

Human Rights

Local. National. Legal Services for Employers.



Human rights is one of the fastest growing areas of workplace law. Mathews Dinsdale provides employers with practical advice on how to fulfil their legal obligations and foster a fair, inclusive and discrimination-free workplace.

Mathews Dinsdale lawyers recommend an approach that emphasizes preventative measures such as well-drafted policies, training, and internal complaint systems. When required, however, our lawyers are also skilled mediators and advocates who regularly appear before arbitrators, tribunals, and the courts.

Preventative Measures

Our recommended approach emphasizes preventative measures, including legally-sound human rights policies and internal complaint systems. Mathews Dinsdale can assist in the development of these policies and processes, and can provide training and guidance on how to best implement them.

We frequently provide seminars, training and workshops for employers, managers and workers that are tailored to meet the needs of the organization. These programs cover topics ranging from workplace sexual harassment, accommodation of mental health disabilities, conducting workplace investigations, to attendance management. We customize training to fit the

particular goals of your business and the specifics of your workforce.

Responding to Human Rights Issues

Employers often encounter potential human rights issues in subtle ways. For example, how would your organization respond if:

- A job candidate complains that your organization did not hire her because she failed a pre-employment medical examination
- Your employee asks to leave work early every Friday to collect his child from daycare
- You suspect that your employee, in a safety-sensitive position, may be reporting to work intoxicated
- Your employee refuses a mandatory overtime shift on Saturday, citing religious reasons
- Your employee complains that his crew members are making crude jokes that offend him

Each of these scenarios may trigger human rights concerns. Our lawyers can help you to identify these delicate human rights issues and handle them with appropriate tact, fairness, and prudence. To do so, we provide guidance on:

- How to receive complaints of harassment and/or discrimination from employees
- How to deal with issues of confidentiality
- How to determine whether something is in fact a human rights issue

- How to conduct a proper workplace investigation, appropriate to the circumstances
- How to ensure that any corrective action is proportionate to the misconduct and legally defensible
- When to engage the services of a neutral, third party workplace investigator

Where an external investigator is necessary, our lawyers regularly perform third-party investigations and are equipped to make both factual and legal findings.

Human Rights Litigation

Where human rights complaints arise, we help obtain mutually satisfactory resolutions so that negative publicity or costly litigation can be avoided. Our lawyers are skilled in mediation and alternative dispute resolution, regularly offering creative solutions to resolve disputes in the best interests of our clients.

In the event that complaints are not resolved informally, our lawyers are skilled advocates who regularly appear before arbitrators, tribunals, and the courts. We are also frequent speakers on current legal developments in the area of human rights and are often asked to speak on these developments for both professional associations and media outlets.

Because our firm specializes in workplace law, we offer an in-depth understanding of how human rights issues interact with other labour and employment issues.

For instance, collective agreement obligations in unionized workplaces can conflict with human rights obligations. How would your organization respond if one employee asks to be accommodated in a particular position, while another employee with more seniority is simultaneously asking to post into that position? How would your organization respond if an employee is asking to be accommodated in a position that falls outside of the bargaining unit?

Similarly, there may be employment standards obligations (such as worker entitlements to various types of leave) or workers' compensation obligations (such as the duty to cooperate in an injured worker's return to work) that can add further complexity to a human rights issue. How would your organization deal with an employee who has been cleared by the workers' compensation board to return to work, but the employee says he cannot return due to an injury unrelated to the workplace? How do you ensure that your organization is fulfilling its duty to cooperate in the employee's early and safe return while the human rights duty to accommodate may necessitate his continued absence?

Our lawyers understand the "big picture" and can help your organization find a solution to one problem that does not create new, unanticipated problems. Instead, we work with you to face human rights issues in your workplace directly and find effective solutions.

Connect with us

For more information about how we can serve you in Labour Relations, please contact your Mathews Dinsdale lawyer or visit our website at mathewsdinsdale.com.

ONTARIO

416.862.8280

BRITISH COLUMBIA

604.638.2050

ALBERTA

403.538.5041

NOVA SCOTIA

902.334.0434

Canada's only national labour and employment employer side law firm. **Face to Face. Coast to Coast**