

# 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**

Chief Operations Officer, Hope and Healing International

**Mark Edgar**

Chief People Officer, Wajax

**Andrea Garson**

Chief People Officer, Guardian Dentistry Partners

**Caroline Stephens**

Chief Human Resources Officer, Interac Corp.

**Gordana Terkalas**

Senior Vice President, Human Resources, Aecon

Register today at:

[osgoodepd.ca/advanced-hr](https://osgoodepd.ca/advanced-hr)

## PROGRAM DIRECTORS

**Natalie C. MacDonald**  
MacDonald & Associates

**Stuart E. Rudner**  
Rudner Law

## REGISTRATION DETAILS

November 9, 10, 16 and 17,  
2023:

In-Person

1 Dundas Street West, 26th floor  
Toronto, ON

*Don't miss this highly  
interactive program,  
now returning to its  
original in-person format!*



# 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, Executive Director,  
Intelligence and International Policing,  
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

**Returning to its original in-person format, don't miss this engaging, highly interactive learning experience!**

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
- Overcoming the challenges posed by hybrid and remote work arrangements
- 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, Chief People Officer, Wajax**

Mark is passionate about helping people and believes that sustainable success comes from taking a human approach to your organization. He strives to help organizations succeed through their people by building forward-thinking, purpose-driven, and healthy places to work. Mark has almost 30 years' experience building HR solutions across the broad HR agenda including transformational change, talent management, engagement and organizational effectiveness.

### **Andrea Garson, Chief People Officer, Guardian Dentistry Partners**

Andrea is currently the Chief People Officer at Guardian Dentistry Partners. She has over 29 years of HR experience with Tier 1 organizations including 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 founded Breaking Glass Inc. HR Consulting where she specializes in helping CEO's "break some glass" in order to affect change in their organizations. She is based in Halifax, Nova Scotia.

### **Caroline Stephens, Chief Human Resources Officer, Interac Corp.**

Caroline Stephens is the Chief Human Resources Officer at Interac Corp. and is responsible for cultural transformation, talent strategy and accelerating business outcomes through people practices. Caroline is respected for her forward-thinking strategies, leadership and ability to implement enterprise solutions that result in quantifiable improvement. Caroline champions numerous programs at Interac, including Heartwork: Advancing Women in Leadership, and actively mentors the next generation of talent within her community.

### **Gordana Terkalas, Senior Vice President Human Resources, Aecon**

Gordana is a versatile HR executive, who has grown her career in fast-paced, entrepreneurial organizations in the Fin-Tech, Engineering, and Construction industries, all calling for agility, progressive thinking, and strong business acumen. In addition to her executive role leading people initiatives at Aecon, Gordana is a Board member of the Toronto Workforce Innovation Group and enjoys volunteering her time to programs that support women's development in the workplace.

# 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 eight 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** and her Firm, MacDonald & Associates, a leading boutique employment law firm in Toronto, are synonymous with employment law in Canada, as proven once again, by her most recent win in 2022, where she and her Firm were once again selected as the top employment and labour boutique in Canada at the National HR Awards.

Natalie also just won another one of her cases in 2023 at the Ontario Court of Appeal in *Maynard v. Johnson Controls* where she established that forcing an employee to sign a release prior to knowing the calculations is not only unfair, but unreasonable.

Since 2009, Natalie has repeatedly been named among Canada's Top Employment Law Practitioners, and her Firm since 2017, being in receipt of numerous awards.

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 success in her landmark case of *Galea v. Wal-Mart* in which she achieved the highest amounts of Extraordinary Damages in Canadian Employment Law, the subject of her critically acclaimed textbook, **Extraordinary Damages in Canadian Employment Law**, cementing Natalie as the leading authority on Extraordinary Damages in Canada.

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

## Additional Instructors

**Jill Bartley**  
Chief Operations Officer  
Hope and Healing International

**Mark Edgar**  
Chief People Officer  
Wajax

**Andrea Garson**  
Chief People Officer  
Guardian Dentistry Partners

**Caroline Stephens**  
Chief Human Resources Officer  
Interac Corp.

**Brittany Taylor**  
Rudner Law

**Gordana Terkalas**  
Senior Vice President  
Human Resources  
Aecon

**Nadia Zaman**  
Rudner Law

*“Stuart and his team are always at the top of their game and provide relevant, practical information/insights”*

**Matt LeMaire**, VP of People and Operations,  
Peel Mutual Insurance

# Agenda

## MODULE 1

November 9, 2023  
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 10, 2023  
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

### Overcoming the Challenges Posed by Remote Work/Hybrid Work Arrangements

## Fireside Chat

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

### Mark Edgar

Chief People Officer  
Wajax

### Andrea Garson

Founder and Principal  
Breaking Glass Inc. HR Consulting

### Gordana Terkalas

Senior Vice President  
Human Resources, Aecon

## MODULE 3

**November 16, 2023**  
**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

Chief Operations Officer  
Hope and Healing International

#### Caroline Stephens

Chief Human Resources Officer  
Interac Corp.

## MODULE 4

**November 17, 2023**  
**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

**\$3,895 plus tax**

Fees include attendance, electronic materials, and technical support. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://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](http://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](mailto: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 all 4 program modules to obtain the certificate.

## Register today at:

[osgoodepd.ca/advanced-hr](http://osgoodepd.ca/advanced-hr)



Email: [osgoodepd@osgoode.yorku.ca](mailto: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](mailto: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

*"Great course ... easily the best instruction from Osgoode."*

Igor Ristevski, Bartek Ingredients Inc.

*"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.