

Working in Canada: An Overview of Employment Law

October 18, 2011

By Krista Chaytor, Albert Formosa, Sean Foran, John Wilkinson, and Raj Anand, Nicholas Caughey, John D. Campbell, Carole McAfee Wallace, Farah Malik, Stephanie L. Turnham, Jessica Eisen, Mark Edelstein, Faren H. Bogach, Rachel Waks, Maralynne Monteith, Les O'Connor, N. William C. Ross

Among the most challenging and complex issues faced by businesses, governments, organizations and individuals are those that arise in the workplace—in the relationships between management and employee, worker and employer and between employer and the myriad of regulatory bodies which supervise a wide variety of activities that occur in the workplace.

In this booklet, we have endeavoured simply to identify many of the key issues of which employers and counsel for employers need to be cognisant and which need to be prudently managed.

The Canadian framework is, in some respects, similar to that of our neighbours to the south; but it is also unique and distinct from U.S. law in some very significant ways and a failure to appreciate those distinctions can prove costly and very damaging, both to an employer's bottom line as well as to its corporate culture. In this booklet we identify the statutory and regulatory framework for Canadian employment law, and we discuss the importance of employment agreements, the critical issue of termination of the employment contract, the human rights regimes and the duty to accommodate, the distinction between unionized and non-unionized workplaces, technology use and privacy rights in the workplace, the law of fiduciaries, mitigation, progressive discipline, some selected tax aspects of the employment relationship, the distinction between employees and independent contractors, bankruptcy and insolvency issues that arise in the employment context, employment issues that arise on the purchase and sale of a business and other topics of concern in employment law.

This booklet is not intended to provide legal advice and does not purport to offer comprehensive treatment of any of the issues discussed herein. Instead, it is intended to identify for the reader the areas which require the attention of prudent management and vigilant counsel so that appropriate advice may be sought in connection with any of these issues as the need arises.

We hope that you will find this survey of the essential areas in Canadian employment law to be of interest. We invite you to get in touch with any of the talented, highly regarded and dedicated members of our employment law practice group with any questions and advice that you may have.

For more information or inquiries:



Krista Chaytor

Toronto
416.947.5074

Email:
kchaytor@weirfoulds.com

Krista Chaytor is an experienced litigator at WeirFoulds LLP with a practice focused on business litigation.



Albert Formosa

Toronto
416.947.5012

Email:
aformosa@weirfoulds.com

Albert Formosa is a litigator with extensive experience dealing with complex commercial litigation.



Sean Foran

Toronto
416.947.5019

Email:
sforan@weirfoulds.com

Sean Foran is a leading expropriation lawyer, with extensive experience as counsel in large-scale infrastructure projects. Sean also practises real-estate, employment, business and government litigation.



John Wilkinson

Toronto
416.947.5010

Email:
jwilkinson@weirfoulds.com

John Wilkinson practises corporate and commercial law for universities, not-for-profit organizations, charities, self-regulatory bodies, owner-managed businesses, and associations (including industry associations and sport organizations).

Toronto

Email:

WeirFouldsLLP

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035