



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

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

October 13, 14, 19 and 20, 2021:
Online, Live

*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** certificate, 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 the 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, with overall responsibility for HR across all companies within RSA Canada. Previously Mark was based in the UK as Head of Human Resources within Centrica plc, a major energy company operating in the UK under the British Gas brand. Mark holds a BSc (Hons) in Management Sciences from the University of Warwick and is a member of The Chartered Institute of Personnel and Development.

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. A seasoned presenter, Andrea has spoken across Canada at conferences, seminars, universities and colleges for groups as small as 20 and as large as 500. 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. The Halifax native holds a Bachelor of Science and an MBA from Dalhousie University. She is a member of The Human Resources Association of Ontario, holding their highest designation of CHRE.

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. Prior to joining Aecon, Gordana practised HR in various industries including Consulting Engineering, Technology, and Healthcare. She holds a Bachelor of Commerce degree from Ryerson University, as well as a CHRL Designation and is a member of the Association of Change Management Professionals.

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

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

Stuart is the founder and Managing Partner of Rudner Law, which was recently selected as the Silver Winner for Best Labour & Employment Boutique Law Firm in the Canadian HR Awards, presented by HRD Canada and supported by Canadian HR Reporter. Rudner Law was also 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 on Employment Law matters, moderates several blogs, and hosts a monthly online show: Fire Away. He also enjoys spending time with his family, often in hockey rinks and dance studios.



Natalie C. MacDonald
MacDonald & Associates

Natalie C. MacDonald is the owner and founder of MacDonald & Associates, a leading boutique employment law firm in Toronto. Natalie was named "*Employment Lawyer of the Year*" in 2018 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. Natalie is a leading authority on extraordinary damages, and is the author of the critically acclaimed textbook, *Extraordinary Damages in Canadian Employment Law*.

In 2020 and 2021, Natalie's firm was named Employment Law Firm of the Year by Corporate LiveWire Global Awards. In 2017, Natalie was also selected as the Employment Litigation Law Expert in Canada by both Global Law Experts and Leaders in Law.

Natalie has repeatedly been named among Canada's Top Employment Law Practitioners since 2009 and has been nominated for the past two years as one of Canada's Top 25 Legal Influencers, in the categories of Changemakers, Human Rights and Litigation. 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.

Natalie provides senior counsel on all issues in employment law and represents both employees and employers, assisting each with clear, practical advice, in an effort to help them understand their rights and obligations.

She is the founding Co-Chair of the Employment Law Practice Essentials' annual Conference, an on-line course hosted by the Law Society of Ontario. She is also a Program Director of Osgoode's Professional Development HR Law for HR Professionals course, and an instructor since its inception. Natalie is the architect and founding Program Director of Osgoode's 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

Brittany Taylor
Rudner Law

Gordana Terkalas
Senior Vice President
Human Resources
Aecon

“Thoroughly appreciated the depth and knowledge of the instructors and the materials provided. Would recommend this course if you are looking to grow your Employment Law expertise!”

Nadia Cerisano, Director
Total Rewards at Moneris Solutions

Agenda

MODULE 1

October 13, 2021

9:00 a.m. – 4:30 p.m.

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

October 14, 2021

9:00 a.m. – 4:30 p.m.

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:

The Impact of Social Media on Human Resources – Hiring, Discipline and Dismissal

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

October 19, 2021

9:00 a.m. – 4:30 p.m.

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

Mark Edgar

Founder
Goat Rodeo Project

MODULE 4

October 20, 2021

9:00 a.m. – 4:30 p.m.

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

\$3,495 plus HST

Fees include online attendance and electronic copies of program materials. Participants will have access to the archived sessions of this program for 120 days from the date of program completion. Visit www.osgoodepd.ca/financial-assistance for details about 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
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 view all four modules before receiving the certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/advanced-hr



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

"Timely and relevant information that is practical for today's Canadian workplace. Not only was participating in this program personally enriching, but I was also able to immediately transfer value to my clients."

Margaret Evans, Principal Human Resource Consultant, Pobl Human Resource Consulting

"Extremely knowledgeable and engaging."

Natalie Ferrari, HR Coordinator, Human Rights Legal Support Centre