

May 7 - 8, 2024 • Workshops: May 6, 2024 • Virtual Course

5th Annual

Canada Labour Code & Other Changing Federal HR Legislation

Best Practices for Federally Regulated Employers

Managing the Seismic Shift in Labour Relations

Big Changes, Big Challenges, Serious Consequences



YOUR FACULTY CONFIRMED PARTICIPANTS INCLUDE:



Simon-Pierre Paquette
Purolator Inc.



Sarah MacKay Marton
Sherrard Kuzz LLP



Bisera Olevska
Government of Canada



Natasha Zervoudakis
Sherrard Kuzz LLP



Cristina Toteda
Air Canada

... and more



Big changes! Big challenges! Serious deadlines! **Expert advice, insights and guidance on how to:**

- Deal with the impact of the ban on replacement workers
- Comply with complex harassment and violence reporting and prevention requirements
- Learn how employer benefits will interact with paid medical leave entitlement under the Code
- Correctly calculate: hours of work, rest days, breaks, notice of schedule and shift change, overtime and more!
- Take advantage of important new hours of work exemptions and modifications
- Prepare, publish and regularly updating accessibility plans by hard deadlines in June 2023, 2024, 2025
- Comply with deadlines for posting pay equity plans that are less than a year away
- Provide statements of employment and expense reimbursement rules effective February 2024
- Beware escalating penalties and public naming and shaming

Best Practices And Human Resources Compliance For Indigenous And Other Organizations

May 6, 2pm - 5pm EST

Preventing and Managing Workplace Harassment & Violence: Best Practices for Federally Regulated Employers

May 9, 10:00 a.m. - 1:00 p.m. EST

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DAY ONE PROGRAM AGENDA: TUESDAY, MAY 7, 2024

10:00 - 10:15 EDT



Welcome and Opening Remarks from the Chair

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

10:15 - 11:00 EDT



Big Changes! Big Challenges! Serious Consequences!

Prepare Now for the Seismic Shift in Labour Relations - Impact and Ramifications of the Ban on Replacement Workers

Derrick Hynes, President and CEO, FETCO Inc.

This may be the greatest change in labour relations in decades. This session is an opportunity to consider the implications of the new legislation for both unionized and non-unionized employers.

- Will this lead to greater fairness?
- How far does the legislation go?
- What does this change mean for day to day operations?
- What are the broader implications of the legislation?
- What to expect
- How to prepare

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11:00 - 11:45 EDT



Comply With Challenging Harassment and Violence Prevention Requirements - or Face the Consequences!

Jennifer Wiegele, Partner, Mathews, Dinsdale & Clark LLP

Employers who are not in compliance with obligations to prevent harassment and violence in the workplace can face hefty monetary fines, naming and shaming. And there is a lot of confusion out there about what those requirements are and how to implement the vast number of changes to policies and procedures required to get the job done.

This session will provide information on what you must do to comply including

- Reporting requirement to file annual reports with the Minister of Labour on number of occurrences of workplace harassment and violence that occurred in the preceding year, whether they were related to sexual harassment and violence, the locations of where the occurrences took place, the number of occurrences that resulted in the death of an employee, the number of incidents that fell under each prohibited ground of discrimination set out in the *Canadian Human Rights Act* and the average time it took to complete the resolution process.
- Key definitions
- Clarification of what can be considered an occurrence of harassment and violence in the workplace
- Policy and procedure requirements including:
 - 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,
 - Mandatory training for employees
 - Need to be aware of each required investigation or resolution step and the timelines associated with those steps
- Typical errors and how to avoid them

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How Are Employers Implementing / How is the Government Enforcing Harassment and Violence Prevention Regulations?

Michelle Sterling, Senior Investigator, Employment and Social Development Canada

The 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.

- 3 and a half years in, how is employer implementation proceeding?
- What stakeholder feedback has been received?
- Is the law being enforced?
- Are complaints being received?
- Management and Union observations and comments

12:30 - 13:30 EDT Break

13:30 - 14:15 EDT



Update On Leaves - Medical, Bereavement & Personal Leave - Stacking (& Other Practical Challenges Regarding Leaves)

Cristina Toteda, Senior Counsel, Labour and Employment, Air Canada

New leave and benefit provisions came into force in 2022. How will you manage practical challenges that arise when you implement these new provisions? How will benefits offered by an employer interact with the medical leave with pay entitlement established in the Code? Serious questions arise, and the session will provide some invaluable answers to guide you through turbulent times. Issues addressed in this session include:

- Changes to paid and unpaid medical leave
- Extension of unpaid leave to 27 weeks
- Does an employee out on LTD now have 10 days paid sick leave?
- Bereavement leave changes in 2021
- New employer record-keeping requirements related to new leave entitlements
- How will Code leave entitlements interact with rights or benefits under a collective agreement?

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14:15 - 15:00 EDT



Hours Of Work: New Rules And Important Exemptions!

Jennifer Hodgins, Partner, Toronto, Norton Rose Fulbright Canada LLP

In 2019, amendments to the Canada Labour Code addressed a myriad of issues, including shift change and work schedule notices, overtime (and when it can be refused), break and rest periods, as well as flexible work arrangements and greater vacation entitlements. More recently, amendments to the Regulations have laid out exemptions to some hours of work rules for employers in the telecommunications, broadcasting, banking, rail and air transportation industries.

This session help clarify these issues and provide:

- An overview of what has changed (and what hasn't!)
- Specific guidance on overtime refusals, flexible work arrangements, and when notice of shift changes or work schedules must be provided, and what, if any, exceptions to these rules exist.
- Practical advice on how to implement and ensure compliance with these Code provisions
- Details on the new hours of work exemptions and to which industries they apply
- Answers to YOUR questions about these changes

15:00 - 15:15 EDT Break

15:15 - 16:00 EDT



Duty to Accommodate

Natasha Zervoudakis, Sherrard Kuzz LLP

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16:00 - 16:45 EDT



Hear From Purolator Inc, Winner of the Prestigious 2023 OHS Culture Award The Serious Risks You Face Without a Strong Occupational Health and Safety Management System: How to Drive Your Culture to Next Level

Jimmy Vassilopoulos, Director National Health and Safety, Purolator Inc.

Without an OH & S Management System you are at risk, including increased safety hazards, government enforcement orders and administrative penalties, increased accidents or incidents and worker injuries, increased number of disability claims, damage to reputation. It's time to take steps to embed the safety culture in your workplace.

- Why Implement an Occupational Health and Safety Management System?
- Primary components of an OHSMS?
- Where does safety fit in an organization?
- How do business decisions within each department potentially impact worker health, safety and well being?
- Milestones reached and exceeded by Purolator Inc.

16:45 EDT

End of Day One

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DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 8, 2024

10:00 - 10:15 EDT



Welcome and Opening Remarks from the Chair

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

10:15 - 11:00 EDT



Enforcement of Labour Standards

Omer Ali, Labour Affairs Officer, Employment and Social Development Canada



Bisera Olevska, Senior Program Advisor, Employment and Social Development Canada, Government of Canada

- Types of inspections
- Complaint processes
- Enforcement tools
- Penalties
- Administrative fees
- Administrative Monetary Penalties
- Common mistakes and contraventions
- Misclassification
- Unauthorized deductions
- Overtime
- Vacation pay rates
- Record keeping
- Counselling sessions

11:00 - 11:45 EDT



The Essential Update on New and Noteworthy Decisions: Canada Industrial Relations Board Cases You Must Be Aware of

Ginette Brazeau, Chairperson, Canada Industrial Relations Board

You need to stay up-to-date to avoid mistakes and ensure compliance with not only the legislation but the new decisions rendered by the Canadian Industrial Relations the Occupational Safety and Health. Appeal Board, Adjudicators, Referees and the Courts. This session will alert you to important developments you may not know about:

Part I: Industrial Relations. New case law developments under Part I of the Code

Part II: New jurisprudence in Occupational Health and Safety.

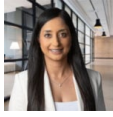
Part III: Standard Hours, Wages, Vacations and Holidays.

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11:45 - 12:30 EDT



Pay Transparency Across Canada: Are You Ready For Publication of Pay Gaps?

Simmy Sahdra, Senior Associate, Dentons

- Examining the growing trend amongst Canadian provinces towards creating greater transparency of wages.
- What Canadian provinces have adopted pay transparency legislation, including the pay transparency requirements in the Federal jurisdiction.
- What Canadian provinces have pending pay transparency legislation coming into force in the future.
- Actions employers need to take to comply with requirements of the legislation.

12:30 - 13:30 EDT Break

13:30 - 14:15 EDT



The Accessible Canada Act: An Overview

Melissa Struthers, Director, Policy, Outreach and Reporting Division, Office of the Accessibility Commissioner



Eric Girard, Director, Compliance and Enforcement, Office of the Accessibility Commissioner

Overview of Planning and Reporting Cycle Requirements:

- Prepare, publish, and regularly update accessibility plans
- Establish a feedback process
- Report on progress
- Consult people with disabilities in the preparation of all planning and reporting documents

Important Deadlines:

Initial Accessibility Plans and Feedback Process Descriptions

- December 31, 2022: Federal Public Service
- June 1, 2023: Organizations that had 100 or more employees in 2021
- June 1, 2024: Organizations that had between 10 and 99 employees in 2021

Initial Progress Reports

- December 31, 2023: Federal Public Service
- June 1, 2024: Organizations that had 100 or more employees in 2021
- June 1, 2025: Organizations that had between 10 and 99 employees in 2021

Additional Requirements:

- Section 6 Principles
- Digital accessibility requirements: Web Content Accessibility Guidelines (WCAG)
- Transportation requirements

Approach to Compliance and Enforcement:

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- Overview of Approach and Enforcement Tools

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DAY TWO PROGRAM AGENDA: WEDNESDAY, MAY 8, 2024

14:15 - 15:00 EDT



Mandatory Pay Equity Obligations - Serious Penalties for Missing Looming Deadlines **Sandra Haydon, Sandra Haydon & Associates**

This is not legislation where you don't have to do anything unless someone complains. Federally regulated employers must take complex and active steps prescribed by law to develop and post a Pay Equity Plan by September 2024 or face serious financial consequences and damning publicity.

- Understand what you have to do
- Practical realities of implementing the work
- Leading cases and guidance on applications for more than one pay equity plan- what can you expect?
- The power of the Pay Equity Commissioner
- Consequences of missing deadlines
- Penalties for violation of Legislation, Regulation and Commissioner's Orders

15:00 - 16:00 EDT



Consistently Managing Terminations in Federal Businesses Across Canada's Varied Legal Landscape

Noëlle Caloren, Senior Legal Counsel - Labour and Employment, Canadian Nuclear Laboratories Ltd.

The essentials of rules governing:

- Unjust dismissals
- Labour standards severance
- Civil/common law entitlement to reasonable notice of termination

16:00 EDT

End of Day Two

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10:00 - 13:00 EDT



Thursday May 9, 2024 | 10:00 a.m. - 1:00 p.m. EST

Preventing and Managing Workplace Harassment & Violence: Best Practices for Federally Regulated Employers



Priya Sarin, Sherrard Kuzz LLP

Sarah MacKay Marton, Sherrard Kuzz LLP

INFORMATION, GUIDANCE AND ADVICE FROM LEADING EXPERTS ON HOW TO:

- Avoid penalties and weakened workplace morale
- Build on existing tools
- Expand competencies
- Identify, understand and address workplace violence and harassment
- Increase professionalism
- Protect your organization and your reputation
- Engage in scenario-based learning
- Understand how tricky situations play out in practice

DON'T MISS THIS UNIQUE WORKSHOP

When it comes to workplace discrimination, harassment, and violence, federally regulated employers have experienced constant change and a shifting legal landscape. Are you equipped to handle the new obligations?

In this workshop, participants will build on their existing tools and expand their competencies to allow them to identify, understand and address workplace violence and harassment within the required legal framework. In addition to a discussion of the learning objectives below, participants will spend time actively engaging in scenario-based learning designed to address how tricky issues play out in practice.

This half-day (3 hour) session will cover the following topics:

- Legislative Framework
 - The Canadian Human Rights Act
 - Part II of the Canada Labour Code
 - Work Place Harassment and Violence Prevention Regulations
- Preventing Violence or Harassment
 - Key employer obligations
 - Providing appropriate training
 - Policy development and review
 - Understanding the roles of management, supervisors and employees
- Negotiated Resolutions
 - Addressing and resolving complaints effectively
 - The conciliation process
- Workplace Investigations
 - Effective and thorough questioning techniques
 - Minimizing the potential for bias in the interview process

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- Key requirements for the complainant, respondent, and witness interviews
- Reaching Defensible Findings of Fact
 - How to assess credibility and reach a conclusion on what happened
 - Dealing with “he said, she said” situations and other difficult factual scenarios
- Is it a Policy Breach?
 - Determining when conduct may constitute discrimination, violence, or harassment
 - Reporting obligations

2:00 - 05:00 EDT



Monday May 6, 2024 | 2:00 p.m. - 5:00 p.m. EST

Best Practices And Human Resources Compliance For Indigenous And Other Organizations

Jennifer Wiegele, Partner, Mathews, Dinsdale & Clark LLP

ALL-NEW SESSION FOR
INDIGENOUS AND OTHER EMPLOYERS

Are you in compliance with sweeping legislative changes imposed on federally regulated employers? With stepped up enforcement, if you aren't, you could face serious monetary and other consequences.

YOU MUST TAKE ACTION NOW to fulfill new LEGAL and other obligations or suffer the consequences: Dollars in penalties and plummeting workforce morale. You need the practical how-to and know-how information Jennifer Weigle, one of the foremost leaders in compliance for Indigenous Employers, will provide in this all new specially developed package.

Everything you need: From what legislation applies to your organization, managing and preventing lateral and other forms of workplace harassment and violence, accommodation of employees with mental health issues, new leave and other provisions to effective employee performance and incorporation of indigenous culture and traditions into the workplace.

Specifically developed to focus on the issues that are most relevant to Indigenous Employers including best practices relating to fulfilling your obligations including:

- HOW TO ASSESS WHETHER YOUR EMPLOYMENT RELATIONSHIPS ARE FEDERALLY OR PROVINCIALLY REGULATED AND WHY IT MATTERS.
- DECISIONS ON JURISDICTION OVER EMPLOYMENT RELATIONSHIPS – DO FEDERAL OR PROVINCIAL EMPLOYMENT/LABOUR LAWS APPLY?
- TIPS AND STRATEGIES FOR HANDLING THE DIFFICULT ASPECTS OF ACCOMMODATION IN CHALLENGING CIRCUMSTANCES.
- ACCOMMODATING MENTAL HEALTH AND ADDICTION IN THE WORKPLACE.
- Complying with the new Canada Labour Code Regulations.
- Incorporating culture and traditions into the workplace.
- Implementing fair and effective employee performance assessment processes.
- Contemplating important succession planning for the future of your organization.
- Ensuring your break leave and other provisions comply with legislative changes?

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About Your Instructor

A Partner in the Vancouver office of Mathews Dinsdale & Clark, Jennifer represents employers in all areas of labour and employment law including wrongful dismissal, employment contracts, human rights issues, employment standards, union organizing, collective agreement interpretation, grievance handling, progressive discipline and investigations into employee misconduct. Jen has experience appearing before arbitration boards and a variety of administrative tribunals including the Human Rights Tribunal and the Labour Relations Board. She has also appeared as counsel in Provincial Courts, Supreme Court and Courts of Appeal. A significant part of Jen's practice involves acting for and advising First Nations governments, economic development corporations, and First Nations-owned entities and business and assisting with their policy development and training, as well as governance. Jen volunteers for the BC SPCA Vancouver/Burnaby Branch as a Community Council member

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VIRTUAL COURSE:

Canada Labour Code 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.

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Registrants who cancel after **April 23, 2024**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **April 23, 2024** and fail to attend will be liable for the entire registration fee.

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