

## OVERVIEW

Miller Thomson LLP is ideally positioned to provide labour & employment advice to hospitals and other health and service organizations. Our national Labour & Employment Law Group has been advising management on labour relations and employment law since 1957. In addition, our Health Industry Practice Group is well known for providing the most advanced legal service delivery solutions available. This combination of history and innovation is unique and unparalleled in the healthcare sector.

Over the years, our commitment to personal service and responsiveness to the needs of our clients has fostered long-term relationships based on trust, confidence and results. We are known for our ability to apply legal principles in a cost effective, practical and strategic way to accomplish our clients' objectives.

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# LABOUR & EMPLOYMENT IN THE HEALTH INDUSTRY

**MILLER THOMSON LLP**

Barristers & Solicitors, Patent & Trade-Mark Agents

## OUR GROUP

Our Group enjoys an excellent reputation for offering clients distinctive service and creative legal solutions. Many of our lawyers have considerable experience in the negotiation of single employer or industry wide collective agreements with trade unions acting as management spokesperson, strategic adviser, drafts person and/or counsel.

## OUR EXPERTISE

### *Labour Relations and Employment Law*

We represent and advise management on all aspects of labour relations and employment law, including: negotiation of professional service agreements, termination of union and non-union employees, collective agreement negotiations, collective agreement interest and rights arbitrations, Labour Board representation and advice, advice on restructuring and/or downsizing, advice and representation on employment standards matters, regulatory prosecutions, civil remedies such as injunctions, pensions and workplace safety and insurance.

In the context of Health Sector employment, we understand:

- The unique relationship between the regulatory obligations of hospital employees and their employment obligations.
- The complexities arising from the integration of provincial bargaining and local bargaining and, in the case of integrated local health systems, multi-institutional bargaining.
- The potential for jurisdictional disputes between unions within the health industry and what is required to avoid or resolve these disputes.

- The ongoing Pay Equity challenges faced by health care employers arising from restructuring and the application of proxy comparison methods.
- The unique restructuring issues which can arise because of the diverse ways in which hospitals and healthcare organizations are structured. We understand the necessity to facilitate different approaches when dealing with publicly operated versus privately owned facilities including the interplay between a primary health care facility and satellite clinics or other operations.
- The significant impact that employee absenteeism can have upon the level of care that can be provided by health care employers.
- The unique confidentiality and privacy issues that can arise when an employer is also a health care provider.

### *Human Rights*

We encourage our clients to be proactive in developing human rights policies and processes in order to ensure compliance. Our lawyers advise employers in all aspects of human rights law, including the duty to accommodate, employment equity, implementation of policy initiatives and guidelines and the development of institutional responses. We regularly represent management in all phases of human rights investigations and/or before Human Rights Tribunals.

In the context of the Health Sector, we understand the unique consideration to be given to the concept of "undue hardship" where accommodation may impact upon the level of care that can be offered by health care facility.

### *Occupational Health & Safety*

We represent clients in all matters relating to occupational health and safety. We assist clients in

establishing proactive policies and procedures and advise on implementing and monitoring such plans. We support clients in fulfilling their obligations in the event of a workplace accidents as well as provide counsel in relation to OHS prosecutions. We advise client in relation to Ministry of Labour Orders, collective agreement arbitrations involving safety issues, Labour Board hearings relating to alleged reprisals, as well as work refusals and work stoppages pursuant to the *Occupational Health and Safety Act*. We also provide counsel to assist clients in complying with their due diligence obligations with respect to safety matters.

In the context of Health Sector safety, we are familiar with the Health Care and Residential Facilities Regulation under the *Occupational Health and Safety Act*.

### *Other Services and Support*

We offer practical advice and training to both unionized and union free employers to help them practise positive employee relations and effective decision making.

To discuss our specific experience and expertise, please contact:

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