

# Employment Law

Local. National. Legal Services for Employers.



From hiring to firing and everything in between, Mathews Dinsdale has the expertise to serve as your go-to resource for all employment related issues. Whether it's making the right decision or defending the decision once it has been made, Mathews Dinsdale will help you every step of the way.

We help organizations achieve their business objectives by helping them minimize workplace conflict and, whenever possible avoid costly and disruptive litigation.

## Workplace Policies

Managing the workforce begins long before an employee walks in the door. Establishing organizational policies that are both legally sound and practically useful creates transparency and predictability for workers and management alike.

Our lawyers have extensive experience assisting employers in developing effective personnel management and workplace policies that maximize flexibility while minimizing the risk of liability, including:

- Applications for employment

- Recruitment procedures
- Workplace handbooks
- Attendance management programs
- Return to work programs
- Performance improvement programs

## Employment Contracts

The employment contract is one of the most useful (and most underutilized) tools available to an employer. A properly crafted employment contract creates certainty between an employer and an employee on the terms and conditions of their relationship.

Our lawyers regularly assist employers in drafting employment contracts designed to limit liability in the event of a breakdown in the employment relationship. Where appropriate, employment contracts can also be structured to protect employers from post-employment activities of departing employees through the use of restrictive covenants, such as non-solicitation and non-competition agreements.

## Employment Standards

A fluctuating economy, ever-changing government priorities, and the recent overhaul to workplace statutes in many Canadian jurisdictions, all create new and never-ending challenges. Employers therefore need to be aware that both provincial and federal legislation set out minimum standards that employers must adhere to, including minimum entitlements for employees relating to:

- Hours of work
- Overtime

- Minimum wage
- Public holidays
- Vacations
- Job-protected leaves of absence
- Termination and severance pay

Given the broad scope and application of these minimum standards, ESA legislation must be considered when drafting workplace policies, procedures and employment contracts. Employers should also be aware that there can be additional requirements in the event of a business closure, sale, or a significant reduction in the workforce.

Mathews Dinsdale regularly advises employers on all employment standards matters and their impact on the workplace. Where claims are made under employment standards legislation, our lawyers are available to represent employers through all stages of the litigation process before provincial and federal Boards and Tribunals.

### Attendance Management

In recent years, many employees have come to justify frequent absences from work based on disabilities, religion and other grounds protected by human rights legislation. Whatever the reason, chronic absenteeism can adversely affect productivity, quality, and competitiveness.

Mathews Dinsdale lawyers are ready to assist employers with the development and implementation of proactive attendance management policies and return-to-work programs to address absenteeism, thereby minimizing the disruption to the workplace. We also provide training and support on how to implement and manage these programs.

### Discipline and Termination

Where an employee engages in misconduct or fails to perform up to expectations, a properly managed progressive discipline or performance management program can either help get the employee back on track or provide management with the information it needs to make an informed decision about how best to proceed.

Employee terminations can be highly contentious, particularly when they involve employees with long service or where there are allegations of just cause. Our lawyers regularly advise employers with respect to disciplining employees in both unionized and non-unionized workplaces and are available to assist employers in determining what constitutes just cause for the termination of the employment relationship.

In the event that the decision to dismiss leads to litigation, Mathews Dinsdale lawyers have extensive experience in helping employers defend Wrongful Dismissal Court actions initiated by non-union employees. Our lawyers are also experts in defending Complaints filed by federally regulated employees under the *Canada Labour Code*.

## Connect with us

For more information about how we can serve you in Employment Law, please contact your Mathews Dinsdale lawyer or visit our website at [mathewsdinsdale.com](http://mathewsdinsdale.com).

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