

Employee Discharge and Documentation in Ontario

When can flawed documentation be worse
than none at all?

Hamilton, ON
January 20, 2009

Moderator:

**Peter Biro, B.A. (Hons.),
M.A., LL.B., B.C.L.**
WeirFoulds LLP

**Adrienne Campbell,
M.A., LL.B.**
Miller Thomson LLP

**Jonathan Dye, B.A. (Hons.),
LL.B., M.B.A., LL.M.**
Heenan Blaikie LLP

Hugh Dyer, LL.B.
Miller Thomson LLP

Andrew M. Pinto, LL.B.
Law Office of Andrew M. Pinto

**Monty Verlint,
B.A. (Hons.), LL.B.**
Kuretzky Vassos Henderson LLP



Register Now! www.lorman.com

LORMAN[®]
EDUCATION SERVICES
A DIVISION OF LORMAN BUSINESS CENTER, INC.
Keeping You Current. Helping You Succeed.

Continuing education credit:

- CHRP
- ON Accountants 10.0
- ON CMA 6.0
- ON Chartered Accountants 6.0
- IACET 0.60

"I came away with many points that can be incorporated in our revision of our handbook."

— Ronald J. Karvosky, Finance Director
Hubbard LLC

Your Course Agenda

- 8:30 AM – 9:00 AM **Registration**
- 9:00 AM – 10:00 AM **Employee Terminations 101 – A Basic Primer**
— Jonathan Dye, B.A. (Hons.), LL.B., M.B.A., LL.M.
- Types of Terminations – Just Cause or Without Cause
 - Notice and Damages – Minimum Statutory Standards, Common-Law Principles and Contractual Damages
 - Key Documentation
 - Why Use an Employment Contract?
- 10:00 AM – 10:15 AM **Break**
- 10:15 AM – 11:15 AM **Issues Relating to Discipline and Discharge of Nonunion Employee and Related Documents**
— Adrienne Campbell, M.A., LL.B.
- 11:15 AM – 12:15 PM **Discipline and Discharge of Unionized Employees – Investigation and Documentation**
— Hugh Dyer, LL.B.
- Conducting and Documenting Effective Investigations
 - Due Process – Union Involvement in Investigations
 - Last Chance Agreements – Uses and Limitations
- 12:15 PM – 1:15 PM **Lunch (On Your Own)**
- 1:15 PM – 2:15 PM **Company Investigations**
— Andrew M. Pinto, LL.B.
- 2:15 PM – 2:30 PM **Break**
- 2:30 PM – 3:30 PM **Is the Pendulum Swinging? Current Trends in the Law**
— Peter Biro, B.A. (Hons.), M.A., LL.B., B.C.L.
- Mitigation
 - Bad Faith Manner of Termination (“Wallace” Damages)
 - Constructive Dismissal and Working Notice
- 3:30 PM – 4:30 PM **Drafting Termination Clauses and Employment Contracts**
— Monty Verlint, B.A. (Hons.), LL.B.
- Developments in Employment Law and the Impact on Employment Agreements
 - What Are the Legal Pitfalls When Drafting an Employment Contract?
 - How Do You Craft an Enforceable Termination Clause?

Register
NOW!

Courtyard by Marriott Hamilton
1224 Upper James Street • 905-383-7772
Hamilton, ON • January 20, 2009

www.lorman.com • 866-352-9539

Your Seminar Leaders

Peter Biro, B.A. (Hons.), M.A., LL.B., B.C.L., is a partner at WeirFoulds LLP. His practice includes all aspects of civil, corporate and commercial litigation and dispute resolution. Mr. Biro is a leading member of the employment law bar, providing employment advice; guidance on positive proactive employee relations; and representation in human rights, privacy, sexual harassment, workers' compensation, occupational health and safety, and employment termination issues. He also appears frequently on television, radio and other media to comment on news stories of special interest and on developments in the law. Mr. Biro has lectured in his areas of practice and expertise at various academic institutions. He is a member of the Ontario Bar Association, the Law Society of Upper Canada, the Canadian Bar Association, The Advocates' Society, the Metropolitan Toronto Lawyers Association and the Human Resources Professionals Association of Ontario.

Adrienne Campbell, M.A., LL.B., is a member of the Labour and Employment Group at Miller Thomson LLP. She has extensive experience in both private practice and as in-house counsel, providing legal advice and strategic counsel to multiple business partners on a variety of national employee relations, employment and labour matters. Ms. Campbell's background allows her to provide practical, business-oriented advice to federally and provincially regulated clients in both the profit and not-for-profit sectors with respect to offer letters, executive employment contracts, terminations, human rights, attendance management issues and the employment implications of corporate reorganizations. She has presented numerous lectures and seminars on a variety of issues both internally and at events sponsored by the Retail Conference of Canada, Kenexa, Conference Board of Canada Shepell-FGI, the Canadian Bar Association and Infonex. Ms. Campbell earned her M.A. degree from Brock University and her LL.B. degree from Dalhousie Law School.

Jonathan Dye, B.A. (Hons.), LL.B., M.B.A., LL.M., is a partner in the Toronto office of Heenan Blaikie LLP. Part of the firm's National Labour and Employment Group, the largest of its kind in Canada, Mr. Dye focuses his practice on employment law. He has been involved in cases before all levels of the Ontario courts, the Supreme Court of Canada and the Ontario Labour Relations Board. He is also an accomplished speaker. A longtime member of the executive of the Labour and Employment Section of the Ontario Bar Association, Mr. Dye is the Section's vice chair (employment) and will be chair of the section for 2008 to 2009. He earned his B.A. degree, with honours, in economics from The University of Western Ontario; his M.B.A. and LL.B. degrees from the University of Windsor; and his LL.M. degree from Osgoode Hall Law School at York University.

Hugh Dyer, LL.B., is a partner in Miller Thomson LLP's Labour Relations and Employment Law Group. He is based in the firm's Toronto office. His practice is restricted to advising and representing employers in labour relations and employment-related matters. These matters concern union and nonunion employees, encompassing labour relations, negotiation and administration of collective agreements, human rights, employment standards, health and safety, and other employment issues. Mr. Dyer frequently acts as employer counsel in grievance and interest arbitrations. He also advises concerning the labour relations and employment issues arising in the context of commercial transactions. Mr. Dyer is a frequent author and lecturer on employment law issues. He earned his B.A. degree and his LL.B. degree, with distinction, from The University of Western Ontario.

Andrew M. Pinto, LL.B., practices primarily in the areas of employment, labour, administrative, constitutional and human rights law. He provides strategic advice and representation to a wide variety of employers, employees, unions, businesses and individuals in negotiations and civil/administrative proceedings. Mr. Pinto has spoken at and chaired numerous continuing legal education programs particularly in the area of workplace law. He is an adjunct professor at the Faculty of Law, University of Toronto, teaching the administrative law course. Mr. Pinto is a member of the Law Society of Upper Canada and the Association des juristes d'expression française de l'Ontario. He earned his B.Sc. degree in electrical engineering from Queen's University and his LL.B. degree from the University of Windsor.

Monty Verlint, B.A. (Hons.), LL.B., is a lawyer with Kuretzky Vassos Henderson LLP, a nationally recognized labour and employment law firm. He graduated from Osgoode Hall Law School. Prior to entering law, he obtained an honours B.A. degree at York University, where he majored in political science, and law and society. Mr. Verlint has written and co-written a number of newsletters and papers on employment law issues. His area of practice encompasses all areas of labour and employment law. Mr. Verlint can be reached by phone at 416-865-0504 or by email at montyv@kuretzkyvassos.com.

General Information

- This seminar may be recorded.
- If you need special accommodations, please contact us two weeks in advance of the program.
- Lorman Education Services is not approved to offer self-study CPE credit for accountants; therefore, no CPE will be given for this program if ordered as a self-study package.

CANCELLATIONS: Substitute registrants can be named at any time. A full refund, less a C\$30 service charge, will be given if notification is given six or more business days in advance. Notification of less than six business days will result in a credit that can be applied to any Lorman products or services. If you do not cancel or attend, you are responsible for the entire payment.

LORMAN BOOKSTORE: Visit us at www.lorman.com to get more information on these and other products, and to download electronic manuals immediately. Our policy is to fill all orders with the most recent editions available. Your bookstore item(s) will be shipped within three to five business days, upon receipt of your order.

Who Will Be There?

This seminar is designed for human resource and industrial relations professionals, business owners and managers, and accountants.

Registration

Email: customerservice@lorman.com

Website: www.lorman.com

Telephone: 866-352-9539

Fax: 715-833-3953

Mail: Mail this form with payment information to

Lorman Education Services Dept. 5382, P.O. Box 2933 Milwaukee, WI 53201-2933

Employee Discharge and Documentation

Hamilton, ON • January 20, 2009

Registration – All dollar amounts are in Canadian funds.

Seminar Tuition (includes free manual with attendance)

Yes! I would like to attend. (\$0 + \$0GST = C\$0 per person)

Yes! I would like the Best Value discount.

(\$0 + \$0RST + \$0GST = C\$0 total for a single registrant plus CD recording of this seminar)

I am unable to attend but I am interested in:

\$0 + \$0RST + \$0GST = C\$0 CD/manual package \$0 + \$0GST = C\$0 manual only

If tax-exempt, please include your certificate. Please allow four to six weeks after the date of the seminar for delivery.

Best Value

Includes a CD recording of this seminar with your registration

Names of Attendees

PRIORITY CODE	
NAME	
TITLE	EMAIL
NAME	
TITLE	EMAIL

Firm Information

FIRM NAME		
ADDRESS		
CITY	PROVINCE	POSTAL CODE
TELEPHONE	FAX	WEBSITE

Approving Manager

NAME	
TITLE	EMAIL

Payment Information

Total amount enclosed C\$ _____
<input type="checkbox"/> Cheque enclosed payable to Lorman Education Services
<input type="checkbox"/> Charge to credit card __ AE __MC __VISA Signature _____
Card number _____ Exp. Date _____

© 2008 Lorman Education Services. All rights reserved. Printed in the USA. **Seminar ID: 381846**
GST# 13891 4684 RST # 0394-8978

Your Lorman Bookstore

Return-to-Work Issues in Workers' Compensation – Human Rights and Disability; Commons Tools Used to Facilitate an ESRTW; Ontario MSD Prevention Guidelines – What Will They Mean to Me; Legal Ramifications of the Changes to Ontario's Access to Justice Act; the Potential Harmful Effects of the New Return-to-Work Policies of the Ontario Workplace Safety and Insurance Board.

Item: 379712

CD and Manual ___@ \$249

Manual ___@ \$119

E-Manual ___@ \$119

Overtime and the Salaried Employee: A Disaster Waiting to Happen – Strategies for Managing the Potential Liability; the Ministry of Labour Application Process for Excess Hours of Work and Overtime Averaging; Liability for Overtime Claims; Understanding the Financial Risk; Understanding the Human Capital Risks of Overtime.

Item: 380596

CD and Manual ___@ \$199

Manual ___@ \$99

E-Manual ___@ \$99

* All prices include GST and provincial taxes.

TOTAL C\$ _____

Your Benefits of Attending

When can flawed documentation be worse than none at all?

Eliminate expensive and time-consuming legal battles by making sure you have the latest developments at your fingertips. Documentation can be a hassle – but you may need it later to show you had legitimate reasons for disciplining or terminating an employee. What's more, courts and juries are providing a jolting wake-up call for those who fail to meet the challenge.

Attend this seminar and walk away with practical guidelines for being proactive in an area of increasing importance. Get advice from experienced practitioners in Ontario that will save you time, money and lots of frustration down the road – register today!

Benefits for You

- Prevent costly mistakes ... get a practical approach to conducting terminations
- Protect your company – learn how to conduct compliant and efficient investigations
- Learn how to draft an enforceable termination clause
- Tips on unionized discharge and documentation, and last chance agreements
- Stay up to date in recent trends in the law of working notice and bad faith in the manner of termination

Free Manual With Attendance

Employee Discharge and Documentation



Continuing Education Credit

Please remember to bring your license number, ID or other necessary information to the seminar. This will ensure timely reporting of continuing education credit. Please visit our website at www.lorman.com for continuing education credit details as well as updates on any pending credits.

Lorman Business Center, Inc. has been approved as an



Authorized Provider by the International Association for Continuing Education and Training (IACET), 8405 Greensboro Drive, Suite 800,

McLean, VA 22102. In obtaining this approval, the Lorman Business Center, Inc. has demonstrated that it complies with the ANSI/IACET Standards which are widely recognized as standards of good practice internationally. As a result of their Authorized Provider membership status, Lorman Business Center, Inc. is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standards. Lorman Business Center, Inc. will award 0.60 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

IACET Learning Objectives

You will be able to:

- explain issues relating to discipline and discharge of nonunion employees and related documents
- review recent trends in the law of working notice and bad faith in the manner of termination
- discuss drafting termination clauses and employment contracts

By attending this course, you may earn 10.0 continuing education credits through the Certified General Accountants of Ontario.

For information regarding CHRP designation and recertification, please contact the appropriate board in your province. The CHRP is the national standard for human resource management.

This course may qualify for 6.0 hours toward the CPD requirement through the Institute of Chartered Accountants of Ontario.

This seminar may qualify for 6.0 CPLD credits through the Certified Management Accountants of Ontario.



Register Now!

www.lorman.com • 866-352-9539

Employee Discharge and Documentation in Ontario

Your Benefits of Attending

- Prevent costly mistakes ... get a practical approach to conducting terminations
- Protect your company – learn how to conduct compliant and efficient investigations
- Learn how to draft an enforceable termination clause
- Tips on unionized discharge and documentation, and last chance agreements
- Stay up to date in recent trends in the law of working notice and bad faith in the manner of termination

Hamilton, ON
January 20, 2009



EXPRESS REGISTRATION – www.lorman.com

Sign up with Seminar ID# 381846

LORMAN®
EDUCATION SERVICES
A DIVISION OF LORMAN BUSINESS CENTER, INC.
2510 Alpine Rd.
Eau Claire, WI 54702-0509

Printed
Matter

Intl. Surface Air Lift
U.S. Postage Paid
Buffalo, NY
Permit No. 126