. She also teaches part time in York University's Human Resource Management Program.

**Donna Pascal, Vice-President, Human Resources and Talent Management, Dynacare**

Donna Pascal has 20 years of experience in Human Resources, the last 13 serving as a Senior HR Executive for a number of Fortune 500 companies.

Donna currently leads the human resources function at Dynacare, a health and wellness solutions provider and "Top 100 Employer". As Vice President Human

Resources, Donna leads a team of 25 professionals and oversees organizational effectiveness, learning and development, talent management, talent acquisition and wellness, and health and safety.

Donna holds professional certifications in Advanced Human Resource Management from the Rotman School of Management, and Alternative Dispute Resolution from the University of Windsor Law, along with the Certified Human Resources Leader (CHRL) designation (formerly CHRP) from the Human Resources Professional Association.

**Betsy L. Smith, Vice President, Human Resources, ECN Capital**

With over 28 years of experience, Betsy Smith is an established HR leader with an emphasis on building and maintaining a high performance culture in fast-growth businesses. Betsy's HR experiences spans most of the world, having led HR teams throughout Canada, the US, Latin America, Europe, China and Southeast Asia, and across multiple industries including CPG, manufacturing, retail, technology, professional services and financial services.

**Gordana Terkalas, Vice-President, Human Resources, Aecon Inc.**

Gordana is a senior Human Resources professional with more than 15 years' diverse experience in Canada, as well as exposure to operations in Bermuda, the United States, the United Kingdom and Australia. Among her responsibilities at Aecon, Gordana co-chairs the corporation's Diversity & Inclusion Council, is a member of the Ethics & Compliance Committee, and leads the Organizational Change Management Community of Practice. She is a trusted HR Business Partner to Aecon's Chief Financial Officer, Chief Information Officer, Chief Legal Officer, and the President of Aecon's Concessions group.



## What previous attendees said:

*“Fantastic course. I’m enjoying every minute of it!... Thorough – there are so many basic programs that don’t address the real issues that occur.”*

Jennifer Smith  
Keilhauer

*“The discussions were amazing, the resource material invaluable... this program provides expert advice with “hands-on” tools that you can use immediately in the workplace... well worth your time and money to attend. The extensive discussions are very informative and interactive.”*

Beverley Petheram  
Corporation of Norfolk County

*“Excellent information from both the course leaders and guest participants in the “fireside chat[s]”... extremely informative and an eye-opener!... Fantastic ability to take “legalese” and reword into a form which is understandable.”*

Gail Kerr-Mercer  
Spirax Sarco Canada Limited

## Registration Details

### Fee per Delegate

**\$3,395 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### 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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

### For Further Program-Related Information please contact:

Paul Truster, Program Lawyer at (416) 597-9733 or email [ptruster@osgoode.yorku.ca](mailto:ptruster@osgoode.yorku.ca)

## Certificate of Program Completion

**You will receive a certificate upon completion of The Osgoode Certificate in Advanced HR Law For Senior HR Executives. Participants must attend all four days and pass the post-program multiple choice assessment before receiving the certificate.**

## 4 Convenient Ways to Register



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Online



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Register today at:

[osgoodepd.ca/advanced-hr](http://osgoodepd.ca/advanced-hr)



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.



Eligible CPD Hours - LSUC (ON): 24h 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](mailto:cpd@osgoode.yorku.ca)



This program has been approved for 24 continuing professional development (CPD) hours under Section A3 of the continuing professional development (CPD) log of the Human Resources Professionals Association (HRPA).



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