



André R. Nowakowski

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RELATED SERVICES

Human Rights
Labour & Employment
Workplace Health & Safety

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Sports

Biography

André Nowakowski has a specialized labour and employment practice and is one of Miller Thomson's leading sports and entertainment lawyers. He represents and advises management in unionized and non-unionized workplaces in all areas of labour relations and employment law. André has clients in both the private and public sectors.

André advises and represents clients on a wide range of matters including labour relations, human rights, employment standards, workplace safety and insurance, collective agreement interpretation, unfair labour practices, certification applications, and a wide range of grievance matters. He also advises and assists clients to formulate workplace policies and employee handbooks.

André acts as counsel to National Hockey League clubs in salary arbitration disputes with their players.

André has presented lectures and seminars on labour relations, employee relations, union organizing drives, collective bargaining, human rights, employment standards legislation, progressive discipline, hiring and firing, attendance management, privacy issues, social media in the workplace, labour and employment issues in sale-of-business transactions, wage restraint legislation, and general labour relations and employment law issues.

In the community, André is active in a number of charitable events.

Professional achievements & leadership

- *The Best Lawyers in Canada* – Labour and Employment Law, 2019 – 2021

Thought leadership

Presentations

- Panelist Speaker, Osgoode Hall Entertainment and Sports Law Conference, March 9, 2020
- Guest Arbitrator, Eighth Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (with the Finals held at the Prime Time Sports Management Conference and Trade Show), Toronto, November 17 and 18, 2019
- Guest Arbitrator, Seventh Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (with the Finals held at the Prime Time Sports Management Conference and Trade Show), Toronto, November 11 and 12, 2018
- Presenter, "Up in Smoke: Marijuana in the Workplace", Miller Thomson, Coffee Talk: A Health Seminar, March 21, 2018
- Guest Arbitrator, Sixth Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (with the Finals held at the Prime Time Sports Management Conference and Trade Show), Toronto, November 12 and 13, 2017
- Presenter, "The Winds of Change: Amendments to the *Employment Standards Act, 2000*

- and the *Labour Relations Act*, Miller Thomson Corporate Counsel Series 2017, Toronto, December 20, 2017
- Presenter, "The Winds of Change: Coming Changes to the *Employment Standards Act* and the *Labour Relations Act*", Miller Thomson, Coffee Talk: A Health Seminar, September 13, 2017
 - Presenter, "It's About Time!: Drafting collective agreement language on scheduling, hours of work, and overtime", Lancaster House audio conference, May 4, 2017
 - Co-presenter, "Money Talks: Let's Discuss Pensions and Executive Compensation", Miller Thomson's 2017 Labour Relations & Employment Law Conference, April 6, 2017
 - Co-presenter, "Labour Pains?", Miller Thomson's 2017 Labour Relations & Employment Law Conference, April 6, 2017
 - Guest Arbitrator, Fifth Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (with the Finals held at the Prime Time Sports Management Conference and Trade Show), Toronto, November 13, 2016
 - Presenter, "Reorganization & Integration – Labour and Employment Implications", Miller Thomson, Coffee Talk: A Health Seminar, February 3, 2016
 - Presenter, "Emerging Risks in Long-Term Care", Miller Thomson and HUB International Limited co-hosted an invitational roundtable on January 27, 2016.
 - Guest Arbitrator, Fourth Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (with the Finals held at the Prime Time Sports Management Conference and Trade Show), Toronto, November 8-9, 2015
 - Presenter, "Managing the Termination Process" at Industrial Relations, Trade Unions and the Law 2015, The Commons Institute, October 29, 2015
 - Presenter, "How Do We Get There From Here?: A Practical Look at Collective Bargaining", Applied Civil and Labour Law for Law Enforcement course, Conestoga College, October 27, 2015
 - Presenter, "Hiring and Firing – Best Practices/Do's & Don'ts" and "*Employment Standards Act, 2000* Update on Bill 18", for the Excellence in Manufacturing Consortium Strategic Interest Group – Burlington/Oakville (February 17, 2015), Mississauga/Brampton (May 28, 2015), Barrie (June 4, 2015), and GTA/York (June 24, 2015)
 - Presenter, "Social Media in the Workplace" at the Employment Law Conference for the Durham Chapter of the Human Resources Professionals Association on June 12, 2015
 - "How Do We Get There From Here?: A Practical Look at Collective Bargaining", Applied Civil and Labour Law for Law Enforcement course, Conestoga College, October 30, 2014
 - Guest Arbitrator, Third Annual Hockey Arbitration Competition of Canada at the University of Toronto Sports and Entertainment Law Society, Toronto, October 24-25, 2014
 - Panelist, Competition's Plenary Panel, Third Annual Hockey Arbitration Competition of Canada at the University of Toronto Sports and Entertainment Law Society, Toronto, October 25
 - "*Workplace Safety and Insurance Act*", Toronto Construction Association, Toronto, October 22, 2014
 - Co-presenter, "Labour Arbitration Trends," Miller Thomson's Labour Relations and Employment Law Conference, Toronto, April 24, 2014
 - Presenter, "Duelling Regimes: Workplace Safety and Insurance Act vs. Human Rights Code? Bill 168 Update," Miller Thomson's Labour Relations and Employment Law Conference, Toronto, April 24, 2014
 - Co-presenter in a panel discussion on "What's New in Legal?" at the Retail Council of Canada's HR Conference, Apr 1- 2, 2014
 - "How Do We Get There From Here?: A Practical Look at Collective Bargaining", Applied Civil and Labour Law for Law Enforcement course at Conestoga College, November 8, 2013.
 - Guest Arbitrator, Second Annual Hockey Arbitration Competition of Canada at the University of Toronto Sports and Entertainment Law Society, October 19 and 19, 2013.
 - Co-presenter, "Labour & Employment Due Diligence in Transactions", CBA Skilled Lawyer Series III, Toronto, February 28, 2013
 - "Strategies for Effectively Managing Employment Standards and Labour Relations in an Environment of Fiscal Restraint", Canadian Institute's 9th Annual Forum on Crown Corporate Governance, Ottawa, January 30, 2013
 - "How Do We Get There From Here?: A Practical Look at Collective Bargaining", Applied Civil and Labour Law for Law Enforcement course, Conestoga College, November 9, 2012
 - "Juggling Act: Managing WSIB and Human Rights Simultaneously; and Update on Work

Reintegration Process”, Miller Thomson’s Labour Relations & Employment Law Conference, Toronto, November 8, 2012

- “Managing the Absent Employee: Strategies for Implementing Enforceable Absenteeism Programmes”, Miller Thomson’s Labour Relations & Employment Law Conference, Toronto, November 8, 2012
- Guest Arbitrator, First Annual Hockey Arbitration Competition of Canada at the University of Toronto, October 5, 2012
- “Operating in an Age of Restraint”, presented with Laura Cassiani, Miller Thomson, Coffee Talk: A Health Seminar, September 19, 2012
- “How Do We Get There From Here?: A Practical Look at Collective Bargaining”, Applied Civil and Labour Law for Law Enforcement course, Conestoga College, November 1, 2011

Editorial Contributions

- Quoted in “*Legal teamwork helps score \$30-million settlement in junior hockey class actions*”, The Lawyer’s Daily, May 26, 2020
- Mentioned in “*Third annual Hockey Arbitration Competition of Canada a success*” Canadian Lawyer, November 2014
- Quoted in “*He moots, he scores in hockey arbitration*,” The Lawyers Weekly, November 2014
- Quoted in “*What to expect when your employee’s expecting*,” Benefits Canada, March 2011
- Quoted in “*How to Legal Proof Labour Law in Recessionary Times*,” Canadian Lawyer, May 2009

Publications

- Some good news for employers: Expanded and extended Canada Emergency Wage Subsidy, Labour and Employment Communiqué, July 21, 2020
- Startling new case on termination clauses: *Waksdale v. Swegon North America*, Labour and Employment Communiqué, July 7, 2020
- Significant Amendments to *Public Sector Labour Relations Transition Act, 1997* Receive Royal Assent with Ontario Budget, Labour and Employment Communiqué, May 30, 2019
- An Eye on the Taxpayer, Part VI: Public Purse Challenges Persist, Labour and Employment Blog, March 3, 2016
- Termination Clauses and Continuation of Benefits: A Warning and Reminder for Employers in Ontario, Labour and Employment Communiqué, August 18, 2015
- Key Changes to the *Employment Standards Act, 2000* and Other Employment Statutes, Charities and Not-for-Profit Newsletter, February 27, 2015
- A Review of Ontario Legislation that Expands Employer Accountability – Bill 18, *Stronger Workplace for a Stronger Economy Act, 2014*, Has Received Royal Assent, Labour and Employment Communiqué, January 16, 2015
- *Broader Public Sector Accountability* Bill Receives Royal Assent, Health Communiqué, January 16, 2015
- The Executive Compensation Act and Ombudsman Act are Coming to Education, Education Law Newsletter, December 2014
- Bill 8 Proposes to Limit Executive Compensation for Certain Broader Public Sector Organizations, Charities and Not-for-Profit Newsletter, November 2014
- Public Consultation Scheduled for Broader Public Sector Accountability Bill, Health Communiqué, November 21, 2014
- Quoted in “He moots, he scores in hockey arbitration”, The Lawyers Weekly, November 14 Issue, 2014
- Broader Public Sector Accountability Bill Re-introduced, Labour and Employment Communiqué, July 31, 2014
- Broader Public Sector Accountability Bill Re-introduced, Health Communiqué, July 17, 2014
- Ontario Legislation Expanding Employer Accountability Re-introduced: Bill 18, Labour and Employment Communiqué, July 17, 2014
- Ontario Proposes Sweeping Changes for Broader Public Sector Accountability, Health Communiqué, March 28, 2014
- Ontario Proposes Sweeping Changes for Broader Public Sector Accountability, Labour and Employment Communiqué, March 28, 2014
- Broader Public Sector Accountability Measures En Route, Health Communiqué, March 10, 2014

- Broader Public Sector Accountability Measures En Route, Education Law Newsletter, March 10, 2014
- Miller Thomson Canadian Labour and Employment Blog, “Broader Public Sector Accountability Measures En Route,” March 7, 2014
- Broader Public Sector Accountability Measures En Route, Labour and Employment Communiqué, March 7, 2014
- Miller Thomson Canadian Labour and Employment Blog, “An Eye on Collective Bargaining and the Taxpayer, Part 3: An Update,” February 5, 2014
- Expanding Employer Accountability in Ontario – Bill 146, Labour and Employment Communiqué, December 2013
- Refresher on Bill 55 Amendments to the *Broader Public Sector Accountability Act, 2010*, Health Communiqué, October 10, 2012
- Refresher on Bill 55 Amendments to the *Broader Public Sector Accountability Act, 2010*, Labour and Employment Communiqué, October 10, 2012
- More Freezes Coming in the Public Sector: Province Issues Draft *Protecting Public Services Act, 2012*, Health Communiqué, September 28, 2012
- More Freezes Coming in the Public Sector: Province Issues Draft *Protecting Public Services Act, 2012*, Labour and Employment Communiqué, September 27, 2012
- An Eye on Collective Bargaining and the Taxpayer, Part 2: Back to School?, Canadian Labour & Employment Law Blog, 2012
- An Eye on Collective Bargaining and the Taxpayer, Canadian Labour & Employment Law Blog, 2012
- Do Employees Have Privacy Rights on Their Employers’ Computers?, Charities and Not-for-Profit Newsletter, May 2011
- Do Employees have Privacy Rights on Your Computer?, Labour and Employment Communiqué, March 29, 2011
- Turbulent Times: Managing Employee Layoffs, Terminations, and Other Cost Reduction Strategies, Charities and Not-for-Profit Newsletter, August 2009
- New Laws For “Elect To Work” Employees and Proposed Changes For Temporary Employees, Labour and Employment Communiqué, December 18, 2008
- What If An Employment Standards Officer Came Knocking?, Charities and Not-for-Profit Newsletter, December 2008
- Hours of Work and Other ESA Amendments Still Not Law, Labour and Employment Communiqué, November 10, 2004

Corporate directorships

- Past Member, Board of Directors of a Not-For-Profit agency

Professional memberships

- Law Society of Ontario
- Canadian Bar Association, Labour Law Section
- Swiss Canadian Chamber of Commerce
- Sports Lawyers Association

Bar admissions & education

- Ontario Bar, 2000
- B.A. (Hons) Political Studies and History, Queen’s University, 1994
- LL.B., Queen’s University, 1998