



Jill W. Wilkie

Partner | Calgary

403.298.2402

jwilkie@millerthomson.com

Biography

Jill Wilkie is a trusted advisor to employers and specializes in advising on all aspects of labour and employment law, and is the Leader of Miller Thomson's Labour & Employment Group. She has developed significant expertise in assisting clients in the health, manufacturing and education industries, as well as in Alberta's Indigenous communities. Jill's experience includes advising on the discipline and dismissal process, the defence of wrongful, constructive and unjust dismissal claims, the development of policies, drafting employment contracts, the negotiation and arbitration of labour agreements and disputes, employment standards, human rights and accommodation, privacy law, workplace investigations, workers' compensation, drug and alcohol testing, and occupational health and safety. Jill presents frequently on topics of interest to employers. Jill is a member of the Canadian Association of Counsel to Employers (CACE) and sits on the Judicial Council for Alberta.

Jill is a trusted advisor to employers, providing advice and counsel in a number of areas:

Employment law:

- advising employers on hiring, performance management, discipline, termination, disability management, fiduciary duties, restrictive covenants, human rights, employment standards and privacy
- drafting and reviewing employment agreements, restrictive covenants, contractor agreements, employment policies and procedures
- conducting and advising on workplace investigations

Labour law:

- grievance arbitrations
- advising employers on obligations and rights during certification, collective bargaining and under a collective agreement
- advising employers on performance management, discipline, disability management, human rights and privacy
- conducting and advising on workplace investigations

Litigation:

RELATED SERVICES

Administrative & Public Law
Human Rights
Labour & Employment
Privacy, Data Governance and
Cybersecurity
Technology, IP and Privacy

RELATED INDUSTRIES

Aboriginal
Education
Energy & Natural Resources
Health

RELATED FOCUS AREAS

Privacy and Data Protection

- wrongful dismissal
- constructive dismissal
- injunction applications
- breach of restrictive covenants
- breach of confidentiality
- breach of fiduciary duties

Human Rights:

- defending human rights complaints
- representing employers in the Alberta Human Rights Commission conciliation and investigation processes
- representing employers at Alberta Human Rights Tribunal Hearings
- Judicial Review of decisions of the Alberta Human Rights Tribunal

Employment Standards:

- representing employers in Canada Labour Code inspections, adjudications and appeals
- representing employers in Alberta Employment Standards conciliations, investigations, hearings and appeals

Privacy:

- representing employers before the Office of the Information and Privacy Commissioner of Alberta
- advising employers on privacy obligations including breach reporting and responses to access requests
- drafting of privacy policies and procedures

Occupational Health & Safety:

- Conducting workplace harassment investigations; instructing workplace harassment investigators
- advising employers regarding obligations pursuant to the Occupational Health & Safety Act, Regulations and Code, including harassment and violence prevention requirements.

Workers' Compensation:

- advising employers regarding obligations pursuant to the Workers' Compensation Act and Regulations

Jill is a member of the Firm's National Inclusion and Diversity Committee.

Jill frequently presents to employers on developments in employment law, from hiring through to post-termination, as well as labour law developments.

Professional achievements & leadership

- *The Best Lawyers in Canada*, Labour and Employment Law, 2022 - 2024
- *Chambers Canada*, Employment & Labour, 2021-2024
- *The Canadian Legal Expert Directory*, Leading Lawyers Under 40, 2020; Employment Law, 2020 - 2024
- Lexpert Rising Star, Canada's Leading Lawyers Under 40, 2020

Thought leadership

Jill has authored and co-authored many articles, publications and blog posts, including:

- "Ensuring Safety and Cutting Red Tape Act, 2020 passed in

Alberta," Labour and Employment Communiqué, Miller Thomson LLP, December 2020

- "Proposed changes to workers' compensation and occupational health and safety legislation in Alberta," Labour and Employment Communiqué, Miller Thomson LLP, November 2020
- "Bill 32: Alberta's Proposed Restoring Balance in Alberta's Workplaces Act," Labour and Employment Communiqué, Miller Thomson LLP, July 2020
- "EY Report on Alberta Health Services," Labour and Employment Communiqué, Miller Thomson LLP, February 3, 2020
- "Deference to Labour Arbitrators: A Tale of Near Cause," *Employment and Labour Law Reporter*, LexisNexis Canada, February 2020
- "Deference to Labour Arbitrators: A Tale of Near Cause," Labour and Employment Communiqué, Miller Thomson LLP, December 10, 2019
- "Proposed Changes to Workplace Laws in Alberta," Labour and Employment Communiqué, May 29, 2019
- "Bill 2: An Act to Make Alberta Open for Business," Labour and Employment Communiqué, Miller Thomson LLP, 2019
- "Suncor Saga Update: Suncor's Random Drug and Alcohol Testing Policy will be Sent Back to Arbitration," *Labour and Employment Communiqué*, Miller Thomson, June 21, 2018
- "Alberta Court of Appeal Upholds Interim Ban on Random Drug and Alcohol Testing by Suncor," *Labour and Employment Communiqué*, Miller Thomson, March 23, 2018
- "Checking in after Few Months of Living with the Alberta Employment Standards Code Changes," *Labour and Employment Communiqué*, Miller Thomson, March 13, 2018
- "Alberta Employers! The Ministry of Labour Needs Your Input," *Canadian Labour and Employment Blog*, April 3, 2017
- "Emerging Issues in Labour and Employment: Economic Downturn", *The Barrister*, Issue No.119, Spring 2016
- "Employment Law 101: Enforcement of Restrictive Covenants," *Canadian Labour and Employment Law Blog*, March 22, 2016
- "Part 1: Changes To Terms Of Employment In An Economic Downturn," *Labour and Employment Communiqué*, February 18, 2016
- "Part 2: Update on the Calculation of Reasonable Notice in an Economic Downturn," *Labour and Employment Communiqué*, February 18, 2016
- "New Minimum Wage Rate in Alberta to Take Effect on October 1, 2015," *Canadian Labour and Employment Law Blog*, September 4, 2015
- "Calculating Reasonable Notice 55 Years after Bardal - Responding to Economic Realities," *Labour and Employment Communiqué*, July 31, 2015
- "Maternity and Parental Leave in Alberta," *Canadian Labour and Employment Law Blog*, February 2, 2015
- "Are Equity Partners Employees? Mandatory Retirement in Law Firms," *Canadian Labour and Employment Law Blog*, September 6, 2012
- "Entitlements of Employees who Resign with an Extended Notice Period," *Canadian Labour and Employment Law Blog*, April 3, 2012
- "Privacy in the Workplace—Drug and Alcohol Testing," *Labour and Employment Communiqué*, 2012
- "Privacy Rights of Employees' E-mail," *Charter and Human Rights Litigation*, Vol. XVIII, No. 1, Federated Press, 2011
- "Christian Horizons: the State Bans Christian Homes," *Charter and*

Human Rights Litigation, Vol. XV, No. 3, Federated Press, 2008

- "Drug and Alcohol Testing: Consistency with Privacy and Human Rights," *Charter and Human Rights Litigation*, Vol. XIV, No. 4, Federated Press, 2008
- "Hate Speech and Free Speech," *Charter and Human Rights Litigation*, Vol. XIV, No. 3, Federated Press, 2007
- "Swabs and Cameras: Privacy Issues for Employers Concerning Alcohol and Drugs in the Workplace," *Labour and Employment Communiqué – Alberta*, 2007

Jill has presented at a number of conferences and seminars, including:

- "Labour and Employment Law 101 Training," Client Presentation, April 2023
- "Labour and Employment Law 101 Training," Client Presentation, March 2023
- "Respect in the Workplace Training," Client Presentation, January 2023
- "Labour and Employment Law 101 Training," Full Day Client Presentation, November 2022
- "Addressing New Developments in Accommodation: Mental Health Issues," Employment Law Masterclass Conference, Key Media, November 2022
- "Labour and Employment Update," Half Day Client Presentation, October 2022
- "Good Governance," Client Presentation, October 2022
- "Working in an Age of Rage: Strategies to deal with increased alienation, frustration, and anger in the workplace," Lancaster House's 40th Annual Labour Arbitration and Policy Conference, June 2022
- "Labour & Employment Series 2022: Drafting of Termination Provisions in Employment Contracts Presentation," Miller Thomson LLP Associate Training Program, January 2022
- "Addressing Mental Health in the Workplace," Vital Partners Inc. Webinar, January 2022
- "Labour & Employment Series 2021: Privacy Primer for Labour & Employment Lawyers," Miller Thomson LLP Associate Training Program, October 2021
- "Equity, Diversity and Inclusion in the Workplace," Bongarde Media Webinar, September 2021
- "Good Governance," Client Presentation, September 2021
- "Workplace Privacy Webinar," Canadian Bar Association, April 2021
- "Workplace Privacy Today and Tomorrow: What's on the horizon for privacy law?," Lancaster House Webinar, March 2021
- "Mentoring from a Distance: Strategies for Success," Miller Thomson LLP Webinar, February 2021
- "Bill 32: Restoring Balance in Alberta's Workplaces Act," Alberta Labour and Employment Group Client Webinar, Miller Thomson LLP, October 2020
- "Bill 32: Alberta's Proposed Restoring Balance in Alberta's Workplaces Act," Labour and Employment Group Client Webinar, Miller Thomson LLP, July 2020
- "COVID-19 Pandemic: Business Owners' Roundtable with Stawowski McGill: Return to Work Q&A's," May 2020
- "Navigating COVID-19: Your Employment Questions Answered," Alberta Administrative Law Group Client Webinar, Miller Thomson LLP, May 2020
- "COVID-19 Pandemic: Business Owners' Roundtable with Stawowski McGill: HR Q&A's," April 2020
- "COVID-19 Pandemic: Hillcrest Financial Roundtable Discussion:

Benefits and Employment Law Issues," April 2020

- "Harassment Panel Presentation," Labour and Employment Group National Client Services Seminar, 2019
- "Workplace Investigation Training," Client Presentation, 2019
- "Respectful Workplace Culture," Client Presentation, 2019
- "Workplace Harassment," Client Presentations, 2019
- Semi-Annual Employment Law Education Session, Vital Partners, 2018
- "The Broadening Scope of Requests for Personal Information: Assessing the Organizational Impacts, Canadian Association of Counsel to Employers," Webinar, 2018
- "What All Employers Need to Know," Miller Thomson Occupational Health and Safety seminar, May 15, 2018
- "Panel Discussion on New Employment Legislation," Vital Partners, 2018
- "Key Employment Policies," CPHR Alberta, 2018
- "Panel Discussion on Disability Management," Vital Partners, 2017
- "Eyes Wide Open: Workplace Surveillance: Privacy Panel," Canadian Association of Counsel to Employers, 14th Annual Conference, Calgary, 2017
- "Prying Eyes: Privacy Breaches in the Workplace - And What To Do About Them," 35th Annual Labour Arbitration and Policy Conference, Calgary, 2017
- "HR Exchange Panel," Vital Partners, Calgary, 2017
- "The Changing Workforce: Legal Issues From Both Tails of The Aging Curve," HRIA Conference, Edmonton, 2017
- "Privacy Commissioners Perspective on Leading Workplace Privacy Issues," Canadian Associational Counsel to Employers Webinar, 2017
- "How Age Affects The Employment Relationship," Miller Thomson Client Webinar, 2016
- "Hot Privacy Topics: Hiring, Health and Hacks: Privacy Panel," Canadian Associational Counsel to Employers, 13th Annual Conference, Winnipeg, 2016
- "Respectful Workplace Training," Client Presentation, Alberta, 2016
- "Deconstructing Constructive Dismissal," HRIA Conference, Calgary, 2016
- "Employment Law 101," Miller Thomson, Client Presentation, Calgary, 2016
- "Constructive Dismissal, Employment Law Panel," Canadian Bar Association, Alberta Law Conference, Calgary, 2015
- "Canada Labour Code Update," Canadian Payroll Association, Calgary, 2015
- "Director's Duties and Liabilities," Miller Thomson, Client Presentation, Calgary, 2015
- "Advocacy before Administrative Tribunals," Federated Press 2nd Adjudication in Alberta Course, 2015
- "L&E Seminar," Miller Thomson, Client Presentation, Calgary, 2015
- "Legislative Framework in Employment Law," Federated Press 3rd Mini LL.B. for Aboriginal Leadership Course, Calgary, 2015
- Lorman Education Services Presentation on Employment Related Records in Alberta, 2014
- Lorman Education Services Presentation on Overtime and the Salaried Employee in Calgary, 2014
- Organized Pseudo Legal Commercial Argument Litigants, Miller Thomson, Calgary, 2014
- "Labour Law 101," Miller Thomson, Edmonton and Calgary, 2014
- "Employment Discharge and Documentation," Lorman Education

Services Presentation, Calgary, 2013

- “Law Procedures relating to Employment Standards, Employment Insurance and Workers Compensation,” Calgary Chinese Community Service Association and Calgary Legal Guidance Presentation, Calgary, 2013
- “Overtime and the Salaried Employee,” Lorman Education Services Presentation, Calgary, 2013
- “Workplace Investigations,” Lorman Education Services Presentation, Calgary, 2013
- “Labour Law Update,” Miller Thomson, Risk Mitigation in the Modern Workplace Seminar, BMO Centre, Calgary, 2012
- “Pastor + People + Protection—What you Need to Know,” Associated Gospel Churches of Canada, 2012
- “Employment Law 101 (Hiring and Termination, Employment Policies, Privacy Law and Human Rights),” Miller Thomson, Client Presentation, 2012
- “Camp Logistics and Workforce Accommodation Forum: Evaluating the Impacts of the Latest Government Guidelines on Work Camps,” CI Energy Group, a division of the Canadian Institute, 2012
- “Recent Developments in Human Rights Law,” Calgary Chamber of Commerce seminar, 2011
- “Freedom of Association in the Labour Relations Context,” Workshop on Substantive Law: Emerging Issues in Constitutional Law, Christian Legal Fellowship National Student Conference, University of Calgary, 2011
- “Employment Law Refresher—Privacy, Human Rights and Accommodation of Disabled Employees,” Calgary Chamber of Commerce presentation, 2010
- “Employment Law 101 (Hiring and Termination, Employment Policies, Privacy Law and Human Rights),” Miller Thomson Client Lunch ‘n Learn, 2010
- “Privacy Issues—Emerging Technologies and Employee Surveillance,” Miller Thomson Seminar, Managing Employment Issues: What’s Ahead for 2010, Calgary, 2010
- “Workplace Privacy and Human Rights in Alberta,” Lorman Education Services Presentation, Calgary, 2009
- “Privacy Concerns in the Employment Context,” Miller Thomson Presentation, From Hot to Not: Managing Employment Relationships in a Slowing Economy, Calgary Chamber of Commerce, 2009
- “Labour and Employment Law Termination Strategies and Issues,” Miller Thomson Presentation Client Lunch ‘n Learn, 2009
- “Legal Framework for Employment Law in Alberta,” Miller Thomson Client Lunch ‘n Learn, 2008

Professional memberships

- Member, Canadian Association of Counsel to Employers
- Member, Canadian Bar Association
- Member, Calgary Bar Association
- Member, Law Society of Alberta

Bar admissions & education

- Alberta, 2007
- LL.B., University of Calgary, 2006
- B.A. (Law and Society), University of Calgary, 2003