



## Patricia J. Forte

Partner | Waterloo Region

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### Biography

Pat Forte examines client issues through the lens of risk. Pat provides insightful advice and skilled advocacy in the following core areas:

**Employment law:** representing non-union employers in all aspects of the employment relationship with a view to mitigate organizational liability, including hiring, discipline, disability / leave of absence management, performance management, human rights and termination. She is frequently engaged to prepare hire letters, executive contracts, employee manuals and workplace policies, and to advise about employment standards and other legislative compliance, workplace privacy, restructuring, workplace investigations as well as litigation and appellant work. Pat acts on cases of wrongful dismissal, discrimination, constructive dismissal, and restrictive covenants.

**Insurance:** providing advocacy in the defence of disability, life, casualty and property claims, and advisory services such as coverage and claims opinions, policy interpretation and drafting, drafting service agreements, and regulatory compliance.

**Privacy and information protection:** advising clients about rights and obligations under the federal Personal Information Protection and Electronic Documents Act and assessing claims arising from the civil tort of breach of privacy.

**Legal risk management:** leveraging her Canadian Risk Management (CRM) designation offering legal risk audits, risk management planning, training, and education. Pat leverages her knowledge of the law and emerging legal issues to help clients to safeguard against individual and business risks, losses, and hazards.

Pat's litigation experience includes court appearances at all levels of court, including the Ontario Court of Appeal, and with the Ministry of Labour, Ontario Labour Relations Board and Human Rights Tribunal. She provides training and speaks on topics aligned with her practice areas.

### Professional achievements & leadership

- *The Best Lawyers in Canada* – Insurance Law; Labour and

### RELATED SERVICES

Administrative & Public Law

Human Rights

Labour & Employment

Employment Law, 2020-2024

- *The Canadian Legal Lexpert Directory* – Litigation - Commercial Insurance, 2015 - 2023

## Notable matters

- *Donaldson Travel Inc. v. Murphy et al*, 2016 ONSC 1396 (CanLII), <http://canlii.ca/t/gnncw>
- *Taylor v. Fastenal Canada Ltd.*, 2012 HRTO 1067 (CanLII), <http://canlii.ca/t/frmj5>,
- *George v. Thach*, 2005 CanLII 3214 (ON SC) <http://canlii.ca/t/1jrsx>
- *Melsom v. Harshman*, 2004 CanLII 34229 (ON SC) <http://canlii.ca/t/1j0n0>
- *Do v. Kitchener-Wilmot Hydro Inc.*, 2002 CanLII 7377 (ON SC), <http://canlii.ca/t/1cmxl>; *Do v. Kitchener-Wilmot Hydro Inc.*, 2003 CanLII 57431 (ON CA), <http://canlii.ca/t/1v8lb>
- *Brennan v. Economical Mutual Insurance Co.*, 2000 CanLII 22709 (ON SC) <http://canlii.ca/t/1w9mn>

## Thought leadership

### Television

- Appeared on CTV News segment as expert in workplace privacy series, March 20, 2014 [<http://kitchener.ctvnews.ca/ctv-investigates-who-s-watching-1.1735314>]

### Blog Posts

- "Slip and Fall Case Dismissed on Summary Judgment Motion: No Objective Evidence of Unsafe Conditions", *MT Insurance Law Blog*, October 2017
- "An Apt Decision: Ontario Court of Appeal Overturns Limitation Period Ruling", *MT Insurance Law Blog*, July 2017
- "When is an LTD Claim Not an Insurance Claim? When it's a Labour Dispute", *MT Insurance Law Blog and Employment Communique*, March 2017
- "Heiner v. Pasha et al.: Claiming Diminished Value Under Ontario's OAP1 Auto Policy - Redux", *MT Insurance Law Blog*, October 2016
- "Insureds Claiming "Diminished Value" Damages Under Ontario's OAP1 Auto Policy", *MT Insurance Law Blog*, October 2016
- "The Worth of "Diminished Value" Claims in Ontario", *MT Insurance Law Blog*, June 2016
- "Employees Who Rent Vehicles for Work: Liability Insurance Implications When Accidents Occur," *Miller Thomson Ontario Insurance Litigation Blog*, April 2016
- "Square Pegs in Round Holes: Adjusting Claims Involving Rideshare Drivers," *Miller Thomson Ontario Insurance Litigation Blog*, November 2015
- "Square Pegs in Round Holes: Adjusting Claims Involving Rideshare Drivers", *Without Prejudice\**, vol. 80, No. 8, April 2016

### Presentations

- March 2019 - "Preparing Yourself and Your Client for Discovery", Speaker, Ontario Bar Association, Divine Discoveries: Building a Great Case workshop
- February 2019 - "Expert Witnesses", Guest Lecturer, Forensic Biomechanics course, University of Waterloo
- February 2019 - "Fundamentals of Employment Law", Ontario Insurance Institute, Southwestern Chapter workshop
- December 2018 - "Hiring and Firing Employees", In-house lunch and learn for YMCA (Kitchener, Waterloo & Cambridge) HR Department
- November 2018 - "Litigating Life & Disability Claims: The Other side of the Coin: An Employer's Obligation to Accommodate", Canadian

Defence Lawyers presentation

- October 2018 - "WSIB: Auto & Liability", Fifth Annual Joint CIAA-CICMA-CDL Seminar, Toronto
- October 2018 - "Zen and Understanding the Interface between Workers' Compensation and Bodily Injury Claims", Fifth Annual Joint Canadian Insurance Claims Managers' Association/Canadian Independent Adjusters' Association/Canadian Defence Lawyers
- October 2018 - "Harassment in the Workplace", In-house training for Cushman & Wakefield
- October 2018 - "Fundamentals of Employment Law", Ontario Insurance Institute, Toronto and Conestoga Chapters
- August 2018 - "Fundamentals of Employment Law", Ontario Insurance Institute, Hamilton Chapter
- May 2018 - "Random Drug & Alcohol Testing", In-house Senior management training at Keolis Grand River LP
- May 2018 - "Parental Liability for Cyberbullying", Education Seminar for the Canadian Independent Adjusters' Association (Toronto Chapter)
- May 2018 - "Fundamentals of Employment Law for Team Leaders, Supervisors and Managers", Ontario Insurance Institute, Conestoga Chapter.
- February 2018 - "Parental Liability for their Children's Cyberbullying", Canadian Insurance Claims Managers' Association, Canadian Independent Adjusters' Association Joint Claims Conference, February 6, 2018
- February 2018 - "Do you know what your kids are doing? Trends in Parental Liability for Cyberbullying", Canadian Insurance Claims Managers' Association/Canadian Independent Adjusters' Association Joint Claims Conference.
- November 2017 – "Bill 148: Fair Workplaces, Better Jobs Act", for the Ontario Association of Independent Living Service Providers (OAILSP) Managers Conference.
- June 2017 – "Insurance Coverage and Liability for Drones" for the Farm Mutual Reinsurance Program (FMRP) managers.
- May 2017 – "Take Cover! The Drones Are Coming: Insuring Liability Claims involving Drones" at the Ontario Mutual Insurers' Association (OMIA) Claims Managers' meeting.
- April 2017 – "Hiring your First Employees" at the Accelerator Centre.
- March 2017 – "Employer Responsibilities" at Communitech.
- March 2016 – Ontario Bar Association Young Lawyers Division presentation: "Let Hollywood Be Your Guide: Making Objections At Trial".
- November 2015 – "Limitations to Limitation Periods in Property Policies".
- October 2015 – "The Alchemy and Art of Damages in Wrongful Dismissal Cases", (Waterloo Law Association)
- October 2015 – "Using Social Media in the Workplace" (Ontario School Boards Insurance Exchange Risk management Conference)
- September 2015 – "Liability Coverage for Rental Vehicles".
- August 2015 – "Human Rights 101: Harassment in the Workplace Workshop".
- May 2015 – Take Cover: Insuring Drones
- April 2015 – "Mortgagee Rights and Obligations".
- April 2014 – "Lienholder / Mortgagee Entitlements in Property Loss Claims", nationalwebinar
- March 2014 & 2015 – "Employing Rockstars: Employment Standards 101"
- December 2013 – "Human Rights 101".

- December 2013 "Risk Control:Engaging in Critical Decision Making Processes"
- October 2013 – “Legal Risk Management: How to Protect your Business” and “Employment Law Primer: How to Protect your Business”
- May 2013 – "Kids with Claims: Major Minor Issues".
- March 2013 – “Using Social Media in Claims”.
- March 2013 – Ontario Bar Association Young Lawyers Division, paper and presentation on “The Use of Discovery Evidence and Handling Objections at Trial”.
- February, 2013 – “Good Governance: Understanding the Legal Duties and Liabilities of Directors of Not for Profit Organizations”
- November 2013, “Digital Dirt: The Improprieties of Social media in the Workplace”.
- October 2012, “Employment Liability: Claims & How to Protect Your Business”.
- May 2012, “Games People Play: Game Theory in Dispute Resolution”.
- April 2012 “The Use of Social Media in Claims Litigation”.
- September 2011 "Negligence 101: The ABCDs".
- May 2011, “Avoiding Potholes and Pitfalls” and “Bodily Injury and Threshold Update”.
- January 2011 (Waterloo, Guelph and London) Labour and Employment Seminar: “Coming Full Circle: A review of 2010 wrongful dismissal cases”.

#### **Publications**

- "Diminished Value: One of My Favourite Legal Things", *Ontario Insurance Adjusters' bulletin*, December 2018
- “Leading Legal Innovation,” *GRAND Magazine*, 2015
- “A Lesson Lesson: Making the Case for the Mitigation of Damages,” *KW Ontario Insurance Adjusters' Association publication*, 2013
- “I Like this: The Ongoing Tale of Disclosure & Production,” *KW Ontario Insurance Adjusters' Association publication*, 2012
- “Happy 10th Birthday, Parental Responsibility Act!” *KW Ontario Insurance Adjusters' Association publication*, 2010
- “Watch Out! An Update about Surveillance under PIPEDA: Draft Surveillance Guidelines,” Ontario Insurance Adjusters Association, 2009
- “Stop! In the Name of the Law!” *KW Ontario Insurance Adjusters' Association publication*, 2008
- “Employers find a different world up (or down) there,” *The National Law Journal*, 2007

#### **Corporate directorships**

- Board of Directors, Hospice of Waterloo Region

#### **Professional memberships**

- Global Risk Management Institute (GRMI)
- Risk and Insurance Management Society (RIMS) Canada
- Member, Insurance Law and Commercial Litigation Practice Groups
- Member, Legal Risk Management Services Group
- Member, Waterloo Law Association
- Member, Canadian and Ontario Bar Associations
- Member, Greater KW Chamber of Commerce
- Member, CTT
- Member, Communitech
- Member, Phi Delta Phi International Legal Fraternity

## Bar admissions & education

- Ontario, 1997
- Leading Professional Service Firms, Harvard University Business School, 2014
- Canadian Risk Management Certificate, Wilfrid Laurier University, 2009
- LL.B., Western University, 1995
- B.A. (psychology, honours), University of Waterloo, 1992