

# Workplace Violence and Harrassment Laws - Are You in Compliance?

Labour, Employment and Human Rights Group Seminar  
Wednesday, October 20, 2010



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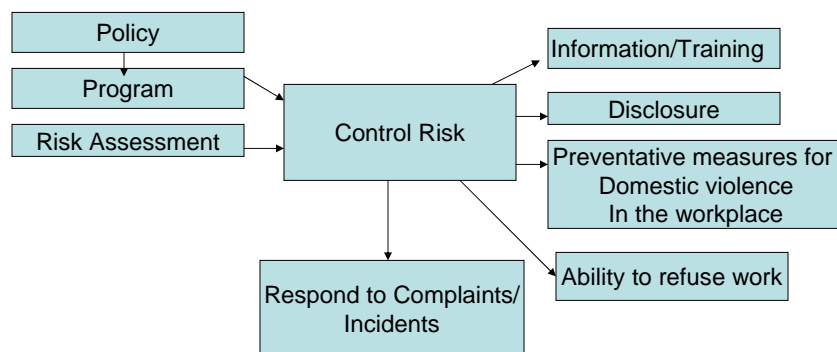
# Workplace Violence and Harassment Laws - Are You In Compliance?

Brian P. Smeenk, Alix P. Herber, Ida Martin

October 20, 2010



## Overview: Harassment and Violence



## A practical approach to Bill 168 – What do you really need to do?

### Workplace Policies

- Consistent workplace violence and human rights policy
- Review annually
- Posted (if more than 5 employees)

## A practical approach to Bill 168 – What do you really need to do?

### Workplace Programs

- Implements policies
- Must include procedures for
  - controlling risks identified in assessments;
  - summoning immediate assistance;
  - reporting incidents or threats; and
  - investigating incidents or complaints

## A practical approach to Bill 168 – What do you really need to do?

### Information and Instruction

- Needs to be appropriate
- Determine what instruction suits your needs:
  - In house training
  - Telephone conference call
  - Circulate office memo
  - Post information on intranet

## A practical approach to Bill 168 – What do you really need to do?

### Workplace Violence Assessments

| Nature of Workplace   | Type of Work   | Conditions of Work  |
|---|--|---|
| <ul style="list-style-type: none"><li>• workplace lighting</li><li>• Entrances</li><li>• Exits</li><li>• Potential weapons in workplace</li></ul> | <ul style="list-style-type: none"><li>• High risk activities (handling cash)</li><li>• Type of client, customer (upset, aggressive)</li><li>• Sector of work (healthcare, service)</li></ul> | <ul style="list-style-type: none"><li>• Hours worked</li><li>• Neighbourhood</li><li>• Traveling for work</li><li>• Working alone</li></ul> |

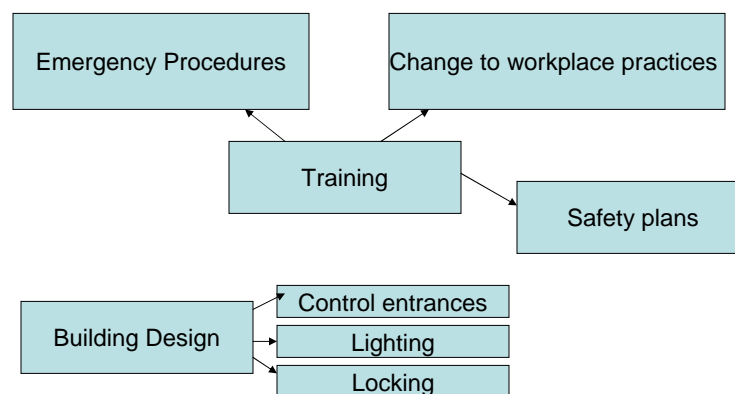
## A practical approach to Bill 168 – What do you really need to do?

### Workplace Violence Assessments

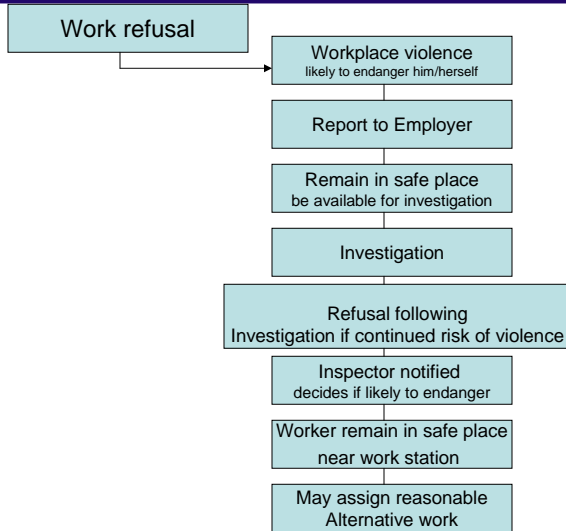
- Assessment should set out
  - How was assessment conducted
  - Findings of assessment
  - Steps taken to control risks
  - How to monitor risks in the future

## A practical approach to Bill 168 – What do you really need to do?

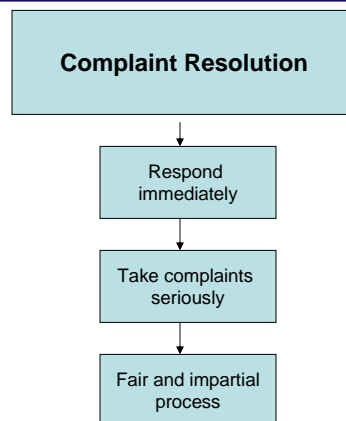
### Possible Ways to Control risks of workplace violence



## A practical approach to Bill 168 – What do you really need to do?



## A practical approach to Bill 168 – What do you really need to do?



## A practical approach to Bill 168 – What do you really need to do?

### Enforcement Mechanisms for Non Compliance

- Complaints to Joint Health and Safety Committee
- Complaints to Ministry of Labour
- Ministry Inspectors' Order
- Prosecutions
  - Personal liability of up to \$25,000 for failure to comply with the Act
  - Could face up to 12 months jail time
  - Corporate liability of up to \$500,000

### Don't forget...

- General employment obligations
  - Good faith and fair dealing
  - Human Rights considerations
- Breaches = \$\$\$
- Allegations = \$\$\$
- Additionally: issues of morale, damage to public image

## Privacy v. the duty to inform workers – How to Balance

### On the one hand... Privacy Legislation

- Youth Criminal Justice Act
- Personal Information Protection and Electronic Documents Act (PIPEDA)
- Personal Health Information Protection Act
- govern the release of personal and or medical information
- Human rights legislation could also come into play

### On the other hand...Bill 168: Duty to Inform

- duty to provide information, including personal information related to a risk of workplace violence from a person with a history of violent behaviour.

## Privacy v. the duty to inform workers – How to Balance

### Do I have to tell every worker about a person with a history of violent behaviour?

- No. Do not have to provide a worker with specific information about the violent person if
  - Not likely to encounter that person in his or her work; or
  - Not at risk of physical injury from that person.

## Privacy v. the duty to inform workers – How to Balance

### How can I tell if someone is “likely to expose a worker to physical injury”?

- Some factors to consider
  - Violence associated with workplace?
  - History of violence directed at a particular worker or workers in general?
  - When did the incident(s) of violence occur?
  - What preventative measures are in place?

## Privacy v. the duty to inform workers – How to Balance

### What information do I have to disclose to workers?

- Limit the amount of information disclosed
- Only personal information that is necessary to protect the worker from physical injury should be disclosed
- This information should:
  - Allow workers to identify the person with the violent history; and
  - Inform worker of any known triggers for potential aggression

## Privacy v. the duty to inform workers – How to Balance

### Scenario #1 and Scenario #2 (see Handout)

## Domestic violence in the workplace – What are your obligations?

### Preventing Domestic Violence in the workplace -What does this mean on a practical level?

- What is “every precaution reasonable?”
- In what circumstances would an employer “ought to be aware” of domestic violence?
- What if the employee doesn’t want the employer to do anything?

## Domestic violence in the workplace – What are your obligations?

### Suggested Preventative Measures and Procedures Include:

- Tell workers that any violence, including domestic violence will not be tolerated
- Tell workers that they can report concerns of domestic violence entering the workplace
- Be prepared to investigate and deal with these concerns on a case-by-case basis
- Consider how existing measures and procedures could be used to address domestic violence
- Consider creating an individual safety plan for the worker
- Consider working with the police, courts or other organizations
- Educate workers about domestic violence and resources available to deal with domestic violence

## Domestic violence in the workplace – What are your obligations?

### How might an employer become aware of domestic violence that may enter the workplace?

- An incident takes place at work
- A concern is reported to the employer
- Threatening emails or phone calls are received at work
- Unwelcome visits of abusive partner at work

## Domestic violence in the workplace – What are your obligations?

### Safety Plan could include the following:

- Screening calls and blocking certain email addresses
- Setting up priority parking or providing escorts
- Adjusting the worker's working hours and location
- Facilitating access to counselling

## Domestic violence in the workplace – What are your obligations?

### What is the employer's obligation if the targeted worker does not want the employer to take any steps?

- The employer may still have a duty to act
- If possible, work closely with the targeted worker to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity to the issue

## Domestic violence in the workplace – What are your obligations?

### Scenario # 3 (See Handout)

## Ministry Guidelines and Resources – What’s available to help you?

- **Ministry of Labour website devoted to workplace violence and harassment:**  
[www.ontario.ca/workplaceviolence](http://www.ontario.ca/workplaceviolence)
  - Ministry Guideline: “*Workplace Violence and Harassment: Understanding the Law*”
  - Resources developed by the Occupational Health and Safety Council of Ontario
  - Domestic violence safety plan resources

## Future action by the MOL –What can you expect?

### Inspections

- Future Occupational Health and Safety Inspections to include portion on compliance with new workplace violence and harassment provisions
- Routine inspections could include review of:
  - policy and program documents
  - risk assessment documents
  - training material
- Inspections could also be triggered by a complaint
- An inspector could issue an “order for compliance”

## Future action by the MOL –What can you expect?

### How will the MOL treat incidents of workplace violence?

- Workplace violence will likely be treated as a hazard like any other hazard under the Act
- Incidents of workplace violence will be treated in the same framework as other health and safety workplace incidents

### Will the MOL be resolving complaints of harassment?

- No, Bill 168 does not create a new forum to resolve harassment complaints
- The MOL guidelines state that “It is not the role of ministry inspectors to resolve or mediate specific allegations of harassment in the workplace”

### Any upcoming Regulations?

- Not that we know of

## Legal Advice

- Fasken Martineau can help
  - Advice on adequacy of your Program
  - Assist in drafting your Policy
  - Advice regarding adequacy of risk assessment
  - Provide training to managers and or general workforce
  - Respond to:
    - Work refusals
    - Complaints to Ministry of Labour
  - Appeal Ministry orders
  - Defend against prosecutions

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# REFERENCE MATERIALS

## **COMPONENTS OF A COMPREHENSIVE WORKPLACE VIOLENCE PREVENTION PROGRAM**

A comprehensive workplace violence prevention program might include the following:

1. Policy Regarding Violence and Harassment in the Workplace
2. Conducting a Workplace Violence Hazard Assessment
3. Developing Preventive Measures
4. Reporting and Investigating Workplace Violence
5. Establishing an Emergency Response Plan
6. Providing Victim Support
7. Conducting incident Follow-up
8. Providing Workplace Violence Training and Education
9. Conducting Program Review
10. Using Community Resources

### **Policy Regarding Violence and Harassment in the Workplace**

Every employer must now have a written Policy regarding workplace violence and harassment. It must be posted in a conspicuous location in the workplace. It must be reviewed at least once per year.

### **Conducting a Workplace Violence Hazard Assessment**

To effectively prevent workplace violence an organization must determine the specific hazards associated with its workplace. The organization must conduct a workplace-specific hazard assessment.

### **Developing Preventive Measures**

The hazard assessment will have identified most of the organization's significant hazards and concerns. The next step is to develop specific measures to eliminate or minimize these hazards. Preventive measures include training and education as well as improvements to the workplace design, administrative practices and work practices.

### **Reporting and Investigating workplace violence and harassment**

Every workplace should have a system set up for reporting, recording, and investigating incidents or possible incidents of violence. All incidents of violence must be reported, including verbal threats, bullying or acts of physical violence. Reporting employees must not fear criticism, loss of privacy, penalties or judgement.

## **Establishing an Emergency Response Plan**

It is essential to have a specific plan which clearly outlines how to respond to a serious incident which is in progress. The plan should be comprehensive enough to deal with most incidents, but easy to understand and remember.

## **Providing Victim Support**

After a violent incident, it is essential that the victim(s), other affected employees and, in some cases, the victim's family, obtain immediate counselling and trauma therapy. Early provision of victim support services will reduce the impact of a crisis.

## **Conducting Incident Follow-up**

Incident follow-up occurs some time after the incident has been investigated and recommendations made. It involves taking a second look at the situation to identify new or previously undefined risks. Follow-up should involve establishing steps to prevent or minimize repeat occurrences.

## **Providing Workplace Violence Training and Education**

Education and training are often a worthwhile part of a violence prevention program. The exact content and type of training necessary depend upon the results of the workplace hazard assessment and the workplace specific prevention program.

## **Conducting Program Review**

An annual program review should be conducted by management and employee health and safety representatives. The purpose of a program review is to evaluate how well the violence prevention program is working and to identify any necessary program changes.

## **Resources**

The local police department or a security consultant will be able to assist with a number of issues such as developing your prevention program and emergency response procedures. Employee Assistance Programs, local human resource professional consultants and mental health agencies can help provide counselling for employees, and help individuals cope with job loss or other stressors that might lead them to react with violence.

Of course, legal advice may also be important. Call your regular legal advisor at Fasken Martineau DuMoulin, or our central reception at 416-366-8381. Or go to our website: [www.fasken.com](http://www.fasken.com).

Also, if you wish to have assistance in developing your Policy Regarding Violence and Harassment in the Workplace, call your lawyer at Fasken Martineau DuMoulin.

# The HR Space

Your weekly e-bulletin on labour and employment law issues

January 12, 2010

Fasken Martineau DuMoulin LLP

## Ontario Follows Quebec And The Federal Sector With New Anti-Harassment/ Violence Law

Author: Alix P. Herber

Canada's two largest provinces now have laws requiring employers to seek to provide workplaces free of certain forms of "harassment". No longer limited to human rights-related harassment, that term is broadly defined in these laws. Further, Ontario's new law extends beyond "harassment". It, like the federal law, also will require anti-violence policies and programs. These laws will apply regardless of whether a workplace has any prior history of such problems.

Ontario's Bill 168, [\*The Occupational Health and Safety Amendment Act\*](#) will come into force in June 2010.

With Canada's two largest provinces and the federal jurisdiction now having such laws, it may well be that other provinces and territories will soon follow.

### Requirements in Ontario

Under Bill 168, employers will be required to develop written *policies* with respect to both workplace violence and workplace harassment. If you are an employer, you must review these policies at least once a year, even if you have not had any incidences of violence or harassment. These policies must be

posted in any workplace that has more than five (5) employees.

In addition, employers will be required to implement *programs* to prevent workplace violence and harassment.

### Workplace Violence Programs

As of June 2010, Ontario employers will be responsible for developing and implementing a workplace violence program.

"Workplace violence" is broadly defined in the new legislation as including the actual, attempted or threatened use of physical force that could injure a worker.

Prior to implementing such a program, employers must *assess the risks of workplace violence* that may arise from the nature of the workplace, the type of work or the conditions of work. The results of this assessment must be reported to the joint health and safety committee or worker representative or alternatively, to the workers directly.

No guidance has been provided as to how you should "assess" the risks of violence in your workplace.

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The Workplace Violence Program must include measures and procedures to:

- control the identified risks;
- get immediate help when violence happens or is likely;
- report incidents or threats of violence; and
- investigate and deal with incidents and complaints.

The policies and program must even include measures to deal with **domestic violence** that may erupt in the workplace. Bill 168 says that if an employer "...ought reasonably to be aware, that domestic violence... may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker".

Ontario's law also contains new disclosure requirements where there is a risk of violence from a person with a **history of violent behaviour**. This obligation will exist if the worker can be expected to encounter such a person in the course of his/her work and may therefore be exposed to the risk of physical injury. This disclosure obligation may include personal information about the person with the violent history. The law contains no guidance on how such persons are to be identified. But it would seem to include fellow employees, patients or customers. The law then says that an employer should not disclose more confidential information than is reasonably necessary to protect the worker from physical injury. The application of these rules will no doubt be contentious.

### Workplace Harassment Programs in Ontario

"Workplace harassment" is broadly defined as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is

known or ought reasonably to be known to be unwelcome".

An employer's program must include measures and procedures for workers to report incidents of workplace harassment. It must also set out how you, as the employer, will investigate and deal with incidents and complaints of harassment.

Ontario employers' existing policies will need to be reviewed and refined to meet the requirements of this new law. It is important to note that while harassment is already prohibited under the *Ontario Human Rights Code*, the new law defines harassment much more broadly than the *Code*.

### Workplace Refusals

Bill 168 also amends the work refusal section of the *Occupational Health and Safety Act*. Workers will have a right to refuse to work if they believe workplace violence is likely to endanger them. The law sets out rules governing the investigation of such work refusals.

### What this means for Canadian Employers?

For a number of years Quebec employers have been required to deal with the broad prohibition against "psychological harassment" in the workplace contained in the *Act Respecting Labour Standards*. That law defines harassment as "any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee." A considerable body of case law has been developed in Quebec applying this broad definition to actual situations. One must understand that body of case law to appreciate the scope and limits of Quebec's law.

Similarly, since 2008, the federal Occupational Health and Safety Regulation - Violence Prevention in the Workplace obliges federally-regulated employers to adopt anti-violence policies. Violence for that purpose includes the concepts of bullying, teasing, abusive or other aggressive behaviour. Federal employers must assess the potential for workplace violence. They must then implement systematic controls to eliminate or minimize such risks.

Ontario may also see the development of regulations providing more detailed requirements for certain parts of Bill 168. But it is expected that, as in Quebec, the true scope of Ontario's Bill 168 will be better understood only with the development of case law.

In any event, it is advisable for employers to now review existing policies and procedures. Ontario employers should ensure compliance with Bill 168's requirements effective June 2010. Prudent Quebec and federal employers should already have policies regarding harassment and/or workplace violence in place. In other Canadian jurisdictions, it may be reasonable to expect legal changes along these lines in the months and years ahead. If you operate in those other jurisdictions, it may be prudent to review your policies and procedures for those locations as well.

For more information on the subject of this bulletin, please contact the author.

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*The HR Space weekly bulletins are edited by:  
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**Editor's note: Re "Termination of Employment – Is Quebec a Distinct Society?"**

**December 29, 2009**

Following an article written on individual and collective notice of termination across Canada, we wish to make the following clarification with respect to the application of the Quebec *Labour Standards Act*.

As previously indicated in that article, under Quebec law, the termination (without cause) of not fewer than 10 employees at the same establishment in the course of 2 consecutive months constitutes a collective dismissal and requires that the employer give a minimum notice that varies according to the number of affected employees.

In such circumstances, the employer must also give to each affected employee an individual notice of termination. Both the individual and the collective notice of termination may be given simultaneously. When an employer fails to give the collective notice, he must pay to each dismissed employee an indemnity equal to the time period (or remainder of the time period) within which the employer was required to give notice. However, an employee may not cumulate both the indemnities provided by the individual and the collective notice. He is only entitled to the greater of the two.

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Brian Smeenk is a Toronto partner in the Firm's Labour, Employment & Human Rights Group. Since 1981, Brian's practice has focused on management-side labour and employment law.

Brian represents both private sector and public sector employers in all aspects of labour relations and employment law. He appears regularly before tribunals such as arbitration boards, labour relations boards, employment standards adjudicators and human rights boards of inquiry. Brian also acts as counsel in employment-related civil actions, judicial reviews and appeals at all levels.

He has extensive experience in labour negotiations for a wide variety of employers in the private and public sectors. In 1995, he was named to national mediation-arbitration panels chaired by Mr. Justice George Adams to resolve national railroad strikes involving CP Rail and five of its unions.

Brian is the editor-in-chief of Fasken's new weekly bulletin, *HR Space*, as well as *Northern Exposure – Employment Law for US Companies with Operations in Canada*, a blog published by HR Hero.com. He was also the editor of *Canadian Employment Law For U.S. Companies*, published in the US by M. Lee Smith Publishers (1993 to 2001). He has been granted the designation of Certified Human Resources Professional (C.H.R.P.) by the Human Resources Professionals Association of Ontario (HRPAO). He is a past director of HRPAO and past-president of both the Toronto Human Resource Professionals Association and the Toronto Area Industrial Relations Association.

Brian appears in the 2009 edition of *Chambers Global: The Worlds Leading Lawyers*, as a leading lawyer in the area of labour and pensions employment. He also appears in the 2007, 2008, 2009 and 2010 edition of *Canadian Legal Lexpert Directory*, a guide to the leading law firms and practitioners in Canada, as a leading lawyer in the area of labour relations, and in the 2009 and 2010 edition of "*Best Lawyers in Canada*".

### Representative Experience

- *Sunnybrook Health Sciences Centre v. Ontario Nurses' Association*, 2009 CanLII 61415 (ON L.A.)  
Advised Sunnybrook Health Sciences Centre
- *York University renews three-year collective agreement with staff association*  
Represented York University
- *GlobeGround North America Inc., doing business as Servisair/GlobeGround*, 2007 CanLII 68718 (C.I.R.B.)  
Advised GlobeGround North America Inc.
- *Hassaram v. Ontario (Human Rights Commission)*, 2005 CanLII 367 (ON S.C.D.C.)  
Counsel for St. Michael's Hospital
- *Re Curtis Products Corporation And I.W.A. Canada, Local 500*, [2002], 110 L.A.C. (4th) 193  
Counsel for Curtis Products

- *Re Sunnybrook And Women's College Health Sciences Centre and Brewery, General And Professional Workers' Union*, 95 L.A.C. (4th) 34  
Counsel for Sunnybrook
- *National Ballet of Canada v. Canadian Actors' Equity Assn.*, [2000] O.L.A.A. No. 334  
Co-counsel for National Ballet of Canada
- *Ensign Security Services Inc.* [1994] O.L.R.B. Rep. October 1310
- *Progistix-Solutions Inc.*, [1999] O.L.R.B. Rep. March/April 3
- *Re Canadian Pacific Ltd. and C.A.W.*, [1995] 39 C.L.A.S. 321

### **Presentations**

- Workplace Violence and Harassment Laws - Are You In Compliance?, Labour, Employment and Human Rights Group Seminar, October 20, 2010
- Operating in Canada in 2010: What You Need to Know Now Regarding Employment Laws, M. Lee Smith Publishers, Audio Conference, April 27, 2010
- 25th Fasken Forum, Labour, Employment, Human Rights, Pensions & Benefits Conference, February 12, 2010
- 24th Fasken Forum, Employment, Labour, Human Rights, Pensions & Benefits Conference, March 3, 2009
- 2008 Labour, Employment & Human Rights Update, Fasken Martineau National Labour, Employment and Human Rights Seminar, October 31, 2008

### **Publications**

- "The HR Space: Don't Get Tangled Up in Duct Tape: Lessons For Employers", Labour, Employment and Human Rights Bulletin, June 15, 2010
- "The HR Space: Do Age-Based Early Retirement Programs Violate the Human Rights Code?", Labour, Employment and Human Rights Bulletin, May 11, 2010
- "Wage Settlements Across Canada Slow Down — More in Private Sector", Northern Exposure: Employment law for U.S. companies with employees in Canada, October 28, 2009
- "The HR Space: Are Dismissed, Disabled Employees Entitled to Both Severance and Disability Benefits?", Labour, Employment and Human Rights Bulletin, October 27, 2009
- "Arbitrator, Saskatchewan Court Give Jerk Employee a Perk, Not Work", Northern Exposure: Employment law for U.S. companies with employees in Canada, September 1, 2009
- "Ontario's Workplace Violence and Harassment Law Overreaches", Northern Exposure: Employment law for U.S. companies with employees in Canada, May 19, 2009
- "Ontario Liberals try too hard with workplace violence bill", Full Comment op-ed, National Post, May 19, 2009
- "Broad Drug Testing Policies Approved by Arbitrator", Northern Exposure: Employment law for U.S. companies with employees in Canada, March 17, 2009
- "Defamation in a Labour & Employment Context", Advocates' Quarterly, 2006



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Alix Herber has a practice that focuses on advising and representing employers in labour, employment, and human rights matters. She offers practical advice to employers on a wide array of issues including, labour relations, performance and discipline management, employee terminations, wrongful dismissal litigation, employment standards, and human rights. In particular, Alix enjoys working with her clients to provide them with strategic advice on various matters including collective agreement interpretation and collective bargaining, union organizational campaigns, company restructurings, employment agreements, and the duty to accommodate. Working closely with her clients, she is also actively involved in auditing and drafting workplace policies as well as providing training for employees at all levels on issues such as harassment and discrimination.

Alix has also spent several years as In-House Counsel of one of North America's largest food processing and distribution companies and as Senior Director of one of its major operating divisions. In those roles, she focused on operational labour relations and the administration of approximately 50 collective agreements, leading negotiations in bargaining a number of them.

Alix is a frequent speaker at conferences relating to employment, labour relations and human rights area. She recently spoke in July 2008 at the Lorman Education Services Seminar on Employment Standards.

Alix first joined the firm in 2001 as an associate in the Labour, Employment and Human Rights Group. She is an active participant in the firm's National Human Rights Seminar and the Annual Labour and Employment Seminar for clients.

### Representative Experience

- *PwC sells certain regions of personal insolvency practice to Meyers Norris Penny*  
Advised PricewaterhouseCoopers LLP
- *PwC acquires MTS Allstream's Professional Services consulting group*  
Advised PwC
- *Open Link acquires dbc SMARTsoftware*  
Advised Open Link Financial, Inc.
- *XATA acquires Turnpike Global*  
Advised XATA Corporation
- *International Power acquires Canadian wind farm developer AIM PowerGen*  
Advised International Power
- *FCI sells North American-based electrical division to Hubbell for US\$360 million*  
Advised FCI S.A.
- *Ontario Superior Court issues injunction against picketing union workers and orders union to pay legal costs*  
Counsel to Wasteco

- *Handleman sells its Canadian music operations to Anderson Merchandisers*  
Advised Handleman Company
- *Lift Technologies sold to Calvi Holding*  
Advised Calvi Holding Srl
- *Klöckner sells Canadian subsidiary Namasco to Samuel, Son & Co.*  
Advised Klöckner & Co and Namasco Ltd.
- *Yildiz Holding A.S purchases Godiva Chocolatier business from Campbell Soup for US\$850 million*  
Advising Yildiz Holding A.S.
- *NewPage buys North American paper operations of Stora Enso in US\$2.5 billion deal*  
Advised NewPage on the Canadian aspects of this transaction
- *International Automotive Components completes Collins & Aikman soft trim acquisition*  
Advised International Automotive Components Group North America
- *United Group completes US\$408 million acquisition of UNICCO*  
Advised United Group Limited
- *Food retail and day care industries collective bargaining agreements*  
Has been the lead negotiator of several collective bargaining agreements in the food retail and day care industries.

## **Presentations**

- Workplace Violence and Harassment Laws - Are You In Compliance?, Labour, Employment and Human Rights Group Seminar, October 20, 2010
- The Ontario Employment Standards Act in Ontario Seminar, Lorman Education Services, August 13, 2009
- Human Rights Seminar, June 4, 2009
- The Ontario Employment Standards Act in Ontario Seminar, Lorman Education Services, July 31, 2008
- National Human Rights Seminar, Toronto, June 3, 2008
- Bill 14 - Regulation of Paralegals and implications for HR Professionals and Health and Safety Inspectors, Speaker, Retail Council of Canada, December 11, 2007
- Fasken Martineau National Human Rights Seminar, May 25, 2007

## **Publications**

- "The HR Space: With the Click of a Mouse: Employee Fired for Disseminating Inappropriate E-mail at Work", Labour, Employment and Human Rights Bulletin, April 20, 2010
- "The HR Space - Ontario Follows Quebec and the Federal Sector with New Anti-Harassment/Violence Law", Labour, Employment and Human Rights Bulletin, January 12, 2010
- "Ontario Court Rules Class Action Not Allowed for Overtime Claim", Northern Exposure: Employment law for U.S. companies with employees in Canada, July 7, 2009
- "Judge Rejects Overtime Class Action Suit Against CIBC", Labour, Employment and Human Rights Bulletin, June 19, 2009
- "Landmark Supreme Court of Canada Decision Significantly Alters the Law Regarding Damages in Wrongful Dismissal Cases", Labour, Employment and Human Rights Law Bulletin, July 2008

- "New Posting Requirement for Ontario Employers", Employer Alert, March 2008
- "The New Human Rights System in Ontario", Labour and Employment Alert by Alix Herber and Katherine Pollock, September 2007
- "Employer Liability for Drinking Employees: 2002", Labour, Employment and Human Rights Bulletin by Alix P. Herber, November 2002

### **Memberships and Affiliations**

- Member of the Canadian Bar Association
- Member, Ontario Bar Association, Employment and Labour Divisions
- Member, Student Development Committee

### **Community Involvement**

- Member, Human Rights Watch Toronto Network, a subcommittee of Toronto Human Rights Watch Council
- Past Board Member of Jessie's Centre for Teenagers, a multi-service resource for pregnant and parenting teenagers who are eighteen years old or younger, and their children. (2004-2005)
- Past Co-Chair of the Board of Directors and Chair of the Human Resources Committee for Opportunity for Advancement for three years. OFA is a not for profit United Way agency providing programs to women in disadvantaged life situations. (2001-2004)
- Past Board Member, Margaret Frazer House, providing support to women with mental illness



## Ida Martin

*Associate*

### Toronto

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Ida Martin is an associate in both the Labour, Employment and Human Rights group and the Government Relations and Ethics groups.

In her Labour and Employment practice she is engaged in assisting employers with matters relating to restructuring, downsizing, human rights, employment agreements and terminations, labour relations and collective agreement interpretation.

As a member of the Government Relations and Ethics practice group, Ida is active in government relations at the provincial and federal levels for clients in various sectors.

Ida summered with the firm in 2007 and was seconded to the firm's Vancouver office. She articulated with the firm in 2008-2009, and joined as an associate in 2009.

### Representative Experience

- *Open Link acquires dbc SMARTsoftware*  
Advised Open Link Financial, Inc.

### Presentations

- Workplace Violence and Harassment Laws - Are You In Compliance?, Labour, Employment and Human Rights Group Seminar, October 20, 2010
- 25th Fasken Forum, Labour, Employment, Human Rights, Pensions & Benefits Conference, February 12, 2010

### Publications

- "The HR Space: Requiring Single Parent to Work the Nights – Discrimination on the Basis of Family Status?", Labour, Employment and Human Rights Bulletin, July 20, 2010
- "The HR Space: Don't Get Tangled Up in Duct Tape: Lessons For Employers", Labour, Employment and Human Rights Bulletin, June 15, 2010
- "Bill 46 - Excellent Care for All", Health Law Bulletin, May 2010
- "The HR Space: Do Age-Based Early Retirement Programs Violate the Human Rights Code?", Labour, Employment and Human Rights Bulletin, May 11, 2010
- "Do Age-Based Early Retirement Programs Violate the Human Rights Code?", Case Comment, Ultimate HR Manual Newsletter, May 2010
- "Public Sector Restraint Legislation Passes Second Reading", Labour, Employment and Human Rights Bulletin, April 2010
- "The HR Space: What Happens When Child Care and Work Conflict - More Guidance for Employers", Labour, Employment and Human Rights Bulletin, February 9, 2010

### Areas of Practice

Labour, Employment and Human Rights

Government Relations and Ethics

### Education

LLB,  
University of British Columbia,  
2008

BSc (Hons),  
University of British Columbia,  
2004

### Year of Call

Ontario, 2009

### Languages

English

- "Employees Required to Cross Another Union's Picket Line", The HR Space, December 1, 2009
- "Recent Developments In Employment Law And How They Impact HR Professionals", Federated Press' HR Compliance Course, September 2009

### **Memberships and Affiliations**

- Member, Law Society of Upper Canada
- Member, Canadian Bar Association
- Member, Ontario Bar Association

**FASKEN MARTINEAU  
INSTITUTE SEMINARS  
FALL 2010**



TORONTO

# Fasken Martineau Institute Seminars Fall 2010



# Fasken Martineau Institute Seminars

## Fall 2010

Welcome to Fasken Martineau Institute! We are excited to announce the fall 2010 program of educational seminars designed to keep you abreast of the key legal issues facing senior business leaders in the GTA.

The course calendar in this brochure provides an overview of the current seminars planned for the fall of 2010. We hope this makes it easier for you to plan which seminars you would like to attend. Save the date for any topics of interest and then keep an eye out for the e-invitations coming to you shortly with further details about each seminar.

Please also visit us online at [www.fasken.com](http://www.fasken.com) to see a list of our upcoming seminars and to register. You will also find more details about each seminar as well as additional seminars added to the program.

We hope you can attend these informative seminars with Fasken Martineau Institute.

| Area                                      | Seminar Dates                         |
|---|---------------------------------------|
| Antitrust, Competition & Marketing        | November 18                           |
| Financial Institutions & Services         | October 13                            |
| Investment Products and Wealth Management | September 17, October 15              |
| Labour, Employment & Human Rights         | September 22, October 20, November 24 |
| Pensions and Benefits                     | November 16                           |
| Product Liability                         | September 29                          |
| Securities and Mergers & Acquisitions     | October 5, November 4, November 18    |
| Technology & Intellectual Property        | September 15                          |

## SEPTEMBER 2010

| Sunday | Monday | Tuesday | Wednesday   | Thursday | Friday   | Saturday |
|--------|--------|---------|---|----------|--|----------|
|        |        |         | 1   | 2        | 3  | 4        |
| 5      | 6      | 7       | 8   | 9        | 10   | 11       |
| 12     | 13     | 14      | 15<br><b>Generating Revenue and Reducing Risk: Our IP Survey Results Are In</b><br>8:00 am - 10:00 am | 16       | 17<br><b>Regulatory Update - NI 31-103 Registration Reform and Other Matters</b><br>12:00 pm - 2:00 pm | 18       |
| 19     | 20     | 21      | 22<br><b>Tips for Accommodating Disability</b><br>8:00 am - 10:00 am                                  | 23       | 24   | 25       |
| 26     | 27     | 28      | 29<br><b>The Canada Consumer Product Safety Act - Let the Seller Beware!</b><br>8:00 am - 10:00 am    | 30       |  |          |

## OCTOBER 2010

| Sunday | Monday | Tuesday  | Wednesday  | Thursday | Friday  | Saturday |
|--------|--------|--|--|----------|---|----------|
|        |        |  |  |          | 1   | 2        |
| 3      | 4      | 5<br><b>What to Do When You Have Allegations of Wrongdoing</b><br>8:00 am - 10:00 am | 6  | 7        | 8   | 9        |
| 10     | 11     | 12   | 13<br><b>Legal and Regulatory Developments Affecting Financial Institutions</b><br>4:30 pm - 7:30 pm | 14       | 15<br><b>CLS Training Seminar</b><br>8:00 am - 10:00 am | 16       |
| 17     | 18     | 19   | 20<br><b>Workplace Violence and Harassment Laws - Are You in Compliance?</b><br>8:00 am - 10:00 am   | 21       | 22  | 23       |
| 24     | 25     | 26   | 27   | 28       | 29  | 30       |
| 31     |        |  |  |          |   |          |

## NOVEMBER 2010

| Sunday | Monday | Tuesday  | Wednesday   | Thursday   | Friday | Saturday |
|--------|--------|--|---|--|--------|----------|
|        | 1      | 2  | 3   | 4<br><b>Public Company -<br/>Strategies to Handle<br/>Aggressive Minority<br/>Shareholders</b><br>8:00 am - 10:00 am | 5      | 6        |
| 7      | 8      | 9  | 10  | 11   | 12     | 13       |
| 14     | 15     | 16<br><b>Pension Reforms<br/>- Part II</b><br>8:00 am - 10:00 am | 17  | 18<br><b>Strategic<br/>Considerations in<br/>Acquisitions by State<br/>Owned Enterprises</b><br>8:00 am - 10:00 am   | 19     | 20       |
| 21     | 22     | 23   | 24<br><b>Wrongful Dismissal -<br/>New Issues and<br/>Recent Cases</b><br>8:00 am - 10:00 am | 25   | 26     | 27       |
| 28     | 29     | 30   |   |  |        |          |

