

Litigation & Advocacy

Local. National. Legal Services for Employers.



When litigating workplace issues, you need lawyers who can tell you the risks, the costs and the likely outcome. Our Litigation and Advocacy Practice Group lawyers do just that – we practice workplace law, and nothing else.

From small business owners to some of the world's largest companies, we work with our clients to quickly and successfully resolve workplace matters before courts, administrative tribunals and arbitrators.

Whether a wrongful or constructive dismissal, enforcement of a restrictive covenant, injunctive relief in a labour dispute, responding to an employment standards complaint or defending your interests in an administrative hearing, our lawyers work with you to develop a practical, cost-effective strategy from start to finish.

Where workplace issues have regional or national implications, our coast-to-coast presence ensures that you are communicating one consistent message to one team of legal counsel. We work with our clients to implement litigation strategies which avoid inconsistent messaging and results.

Wrongful and Constructive Dismissal

Litigating a wrongful or constructive dismissal to trial is increasingly uncommon: the vast majority of matters are never decided before a judge or jury, but through settlement. Any settlement is only as good as its factual foundation and your lawyer must have an understanding of both the law and your business to steer a plaintiff to an acceptable settlement.

We are skilled at assessing the strengths and weaknesses of a claim and developing litigation strategies to drive plaintiffs to a cost-effective and timely settlement. As workplace law is all we do, we know local plaintiffs' counsel and, more importantly, we know their tendencies.

Where settlement cannot be achieved, either for financial or principled reasons, we prepare our clients for trial and play to win.

Employment Standards

From unpaid overtime to disputes over statutory leaves, a complaint to an employment standards tribunal is incredibly easy for an employee to file and is a no-risk proposition as there are no cost consequences to an employee for an unsuccessful complaint.

What may seem like a trivial dispute over hundreds of dollars can quickly expand into a precedent-setting decision which applies to an entire workforce with a substantial impact on the employer's bottom line. Our lawyers know both the law and the importance

of limiting the scope of such complaints and work proactively with clients to ensure compliance.

Injunctions

An employee leaves the workplace with highly confidential trade secrets and must be stopped from sharing the information online. An illegal picket line shuts down a manufacturing facility, jeopardizing shipping deadlines. Four top salespeople cross the street to join a competitor with no advance notice.

Each of these scenarios can cause tremendous financial and reputational damage to your business if not remedied quickly. We know how to work under pressure and make effective use of injunctions to restore order to your workplace and prevent unnecessary business loss. You get one shot at an injunction and you need to do it right – our team can help.

Class Actions

What began as the rare claim for unpaid overtime on behalf of a group of employees has ballooned into a lucrative business, with plaintiff counsel routinely targeting employers for not only unpaid wages, but workplace harassment, unpaid commissions or bonuses or reductions in benefits.

With a national presence, we defend our clients by working across multiple provincial jurisdictions to ensure a coordinated approach to the certification hearing and beyond.

Arbitrations

Beyond just the unionized workplace, our clients are using arbitration clauses to avoid the delay and costs associated with defending litigation before the courts. Arbitration allows you to obtain a decision quickly and economically, with a decision-maker who is a known quantity.

Our work puts us in front of respected arbitrators in every common law province every day. We know the right arbitrator for the right case.

Appeals and Judicial Reviews

Arguing appeals and judicial reviews requires a different legal mindset and involves distilling a decision down to its core legal principles. Where we believe a decision was made in error, we assess the realistic chances for a successful appeal or judicial review and are frequently retained by other counsel and clients to provide a “second set of eyes” when deciding whether to seek review of a decision in a higher court

Connect with us

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

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