

May 10 - 11, 2022 • Workshop: May 9, 2022 • Virtual Conference

3rd Annual

# Canada Labour Code Compliance 2022

*Best Practices for Federally-regulated Employers*



## YOUR FACULTY CONFIRMED PARTICIPANTS INCLUDE:



**Richelle Pollard**  
**KPMG Law LLP**

**Jennifer Hodgins**

**Norton Rose Fulbright Canada  
LLP**



**Simon-Pierre Paquette**  
**Purolator Inc**



**Kyle Lambert**  
**McMillan LLP**

**Andrew Cox**

**Government of Canada**

... and more

## Receive expert information and guidance on:

- Compliance with:
  - Serious new harassment and violence obligations under Part 2 of the CLC
  - New individual and group termination provisions
  - Constantly changing Covid protocols and requirements
  - New bereavement and medical leave provisions
  - New rules and important exemptions on calculating hours of work, notice of shift, scheduling changes, breaks, rests and more
- What Labour Standards are Inspectors and Investigators enforcing?
- Actively implementing all the steps required to post your pay equity plan in time!
- Beware Criminal Code and Officers and Directors liability

### **Preconference Session for Indigenous and Other Organizations**

May 9, 2022, 14:00 - 16:30 p.m.

*Which Law Applies?*

*Canada Labour Code OR Provincial Legislation*

*Instructor: Kyle Lambert, Partner, McMillan LLP*

### **Featured Session**

*Calculating Hours of Work, Notice of Shift, Scheduling Changes, Breaks, Rests and More: New Rules and Important Exemptions*

*Simon-Pierre Paquette, Director, Labour, Employment & Litigation, Purolator Inc*



**REGISTER TODAY!**

**Email: [lchauhan@infonex.com](mailto:lchauhan@infonex.com)**

**Call Leon 416.507.4203 or**

**[www.infonex.com](http://www.infonex.com)**

# Canada Labour Code Compliance 2022

May 10 - 11, 2022 • Workshop: May 9, 2022 • Virtual Conference

## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 10, 2022

10:00 - 10:15 EDT



### Welcome and Opening Remarks from the Chairs

*Michael Sherrard, Managing Partner, Sherrard Kuzz LLP*

*Priya Sarin, Partner, Sherrard Kuzz LLP*

10:15 - 11:00 EDT



### Complying with Demanding New Harassment and Violence Prevention Regulations

*Priya Sarin, Partner, Sherrard Kuzz LLP*

- Employer obligations
- What your policy must include:
  - **A workplace assessment** to be completed by relevant personnel to develop and implement preventative measures within six months
  - **Identified risk factors** including office culture, external circumstances and the physical design of the workplace
  - **Emergency procedures**
  - **A workplace harassment and violence prevention policy** with reports, records and data to assist the investigator
  - **A resolution process**, including time frames to better support employees or people accused
  - **Support measures** for employees
  - **Documentation on how to protect the privacy** of people involved,
  - **An annual report** (first one due March 2021) to the minister of labour.
  - **Mandatory training** for employees
  - **Need to be aware** of each required investigation or resolution step and the timelines associated with those steps
- Implementation know-how
- Typical and atypical mistakes that can prove costly and how to avoid them

# Canada Labour Code Compliance 2022

May 10 - 11, 2022 • Workshop: May 9, 2022 • Virtual Conference

## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 10, 2022

11:00 - 11:45 EDT



### **Enforcement of New Harassment and Violence Prevention Regulations- Observations and Insights**

**Michael Sherrard, Managing Partner, Sherrard Kuzz LLP**

**Michelle Sterling, Senior Investigator, Employment and Social Development Canada Labour Program**

The new stand-alone Work Place Harassment and Violence Prevention Regulations effective January 2021 bring significant change to federal labour law rules. Employers are expected to have an effective policy and to move from discussion to action.

- 15 months in, how is implementation going?
- What stakeholder feedback has been received?
- Is the law being enforced?
- Are complaints being received?
- Management and Union observations and comments

11:45 - 12:30 EDT



### **Covid and the Workplace:**

### **Dealing with Unvaccinated Employees, Work Refusals, Investigations & More**

**Richelle Pollard, Partner, KPMG Law LLP**

Employers are being inundated with vaccine-related cases and claims of wrongful dismissal.

- Is there a legal test of vaccine mandates imposed by employers?
- Are we pitting individual rights of workers against employers' health and safety concerns amid a pandemic
- What are the factors considered in determining whether you terminate
- What does the contract or collect agreement say?
- Where is the employee working?
- What are the grounds for the employee not being vaccinated?
- Non-unionized employees - cause?
- Cost of termination if the contract or collective agreement doesn't make vaccinations mandatory?

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12:30 - 13:15 EDT      Break

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# Canada Labour Code Compliance 2022

May 10 - 11, 2022 • Workshop: May 9, 2022 • Virtual Conference

## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 10, 2022

13:15 - 14:00 EDT



### **Leave Provisions: How to Avoid Costly Mistakes! Important Changes to Medical and Bereavement Leave**

**Lennie Lejasisaks, Lawyer, Fasken Martineau DuMoulin LLP**

**Adriana Savo, Ontario Region Labour Standards Technical Advisor, Employment and Social Development, Government of Canada**

**Andrew Cox, Labour Affairs Officer, Employment and Social Development, Government of Canada**

Find out about the important as well as the nuanced and complex changes to leave and benefit provisions:

- Personal leave
- Changes to medical and bereavement leave
- New family violence leave
- Traditional Indigenous practices leave
- Parental sharing benefits
- Removal of service, eligibility requirements
- What if the collective agreement provides a greater right or benefit?
- What will be considered a greater right or benefit?
- Anticipated problems and proactive solutions
- Perspectives on these changes directly from the Labour Program
- Labour Program handouts and interpretive guidelines
- Extension of the COVID-19 leave available under the *Canada Labour Code*

14:00 - 15:00 EDT



### **Calculating Hours of Work, Notice of Shift, Scheduling Changes, Breaks, Rests and More: New Rules and Important Exemptions**

**Simon-Pierre Paquette, Director, Labour, Employment & Litigation, Purolator Inc**

Hours of work, standard work day and work week, rest days, breaks, notice of schedule and shift change, overtime, exemptions from standard work hours, averaging and more. In addition to significant changes to the Canada Labour Code in 2019 that had an impact on how employers manage an employee's work day, recent exemptions for and modifications to hours of work provisions add further complexity.

This session will provide:

- The information you need to effectively comply with the Code
- Challenges that may arise with respect to these changes
- Important exemptions from and modifications to Hours of Work Regulations
- impact of collective agreement rights
- Flexible work arrangements
- Vacation time and pay
- Calculating entitlements to avoid costly mistakes
- Questions to ask to verify compliance with daily and weekly hours of work requirement

# Canada Labour Code Compliance 2022

May 10 - 11, 2022 • Workshop: May 9, 2022 • Virtual Conference

## DAY ONE PROGRAM AGENDA: TUESDAY, MAY 10, 2022

15:00 - 15:15 EDT      Break

15:15 - 16:00 EDT

### **Update on Pay Transparency Legislation Across Canada**

**Jennifer Hodgins, Partner, Employment & Labour, Norton Rose Fulbright Canada LLP**

Canadians are looking for more accessible information regarding wage gaps of employers. Where wage gaps exist, pay transparency legislation can prompt employers to take action to examine their practices and show leadership in reducing wage gaps that affect various marginalized communities such as women, Indigenous peoples, persons with disabilities, and visible minorities

This session will cover recent amendments to the regulations under the Employment Equity Act that address pay transparency, as well as provide an update on the status of pay transparency legislation in some of the provinces.

16:00 EDT

**End of Day One**

### **SPONSORSHIP AND EXHIBITION OPPORTUNITIES**

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# Canada Labour Code Compliance 2022

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 11, 2022

10:00 - 10:15 EDT



### **Welcome and Opening Remarks from the Chairs**

**Michael Sherrard, Managing Partner, Sherrard Kuzz LLP**

**Priya Sarin, Partner, Sherrard Kuzz LLP**

10:15 - 11:15 EDT

### **Enforcement of Labour Standards**

**Adriana Savo, Ontario Region Labour Standards Technical Advisor, Employment and Social Development, Government of Canada**

**Andrew Cox, Labour Affairs Officer, Employment and Social Development, Government of Canada**

- Filing complaints
- Compliance through education and counselling
  - investigation of complaints
  - inspections of workplaces,
  - wage recovery and adjudication of unpaid wages,
  - unjust dismissal
- Role of Labour Standards Inspectors investigating complaints
  - Proactive inspections
  - Providing advice and information to assist federally regulated employers and employees
- Tools to respond to non-compliance with the Code
- Issuing a notice of voluntary compliance,
- Seeking an assurance of voluntary compliance from the employer,
- Issuing a determination letter and payment order to recover unpaid wages
- Providing mediation to try to settle unjust dismissal complaints

# Canada Labour Code Compliance 2022

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 11, 2022

11:15 - 12:00 EDT



### **Mandatory Pay Equity Obligations - The Clock is Ticking!**

**Sandra Haydon, Sandra Haydon & Associates**

Under a proactive pay equity regime, employers will need to examine their compensation practices. This will ensure that women and men working in federally regulated workplaces receive equal pay for work of equal value. You must then post a plan by a given date. If you haven't started working on this you may face serious problems.

- Who is covered?
- Requirement for employers to proactively develop a pay equity plan
- Filing with the Commission
- Examination of compensation practices to ensure women and men receive equal pay for work of equal value
- Employers required to take action to address systemic disparities
- Commissioner's power to initiate audits, conduct investigations, issue orders and administrative monetary penalties
- Impact of the phrase "while taking into account the diverse needs of employers"
- Impact of the exclusion of certain forms of compensation
- New rules of procedure

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12:00 - 12:45 EDT      Break

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12:45 - 13:30 EDT



### **Canada Industrial Relations Board Update and Cases**

**Sylvie Guilbert, Vice-Chairperson, Canada Industrial Relations Board**

- Increased powers for the CIRB
- What is CIRB responsible for dealing with?
- Unjust dismissals
- Wage recovery appeals
- Reprisal allegations
- Occupational Health and Safety Appeals

13:30 - 14:15 EDT



### **Duty to Accommodate: Emerging Areas of Complexity**

**Shana French, Partner, Sherrard Kuzz LLP**

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14:15 - 14:30 EDT      Break

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 11, 2022

14:30 - 15:15 EDT



### **Accessible Canada Act: Removing Barriers to Full Participation in the Workplace**

**Larysa Workewych, Lawyer, Dentons**

- Three entities created through the Act
- The mandate of the Canadian Accessibility Standards Development Organization
- Priority areas for standard development
- Planning and reporting requirements
- How will accessibility be enforced
- Complaints
- Monitoring progress
- Accessibility Strategy – becoming an inclusive employer of choice

15:15 - 16:00 EDT



### **Protection of Officers and Directors & Civil, Regulatory and Criminal Code Issues for Federally Regulated Employers**

**Maciej Lipinski, Senior Associate, KPMG Law LLP**

Civil and regulatory standards of care

- Criminal liability
  - The Westray Bill
  - Section 180 common nuisance
  - Section 265 and 268 – aggravated assault for the knowing transmission of a communicable disease
- Treatment of fatalities

16:00 EDT

**End of Day Two**

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## WORKSHOP PROGRAM AGENDA: MONDAY, MAY 9, 2022

14:00 - 16:30 EDT



### Preconference Session for Indigenous and Other Organizations

#### Which Law Applies?

#### Canada Labour Code OR Provincial Legislation

**Kyle Lambert, Partner, McMillan LLP**

The question of whether federal or provincial law applies to an organization is important, complex and highly fact specific. This session will help you knowledgeably and systematically assess your situation to make this determination.

- How getting the jurisdictional question “wrong” can lead to costly regulatory violations.
- How federal and provincial courts decided which law should apply in the past: Broad versus restrictive approaches
- How your jurisdiction can be considered, Courts, Tribunals, workplace safety and more.
- How determining whether First Nations employers are provincially or federally regulated determines statutory obligations under labour standards, occupational health and safety, human rights, labour relations and other legislation
- Supreme Court of Canada’s decision in *NIL/TU, O Child and Family Services Society and the B.C. Government and Service Employees’ Union*, et al
- Presumption that labour relations falls under provincial jurisdiction
- 2-step test for displacing the presumption
- Important recent determinations, including inter-provincial trade and telecommunications
- *Nelson v. Lower Stl/Atl’mxTribal Council*: Fiduciary duties to give First Nations’ peoples the rights pursuant to the laws of Canada, in this case the right to reinstatement
  - Functions that fall under federal jurisdiction
  - When an employer is located on reserve land and its function is to manufacture products or operate retail businesses, it would be governed by provincial laws
  - Examples of where First Nations operations were found to be federally regulated
  - Examples where First Nations operations are provincially regulated

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## REGISTER BY PHONE, ON-LINE, OR IN THESE 3 EASY STEPS!

### 1 PRINT YOUR NAME AND CONTACT INFORMATION

Full Name \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Ext \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email address \_\_\_\_\_

Register for  Conference  Workshop

Name of Approving Manager \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Company's main line of business \_\_\_\_\_ Number of Employees \_\_\_\_\_

### 2 SELECT YOUR PREFERRED PAYMENT METHOD

Prices subject to GST / HST	Full Price	Register by May 6
Course for Groups of 3 +	CAD \$ 2,199 each	<b>CAD \$ 2,099 each</b>
Course for Groups of 2	CAD \$ 2,299 each	<b>CAD \$ 2,199 each</b>
Course for 1 Registrant	CAD \$ 2,399	<b>CAD \$ 2,299</b>



Workshop: CAD \$ 499

*\* Groups must register together at the same time to be eligible for group savings.*

**Method of Payment:**  VISA  MasterCard  Cheque enclosed, payable to INFONEX Inc.

Cardholders Name: \_\_\_\_\_

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_ / \_\_\_\_\_

CVV / CSC: \_\_\_\_\_ Signature: \_\_\_\_\_

Please check box if you are GST / HST exempt Exemption # \_\_\_\_\_

### 3 SEND US YOUR REGISTRATION

GST / HST No. R134050012

**EMAIL:** lchauhan@infonex.com **WEBSITE:** www.infonex.com

**TELEPHONE:** 416.507.4203 (Leon) **MAIL:** INFONEX INC.  
330 Bay Street, Suite 1500  
Toronto, ON M5H 2S8

### VIRTUAL CONFERENCE:

Canada Labour Code Compliance 2022 will be held as a virtual on-line event. Details on how to access and participate in the event will be sent to all confirmed delegates prior to run date.

### SPONSORSHIP, EXHIBITION, AND PROMOTIONAL OPPORTUNITIES:

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### CANCELLATION POLICY:

Substitutions may be made at any time. If you are unable to attend, please make cancellations in writing and email to register@infonex.com or fax to 1.800.558.6520 **no later than April 26, 2022**. A credit voucher will be issued to you for the full amount, redeemable against any other INFONEX course and which is valid for twelve months (one year) from the date of issue.

Registrants who cancel after **April 26, 2022**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **April 26, 2022** and fail to attend will be liable for the entire registration fee.

**DISCOUNT CODE: 1418-LC**

