

THE OSGOODE CERTIFICATE IN ADVANCED HUMAN RESOURCES LAW FOR SENIOR HR EXECUTIVES

Acquire complete and comprehensive knowledge of the legal aspects of HR risk management under the guidance of top employment lawyers and HR VPs/COOs, including:

Jill Bartley, CHRL

Chief Operations Officer, Hope and Healing International

Mark Edgar

Founder, Goat Rodeo Project

Andrea Garson

Founder and Principal, Breaking Glass Inc. HR Consulting

Caroline Stephens

Chief Human Resources Officer, Interac Corp.

Gordana Terkalas

Senior Vice President, Human Resources, Aecon

Register today at:

osgoodepd.ca/advanced-hr

PROGRAM DIRECTORS

Natalie C. MacDonald
MacDonald & Associates

Stuart E. Rudner
Rudner Law

REGISTRATION DETAILS

November 2, 3, 10 and 11, 2022:
In-Person OR Online (Live)

Can't make the date?
Registration includes 120-day
unlimited, online access to
the recorded program.



The Osgoode Certificate in Advanced Human Resources Law for Senior HR Executives

“Natalie shared invaluable insights into HR Law and the employment relationship. Her scenario-based approach was particularly effective at bringing about meaningful dialogue and a greater appreciation for applicable legal provisions, risks and options. Her expertise, passion and authenticity made for a truly exceptional learning experience.”

Adriana Poloz, Special Advisor, RCMP

Going far beyond the Osgoode Certificate in HR Law for HR Professionals, this **advanced** program, taught by **Natalie C. MacDonald** and **Stuart E. Rudner**, two leading practitioners in employment law, is built around analyses of, and creative responses to, thought-provoking scenarios which present serious risks of liability to your organization. The format realistically simulates the process that senior HR executives use for dealing most effectively, from beginning to end, with the most pertinent issues in the HR world.

Issues embedded in the context of **challenging and realistic case studies** include:

- The legal maze of recruitment and hiring
- Drafting employment agreements and policies
- Addressing workplace performance issues
- Discipline and dismissal
- What to do should the dispute head to the courtroom

By the conclusion of this four-module program, you can expect to be:

- Significantly better informed on emerging trends in workplace law, and
- Better placed to apply and integrate strategies to reduce your organization's exposure to the hazards and costs of litigation

PLUS all participants will have access to the online archive for 120 days from the last module.

This advanced program doesn't duck the hard questions, but provides the strategic insights and legal knowledge needed by senior HR professionals in such vexing areas as:

- Drafting far-reaching provisions relating to termination, bonuses, commission, stock options, continuance of benefits, non-solicitation and non-competition clauses
- Effectively planning and managing performance: clear answers and thoughtful approaches to the challenging employee
- What must be accommodated, how far do you need to go, and how much information can you require from the employee?
- Effectively preventing workplace harassment and addressing allegations of harassment
- The hydra-headed dangers in conducting workplace investigations and how to surmount them
- Preventing or addressing the problems surrounding discipline and termination
- The senior HR Professional's role and responsibilities in the context of the litigation process—regardless of whether or not the matter ever actually proceeds to trial

Who Should Attend

- **Human Resources professionals with at least 2 years in the HR role and a desire to take their expertise to the next level**
- **Holders of the Osgoode Certificate in HR Law for HR Professionals**

If you are an HR Professional with 2 or more years of experience, it is no longer a prerequisite that delegates have already taken The Osgoode Certificate In HR Law for HR Professionals, but those who have this Certificate will find its value further enhanced by the insights gleaned from this **Advanced course**.

Fireside Chat Panels

The afternoon sessions on Days 2 and 3 will conclude with **focused** and **practical** panel discussions involving the following Senior Human Resources Vice-Presidents/COOs:

Jill Bartley

Chief Operations Officer, Hope and Healing International

Jill is a Certified Human Resource Leader (CHRL) with more than 25 years' experience in management, leadership, human resources and organizational development. As a global HR professional she's worked building local capacity, supporting global staff and facilitating HR workshops in more than a dozen countries. Our Human Resources drive our businesses to success or failure. Jill's goal is to build the strength of the team in each and every step of the employment lifecycle.

Mark Edgar

Founder, Goat Rodeo Project

Mark Edgar is currently the founder of the Goat Rodeo Project – an organization that seeks to predict and avoid organizational train wrecks. He is co-founder of future foHRward, a Toronto based community for HR professionals which aims to ensure that they positively influence changes in their business. Mark served for eight years as RSA Insurance's Senior Vice-President of Human Resources. Previously Mark was based in the UK as Head of Human Resources within Centrica plc, a major energy company operating in the UK.

Andrea Garson

Founder and Principal, Breaking Glass Inc. HR Consulting

Andrea has over 28 years of HR experience with Tier 1 organizations such as Loblaw's, Pepsi, Dell and Workopolis. She is a leading authority on values based leadership, culture, engagement, and attracting and retaining key talent. In 2017 Andrea retired from corporate HR to start her own HR Consulting firm, Breaking Glass where she specializes in helping CEO's "break some glass" in order to affect change in their organizations.

Caroline Stephens

Chief Human Resources Officer, Interac Corp.

Caroline joined Interac Corp. as Chief Human Resources Officer in September 2017. In this capacity, Caroline is responsible for championing cultural transformation, talent strategy and supporting/accelerating business outcomes through its people practices. Previous to this, Caroline held the position of Head HR for Global Technology, Operations and Financial Solutions for D+H, a product technology company servicing the global fintech industry.

Gordana Terkalas

Senior Vice President Human Resources, Aecon

Gordana is a versatile HR leader, who has grown her career in fast-paced, entrepreneurial organizations calling for significant agility and progressive thinking. Within her mandate to lead people initiatives at Aecon, Gordana co-chairs the corporation's Diversity and Inclusion Council, is a member of the Ethics and Compliance Committee, and leads the Organizational Change Management Community of Practice.

Drawing on the expertise and insights of HR leaders from diverse industry sectors, including:

Program Directors



Stuart E. Rudner
Rudner Law

Stuart Rudner is a leading Employment Lawyer and Mediator. He designed the original HR Law for HR Professionals course and has been a Director since its inception. He is also the co-designer and co-Director of this Advanced course.

For seven consecutive years, Stuart has been selected by his peers for inclusion in 'The Best Lawyers in Canada' in the area of Employment Law. Stuart has repeatedly been named in Canadian HR Reporter's Employment Lawyers Directory (a directory of the top employment law practitioners in Canada), was named one of Canada's top Legal Social Media Influencers and recognized as the only Legal Influencer in Canadian HR Law by Lexology.

Stuart is the founder of Rudner Law, which was selected as the Silver Winner for Best Labour & Employment Boutique Law Firm at the Canadian HR Awards, and has been selected as one of the Top Three Employment & Labour Boutiques in Canadian HR Reporter Readers' Choice Awards for the past three years. Rudner Law was chosen as the winner of the 2019 and 2020 International Advisory Experts Award - Employment Law within Canada and the winner of the Canadian Employment Law Firm of the Year for 2019 and 2020 in the Global Law Experts Annual Awards.

Stuart is the author of *You're Fired! Just Cause for Dismissal in Canada* and has contributed to several other texts. He comments frequently in the media, moderates several blogs, and hosts a monthly online show: *Fire Away*.

Stuart knows that the practice of law is all about relationships. He and the team at Rudner Law strive to be Strategic Advisors to their clients and help them make informed business decisions.

Personal relationships are also very important to Stuart, and he spends as much time as possible with his wife, kids, extended family and friends.



Natalie C. MacDonald
MacDonald & Associates

Natalie C. MacDonald is the Founder of MacDonald & Associates, a leading boutique employment law firm in Toronto.

Natalie has repeatedly been named among Canada's Top Employment Law Practitioners, most recently in 2022, in the "Readers Choice Awards" by Canadian HR reporter. Natalie has also been nominated for being one of Canada's Top 25 Legal Influencers, in the categories of Changemakers, Human Rights and Litigation.

In 2016, and 2017, Natalie was declared one of the top Women in the World for Business by Expert Guides. In 2017, she was selected as the Employment Litigation Law Expert in Canada by both Global Law Experts and Leaders in Law. In 2018, Natalie was named the "Employment Lawyer of the Year" by Canadian Lawyer at the National HR Awards, following her landmark case of *Galea v. Wal-Mart* in which she achieved the highest amounts of Extraordinary Damages in Canadian Employment Law.

Being the sole author of the critically acclaimed textbook, *Extraordinary Damages in Canadian Employment Law*, Natalie is the leading authority on Extraordinary Damages in Canadian Employment Law. Natalie's Firm was repeatedly named Employment Law Firm of the Year by Corporate LiveWire Global Awards. In 2020, she was named by L'Expert as one of the "most recommended" lawyers in Employment Law. In 2022, Natalie was declared one of the Top Lawyers in the GTA in Labour and Employment by Post City Magazine.

Before winning the landmark case of *Galea v. Wal-Mart Canada Inc.*, she set another precedent in *Antidormi v. Blue Pumpkin Software Inc.* [2004], touted as a leading decision in inducement of employees to organizations.

She is also a Program Director and architect of both Osgoode's Professional Development HR Law for HR Professionals course, and its Certificate in Advanced HR Law for Experienced HR Professionals.

Additional Instructors

Jill Bartley, CHRL
Chief Operations Officer
Hope and Healing International

Mark Edgar
Founder
Goat Rodeo Project

Andrea Garson
Founder and Principal
Breaking Glass Inc. HR Consulting

Caroline Stephens
Chief Human Resources Officer
Interac Corp.

Brittany Taylor
Rudner Law

Gordana Terkalas
Senior Vice President
Human Resources
Aecon

Nadia Zaman
Rudner Law

By far the best program I have attended. I loved how thorough the program was and it explained in detail all the relevant material

Nazia Haider, Human Resource Manager
Bora Pharmaceuticals

Agenda

MODULE 1

November 2, 2022

9:00 a.m. – 4:30 p.m. ET

Pre-Employment: Job Postings/ Interviewing/Drafting Employment Agreements and Policies

Job Postings and Conducting Job Interviews

- Best practises for job postings and the implications of not following them
- Inaccurate or misleading job descriptions: is there a duty of care between a candidate and the employer, and if so, what are the practical consequences of breaching that duty?
- Identifying potential discrimination in the job advertisement/description: ensuring that your hiring practises comply with all applicable laws
- How do the courts interpret Bona Fide Operational Requirements (BFORs) and their limits?
- Tips to avoid/minimize risk of inducement
- Permissible and impermissible questions in conducting the job interview: beyond the obvious
- Checking the applicant's social media profile and avoiding the pitfalls
- Potential human rights claims resulting from job postings/advertisements

Drafting Effective Employment Agreements and Policies

- What are the legal implications of an offer letter?
- Tips and tools for crafting a valid, enforceable contract congruent with organizational needs

- Avoiding the errors that can unexpectedly make an employment contract unenforceable
- How to protect against constructive dismissal claims: the art of incorporating appropriate flexibility into the job description
- The scope of termination provisions to include in employment contracts
- Non-compete and non-solicitation agreements: current judicial thinking on the protection of legitimate business interests and 'reasonable' restrictive covenants
- Drafting provisions relating to severance pay, bonuses, commission, stock options, career counseling, continuance of benefits: how to avoid going wrong

MODULE 2

November 3, 2022

9:00 a.m. – 4:30 p.m. ET

During the Employment Relationship: Policies and Addressing Performance Issues

Employment Policies

Organizations invest substantial time and money in devising, reviewing and maintaining employee handbooks and policies. Careful preparation of these policies, appropriate dissemination and consistent application will help to reduce the risk of litigation and protect against costly employment claims. What should go into employment policies and what should not? How can organizations ensure that those policies are regularly updated and consistently applied?

- Determining the policies your organization needs

- How to effectively communicate the organization's values and expectations and implement its policies
- The essential scope of policies and procedures: harassment, privacy, use of technology/social media, benefits, discipline, and absenteeism
- Policy hazards and omissions and taking steps to ensure that policies will be enforceable
- Conducting effective policy and handbook reviews and updating

Performance Management: A Comprehensive Guide to the Legal Landscape

- Tools for effectively assessing and managing performance
- Establishing specific, measurable objectives
- Performance Improvement plans: key considerations in managing challenging employees
- Communicating expectations and consequences effectively
- Human rights issues and accommodation
- How are the standards and evidentiary requirements for showing 'undue hardship' evolving?
- Creating a record you can rely upon for discipline and potential dismissal

Fireside Chat

Hear from some of the country's leading human resources experts on one of the topical issues of the day.

Mark Edgar

Founder
Goat Rodeo Project

Andrea Garson

Founder and Principal
Breaking Glass Inc. HR Consulting

Gordana Terkalas

Senior Vice President
Human Resources, Aecon

MODULE 3

November 10, 2022
9:00 a.m. – 4:30 p.m. ET
Discipline and Dismissal

This day focuses on preventing or minimizing the risks and extent of liability in the areas of employee misconduct, discipline and dismissal, and highlights the best practises to adopt to enable you to avoid costly errors and mistakes.

- Just cause – the latest cases and tips and strategies for building and documenting the case
- What amounts to condonation of, or acquiescence in, misconduct?
- Investigating alleged or suspected misconduct
- Assessing proportionality in the context of a just cause dismissal

- What are the consequences if cause is alleged but is not proven?
- Terminations without cause: the latest judicial trends in determining notice requirements
- How do you go about structuring a severance package, and how do you deal with claims for bonus, commissions, pension plans, life and health insurance benefit extensions?
- Drafting releases that work: how to draft an effective release and waiver of claims, and when to ask for a release
- What effect does a release have in the context of a human rights complaint?
- The duty to mitigate: how far does the law require ex-employees to go?
- Best practises for conducting termination interviews
- Dismissal meetings: when, where, who and how long?
- Tips for giving references

Fireside Chat: To Terminate With or Without Cause?

Jill Bartley, CHRL

Chief Operations Officer
Hope and Healing International

Caroline Stephens

Chief Human Resources Officer
Interac Corp.

MODULE 4

November 11, 2022
9:00 a.m. – 4:30 p.m. ET
The Litigation Process: What to Expect if You Have to Go to Court

In the closing day of the program, you will receive detailed guidance on what happens if an employment case hits the courts or tribunals, as well as the key considerations to bear in mind regarding **discoveries, mediation, arbitration and settlement.**

- Limitation periods for claims before the courts
- Pleadings
- Mediation
- Costs and settlement offers
- Examination for discovery
- Summary judgment
- Pre-trial
- Trial and beyond
- Human rights and other claims
- Enforcing restrictive covenants: practical considerations

There will be a one hour break from 12:00 p.m. – 1:00 p.m. each day of the program. In addition, there will be 15 minute scheduled morning and afternoon breaks.

Registration Details

Fee per Delegate

\$3,595 plus tax

Fees include attendance, electronic materials, and technical support. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details.

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: www.osgoodepd.ca/financial-assistance

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's 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:

David Thomas, Program Lawyer at dthomas@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Advanced Human Resources Law for Senior HR Executives**. Participants must attend (either live in-person or online) all 4 program modules or have viewed the program archives, to obtain the certificate.

Register today at:

osgoodepd.ca/advanced-hr



Email: osgoodepd@osgoode.yorku.ca



Phone: 416 597 9724



Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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

Eligible CPD Hours – LSO (ON): 24h CPD (24h Substantive)



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.



Approved by HRP A for 24 Continuing Professional Development hours

Here's what past participants had to say about this certificate program:

"This course offers timely and relevant HR Law information to HR Professionals at varied stages of their career across various industries. The program hosts are passionate, knowledgeable, kind, participative, inclusive, helpful during sessions and available to assist in between sessions. Any HR professional looking to further develop their Employment and HR Law knowledge should take this course."

Elwira Nowak, Strategic HR Leader

"[The instructors] were very knowledgeable and very committed to supporting our growth. Really great choices!"

Kaitlin Sandor-Kerr, Support Panda

"Natalie MacDonald understands how difficult it is to hold the role of a Senior Human Resources Executive. She understands the multiple demands, how important our role is to our organizations and the care we have for employees. I appreciate her knowledge and empathy. She gets it!"

Emily McGill CPHR, Emily McGill Professionals Inc.