

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

November 7, 8, 14 & 15, 2019
Four Days
In Person only

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

Jill Bartley, CHRL

Chief Operating Officer, cbm Canada & cbm USA

Mark Edgar

Mark Edgar & Associates Inc.

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. W., 26th Floor
Toronto, ON

Register today at:

osgoodepd.ca/advanced-hr

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

*“I would recommend
this program to my HR
colleagues in a heartbeat!
Great forum to deliberate
and discuss issues. Very
relevant and practical.”*

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

Going far beyond the Osgoode Certificate in HR Law For HR Professionals, this advanced Certificate is built around 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 context of **challenging and realistic case studies** include:

- The legal maze of recruitment and hiring
- Drafting employment agreements and policies
- Addressing workplace performance issues
- Discipline and dismissal
- What to do 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

Enrolment is strictly limited to ensure maximum opportunity for class discussion, small-group work and personal 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 vexing 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 workplace harassment and addressing allegations of harassment
- The hydra-headed dangers in conducting workplace investigations and how to surmount them
- Preventing or addressing the problems 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 ever actually proceeds to trial

Who Should Attend

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

It is no longer a prerequisite that delegates have already taken The Osgoode Certificate In HR Law For HR Professionals, but those who have this Certificate will find its value further enhanced by the insights gleaned from the Advanced course.

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 Operating 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.

Mark Edgar

Mark Edgar & Associates Inc.

Mark Edgar is currently an independent consultant specializing in business and HR transformation and the future of work. He is co-founder of future foHRward, a Toronto based community for HR professionals which aims to ensure that they positively influence changes in their business.

Mark served for eight years as RSA Insurance's Senior Vice-President of 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.

Gordana Terkalas

Vice-President, Human Resources, Aecon Inc.

Gordana is a versatile HR leader, who has grown her career in fast-paced, entrepreneurial organizations calling for significant agility and progressive thinking. Within her mandate to lead people initiatives 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. Prior to joining Aecon 10 years ago, Gordana practiced HR in various industries including Consulting Engineering, Technology, and Healthcare. She holds a Bachelor of Commerce degree from Ryerson University, as well as a CHRL Designation and is a member of the Association of Change Management Professionals.

Drawing on the expertise and insights of 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.

In her personal capacity, Natalie has been selected as one of the leading Labour and Employment law practitioners in the world in both 2016 and 2017, according to the 6th and 7th editions of the Expert Guides Women in Business Law guide. Lawyers listed in the Expert Guides Women in Business Law publication are nominated by in-house counsel and peers, and selected through independent research and peer evaluations.

Natalie was also selected as **the** Employment Litigation Law Expert in Canada in 2017 by both Global Law Experts and Leaders in Law. The accreditation process is by invitation only, with recommendations coming via the research team.

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, CHRL
Chief Operating Officer
cbm Canada & cbm USA

Mark Edgar
Mark Edgar & Associates Inc.

Gordana Terkalas
Vice-President
Human Resources
Aecon Inc.

Agenda

DAY 1

November 7, 2019

9:00 a.m. – 4:30 p.m.

Pre-Employment: Job Postings/
Interviewing/Drafting Employment
Agreements and Policies

Job Postings and Conducting Job Interviews

- Best practices for job postings and the implications of not following them
- Inaccurate or misleading job descriptions: is there a duty of care between a candidate and the employer, and if so, 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 Operational Requirements (BFORs) and their limits?
- Tips to avoid/minimize risk of inducement
- Permissible and impermissible questions in conducting the job interview: beyond the obvious
- Checking the applicant's social media profile and avoiding the pitfalls
- Potential human rights claims resulting from job postings/advertisements

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 appropriate flexibility into the job description
- The scope of termination provisions to include in employment contracts
- 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 TWO

November 8, 2019

9:00 a.m. – 4:30 p.m.

During the Employment
Relationship: Policies and
Addressing Performance Issues

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 can 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

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 Chats: The afternoon sessions on both Days 2 and 3 will conclude with focused and practical panel discussions involving Human Resources Vice-Presidents and COOs. The effective use of written policies and procedures, along with a range of often-contentious issues when terminating for cause will receive close scrutiny. Senior HR panelists will include:

Jill Bartley, CHRL

Chief Operating Officer
cbm Canada & cbm USA

Mark Edgar

Mark Edgar & Associates Inc.

Gordana Terkalas

Vice-President
Human Resources
Aecon Inc.

Fireside Chat:

How To Effectively Use Written Policies and Procedures

DAY 3

November 14, 2019

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 of, or acquiescence in, misconduct?

- 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 judicial trends in 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

November 15, 2019

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, you will receive detailed guidance on 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

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

Registration Details

Fee per Delegate

\$3,495 plus HST

Fees include attendance, program materials, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details 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 via email: 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



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/advanced-hr



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO. Eligible CPD Hours - LSO (ON): 24h CPD (24h Substantive)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact 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).

What previous attendees have said about OsgoodePD's Certificate programs for HR professionals:

“Very informative. The speakers were very knowledgeable and did an excellent job engaging the audience.”

Shelley Phillippe, Human Resources Manager, Invotronics Inc.

“Great dynamics, content and delivery.”

Simone Hamm, Human Resources Manager, Rogers Communications Inc.

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

Sandra Penman, Human Resources Manager, Johnson Controls

“Amazing presenters.”

Jenny Basov, Human Resources Manager, The Corporation of Massey Hall and Roy Thomson Hall