

THE OSGOODE CERTIFICATE IN HUMAN RESOURCES LAW FOR HR PROFESSIONALS

Five One-Day Modules:
March 26, April 2, 16, 23 & 30, 2019
In Person or Webcast

An essential foundation in the laws governing the employment relationship, in such areas as:

- Legally-compliant workplace investigations
- Addressing equity, diversity and accommodation issues
- Minimizing your legal exposure in relation to discipline and dismissal of employees
- Social media in the workplace: addressing the challenges

—fully updated for 2019!

Register today at:

osgoodepd.ca/hrlaw

Program Directors

Natalie C. MacDonald
MacDonald & Associates

Stuart E. Rudner
Rudner Law

Location

Osgoode Professional
Development
1 Dundas St. W., 26th Floor
Toronto, ON



The Osgoode Certificate in Human Resources Law for HR Professionals

More than ever before, Human Resources professionals need a solid understanding of the many laws and procedures governing the employment relationship and the legal risks that can arise in the workplace. Failure to follow the rules and to anticipate and properly manage risk can result in serious financial and reputational damage for an organization, its board, managers, supervisors and others. You need to know what to do and when.

Now in its eleventh offering, **The Osgoode Certificate in Human Resources Law for HR Professionals** was specifically designed by and for HR professionals, and is approved by the HRPAs for 30 Continuing Professional Development hours. In five valuable one-day modules, an experienced faculty will provide you with cogent, practical advice and strategies on how to be proactive and avoid costly missteps. The program will provide a practical and interactive learning experience that you can immediately put to work. Connect with and learn from experts and peers who share your challenges.

“Excellent... one of the best training programs I have taken.”

Lisa Badurina
Human Resources Manager,
Canada Rubber Group Inc.

“Most engaging... a significant amount of very good, and practical learning; relevant and timely for our organization.”

Dayna Setzkorn
Contact Hamilton,
Developmental Services Ontario
Hamilton-Niagara Region



Topics Include

- “Dos” and “Don’ts” when drafting employment agreements
- Determining who is covered by the *Employment Standards Act* and navigating key issues
- Resolving *Human Rights Code* claims
- Addressing equity, diversity and accommodation obligations, with tips and tools for reducing discrimination complaints and protecting your organization against claims
- A comprehensive guide to conducting workplace investigations
- Terminating the employment relationship and minimizing your legal exposure
- The workplace in the social media age: confronting the challenges and risks

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
- Training and Benefits Specialists
- HR Consultants
- Mediators and Arbitrators of Employment and Labour Law Disputes
- HR, Employment and/or Labour Relations Consultants
- Business Owners
- Private practice HR lawyers or in-house lawyers looking to gain a better understanding of practical solutions to key issues

Drawing on the expertise and experience of leading HR lawyers and experts, including:

Program Directors



Natalie C. MacDonald
MacDonald & Associates



Stuart E. Rudner
Rudner Law

Program Faculty

Karen R. Bock
DLA Piper (Canada) LLP

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Partner, DLA Piper (Canada) LLP

Mardi Walker
Vice President, Human Resources,
JemPak GK Inc.



Agenda

MODULE 1

March 26, 2019

9:00 a.m. – 4:30 p.m.

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

Introduction

- Icebreaker
- Introduction to Certificate Program

Morning Session

This session addresses several of the critical issues in the hiring process.

- 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 and bonuses
- Termination provisions
- Non-competition, confidentiality and restrictive covenants

Afternoon Session

This intensive session is designed to deepen your understanding of key provisions of the *Employment Standards Act*. 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

MODULE 2

April 2, 2019

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 morning session will focus on equity, diversity and accommodation.

- The Ontario Human Rights Code – application and scope
- Guidance for interpreting the Code
- How the Human Rights Tribunal of Ontario operates and its powers and remedies
- What is discrimination? Analysis of:
 - Sex discrimination
 - Race discrimination

- Disability discrimination
- Age discrimination
- Religious beliefs
- Sexual orientation
- Human rights claimed in the court process
- Strategies to prevent/address human rights issues
- Duty to accommodate requests regarding:
 - Family status
 - Aging workers
 - Observance of religious beliefs
 - Sexual orientation
 - Addiction
- Workshop: Human rights and accommodation group exercise – an opportunity to delve more deeply into the tricky area of workplace accommodation using realistic examples.

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
- Due diligence: meeting the standards of your industry
- What happens if there is an accident? A checklist of dos and don'ts
- Workplace violence and domestic abuse issues
- Sexual violence
- Facing challenges under Bill 132 and Bill 168

MODULE 3

April 16, 2019
9:00 a.m. – 4:30 p.m.
Conducting Workplace Investigations

Failure to stay on top of issues and to conduct a proper investigation can expose your organization to considerable risk. When faced with allegations of employee workplace misconduct you must be equipped to conduct a proper and effective workplace investigation. You need to know when to act and how. To do so, you must 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 and 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
- 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

MODULE 4

April 23, 2019
9:00 a.m. – 4:30 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

MODULE 5

April 30, 2019
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

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

- The prevalence of social media: what are the 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

Afternoon Session

Group Exercise: Case Study

Advance your practical skills by applying your experience and the knowledge you've learned in the program to a realistic case study that raises challenging HR law issues – of the kind you are likely to encounter within your organization.

Registration Details

Fee per Delegate

\$4,295 plus HST

Fees include attendance, program materials, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

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.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days' notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Paul Truster, Program Lawyer at 416.937.8983
or email ptruster@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Human Resources Law for HR Professionals**. Participants must attend all program modules and pass the post-program multiple choice assessment to receive a certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/hrlaw



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours - LSO (ON): 32h CPD

(28h 30m Substantive; 30m Professionalism; 3h EDI)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



This program has been approved for 30 continuing professional development (CPD) hours under Section A3 of the continuing professional development (CPD) log of the Human Resources Professionals Association (HRPA).

"This course is a wise investment for any company that wants to ensure a profitable and positive future with a happy and healthy workforce. The program content was excellent and the all of the speakers were engaging and informative."

Jennifer Christian
The Guild of Automotive Restorers

"Best of the best. Knowledgeable, useful, timely. Very helpful and has immediate benefits as soon as I get back to work."

Randi Jakobsen
Director, Payroll, Maple Leaf Sports & Entertainment

"[The best thing was] learning about how to conduct investigations from start to finish - specifically what to do after a finding."

Nicole Foigel
Human Resources Associate
Boston Consulting Group