

Learn from a multi-disciplinary faculty, and
make confident and competent decisions on
today's complex workplace issues



The *Osgoode* Certificate in HR Law for HR Professionals

Approved by HRPA for
36 Continuing Professional Development hours

New! Five-day intensive format



July 8 - 12, 2013 | Toronto, Canada

Why You Should Attend

Program Details

Dates

Module One

Critical Issues in the Hiring Process/Navigating the *Employment Standards Act*
July 8, 2013

Module Two

Equity, Diversity and Accommodation: Human Rights at Work / Occupational Health and Safety Compliance in Ontario
July 9, 2013

Module Three

Conducting Workplace Investigations
July 10, 2013

Module Four

Terminating the Employment Relationship: Minimizing Your Legal Exposure
July 11, 2013

Module Five

The Workplace in the Social Media Age: Confronting the Challenges /Afternoon Group Exercise: Pulling it All Together
July 12, 2013

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

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

Sandra Penman
Human Resources Manager
Johnson Controls

More than ever before, HR professionals need a solid understanding of the many laws governing the employment relationship, and the legal risks that can arise in the workplace. Failure to follow the rules and manage risk can result in fines and civil and criminal liability for an organization, its directors and officers, managers, supervisors and others, not to mention a poor reputation as an employer.

Now in its fifth offering, *Osgoode's Certificate in HR Law for HR Professionals* was specifically developed for human resource professionals, and is approved by the HRPD for Continuing Professional Development hours. In five consecutive valuable one-day modules, an experienced, multi-disciplinary faculty will provide you with cogent, practical advice and strategies on how to avoid costly mis-steps. There will be plenty of opportunities for questions, discussions and debates. The focus is on practical learning that you can put to work immediately.

Key Benefits: What You Will Learn

- Impact of social media in the hiring process
- Drafting employment agreements – dos and don'ts
- Navigating the *Employment Standards Act*, including overtime pay, minimum wage, leaves of absence, pregnancy leave, personal emergency leave, employees' obligations when on leave, termination of employment and severance pay
- Occupational health and safety: the key provisions
- Refusing unsafe work and assessing legitimacy of refusals: practical considerations
- Equity, diversity and accommodation, including tips and tools for reducing discrimination claims in the workplace
- Practical strategies regarding the duty to accommodate
- A comprehensive guide to conducting workplace investigations: the investigative process, pre-investigative steps, interviewing, making a finding and remedies
- Terminating the employment relationship and minimizing your legal exposure
- References: "dos" and "don'ts"
- Releases (and the impact of releases on a subsequent human rights complaint)
- The workplace in the social media age: confronting the challenges

Who Should Attend

- HR Professionals/Executives
- VPs/Directors/Managers of Human Resources
- VPs/Directors/Managers of Labour Relations
- Supervisors and Managers
- Disability and Return to Work Managers
- HR Consultants
- Mediators and Arbitrators of Employment and Labour Law Disputes
- Employment and Labour Relations Consultants
- Business Owners



THE OSGOODE CERTIFICATE IN HR LAW FOR HR PROFESSIONALS

Across five intensive, one-day modules, the essential elements of HR law will be delivered by a multi-disciplinary faculty with years of experience in a variety of workplaces. Classes are taught using a blended-delivery method that includes lectures, case studies and group and class discussions. Practical approaches and solutions are emphasized.

THE CURRICULUM

MODULE ONE

July 8, 2013, 9:00 a.m. – 4:30 p.m.

Critical Issues in the Hiring Process / Navigating the *Employment Standards Act*

Morning Session

- Writing job descriptions – dos and don'ts
- Screening and interviewing job applicants
- The impact of social media in the hiring process
- Privacy obligations
- Negligent misrepresentation and inducement
- Drafting employment agreements - key components and format
- What clauses should always be included?
- Employment duties
- Compensation and benefits/bonuses
- Termination provisions
- Non-competition, confidentiality and restrictive covenants

Faculty

Richard J. Nixon, Davis LLP

Matthew L.O. Certosimo, C.S., Borden Ladner Gervais LLP

Afternoon Session

This intensive session is designed to deepen your knowledge of the *Employment Standards Act, 2000*. There will be ample opportunity for questions and discussion.

- The scope of the ESA – who's covered by it, and who's not?
- Hours of work; overtime pay; minimum wage; public holidays
- Vacation with pay
- Equal pay for equal work
- Leaves of absence – when does an employee qualify?
 - pregnancy leave; parental leave; family medical leave
 - what obligations do employees have when on leave?
 - tips for devising appropriate leave policies
- Termination of employment
 - general notice requirements
 - individual vs. mass terminations – what are your obligations?
 - what are the requirements during the notice period?
 - calculating severance pay
- Complaints and enforcement

Faculty

Karen Bock, Davis LLP

Barry Kuretzky, Kuretzky Vassos Henderson LLP

MODULE TWO

July 9, 2013, 9:00 a.m. – 4:30 p.m.

Equity, Diversity and Accommodation: Human Rights at Work / Occupational Health and Safety Compliance in Ontario

Morning Session

- The Ontario *Human Rights Code* – application and scope
- Guidance for interpreting the Code
- What is discrimination?
 - sex discrimination
 - race discrimination
 - disability discrimination
 - age discrimination
 - religious beliefs
 - sexual orientation
- Strategies to prevent/address human rights issues
- Duty to accommodate – how far is an organization expected to go relating to accommodation requests regarding:
 - family status
 - aging workers
 - observance of religious beliefs
 - sexual orientation
 - addiction
- Workshop: human rights and accommodation group exercise

Faculty

James Heeney, Robinson Heeney LLP

Soma Ray-Ellis, Himelfarb, Proszanski LLP

Afternoon Session

Occupational Health and Safety Compliance in Ontario

- Occupational Health and Safety – an overview of the statutory regime
- Workplace parties: who is an employer: who is a worker?
- Joint health and safety committees: duties and responsibilities
- Refusing unsafe work
- Facing the Challenges under Bill 168
- Due diligence: meeting the standards of your industry
- What happens if there is an accident? A checklist of dos and don'ts
- Workshop: Occupational Health and Safety group exercise

Faculty

Robert W. England, Miller Thomson LLP

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Register online today at www.osgoodepd.ca

MODULE THREE

July 10, 2013, 9:00 a.m. – 4:30 p.m.

Conducting Workplace Investigations

When faced with allegations of employee workplace misconduct you must be equipped to conduct a proper and effective workplace investigation. Specifically, you need to be aware of the laws that govern the investigative process and the problems and pitfalls that can trap the unwary.

The Investigative Process and Pre-Investigative Steps

- Objective of the investigation
- Role of advisors
- Role of the investigator
- Getting it in writing
- Preparing an investigation plan – exercise: prepare the plan
- Documentation

Interviewing

- Listening skills – active listening exercise
- What to tell the complainant, respondent and witnesses
- Creating the right questions
- Why people are reluctant to complain
- Confidentiality
- Internal biases
- Off-the-record statements

Making a Finding and Preparing the Report

- One person's word against another's
- Assessing credibility
- The burden of proof
- Similar fact evidence

After a Finding

- Remedies to consider
- What if the complaint is malicious?
- Preventing retaliation and further incidents: tips and tools

Faculty

Sarah C. Crossley, Norton Rose Canada LLP

Kevin A. Robinson, Robinson Heeney LLP

Krista Siedlak, Bernardi Human Resource Law LLP

MODULE FOUR

July 11, 2013, 9:00 a.m. – 4:15 p.m.

Terminating the Employment Relationship: Minimizing Your Legal Exposure

- Statutory requirements for lawful terminations
- Drafting the termination letter: what should go in it and what shouldn't
- Dismissal for just cause: tips for building and documenting the case
- Can an employee's off duty (or pre-hire) conduct amount to just cause?

- The effect of condoning misconduct
- Termination without cause: best practices
- Structuring the severance package – dealing with claims for bonuses, commissions, pension plans, life and health benefit extensions
- Important considerations relating to large scale terminations
- Releases that work
- What impact will a release have on a subsequent human rights complaint?
- Requests for references: what should you do?
- The role of arbitration and mediation in the context of terminations

Faculty

Natalie C. MacDonald, Rudner MacDonald LLP

Jennifer M. Fantini, Borden Ladner Gervais LLP

Lisa Goodfellow, Miller Thomson LLP

MODULE FIVE

July 12, 2013, 9:00 a.m. – 4:30 p.m.

The Workplace in the Social Media Age: Confronting the Challenges / Afternoon Group Exercise: Pulling it All Together

Morning Session

In an area of law that is rapidly developing as one of the most interesting and complex in the employment relationship, an expert faculty tackle the major potential pitfalls facing employers in this area today. Topics include:

- The prevalence of social media: what are the major concerns for employers
- Using social media in the hiring process
- The ownership of social media accounts
- Tips for adapting the employment contract to address social media issues
- The impact of social media on restrictive covenants
- Confidentiality conundrums
 - the rogue employee - monitoring the employee's online activity and disciplining offenders
- The employee's expectation of privacy inside and outside the workplace
- Tips for developing a social media policy

Faculty

Lisa Stam, Baker & McKenzie LLP

Andy Pushalik, Dentons Canada LLP

Afternoon Session

Group Exercise: Case Study Led by Program Directors

Stuart E. Rudner and Natalie C. MacDonald



The *Osgoode Certificate in HR Law for HR Professionals* draws on the expertise and experience of leading HR and legal experts, including:

Karen Bock, Davis LLP

Matthew L.O. Certosimo, C.S.
Borden Ladner Gervais LLP

Sarah C. Crossley
Norton Rose Canada LLP

Robert W. England
Miller Thomson LLP

Jennifer M. Fantini
Borden Ladner Gervais LLP

Lisa Goodfellow, Miller Thomson LLP

James Heeney, Robinson Heeney LLP

Barry Kuretzky
Kuretzky Vassos Henderson LLP

Natalie C. MacDonald
Rudner MacDonald LLP

Richard J. Nixon, Davis LLP

Andy Pushalik, Dentons Canada LLP

Soma Ray-Ellis
Himelfarb Proszanski LLP

Kevin A. Robinson
Robinson Heeney LLP

Stuart E. Rudner
Rudner MacDonald LLP

Krista Siedlak, Bernardi Human
Resource Law LLP

Lisa Stam, Baker & McKenzie LLP

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for human resources, health care, public procurement and other professionals.

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Canadian Privacy Institute

Michael Bach
National Director of Diversity
Equity and Inclusion, KPMG LLP

Sunil Kapur, McCarthy Tétrault LLP

*"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.

"Materials are fantastic"

Tim Osborne
Human Resources Manager
City of Quinte West

THE OSGOODE CERTIFICATE IN HR LAW FOR HR PROFESSIONALS SUMMER 2013 REGISTRATION

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Fee Per Delegate

\$3,995 plus 13% HST for a total of \$4,514.35.

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Fees paid by individuals are eligible for a tuition tax credit. Dress is business casual.

Need accommodations? Check our website at www.osgoodepd.ca/hotelandparking.html

Payment Options – Payment must be made prior to the program

- ☐ Cheque enclosed (payable to York University – GST# R119306736)
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Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

For Further Program-Related Information

Please contact: David Thomas, Senior Program Lawyer
at 416.673.4672 or email dthomas@osgoode.yorku.ca.

Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after June 17, 2013 will include an administration charge of \$700. No refunds will be issued after the program commences. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by July 1, 2013.

Certificate of Program Completion

You will receive a certificate upon completion of The Osgoode Certificate in HR Law for HR Professionals. Participants must attend all program modules and pass the take-home assessment to receive a certificate.

Public CLE Seminars

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ITAW

Professional LLM

4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394

