

# Adrian Miedema

## Partner



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## Overview

Adrian is a partner in the Toronto Employment group of Dentons Canada LLP. He advises and represents public- and private-sector employers in employment, health and safety and human rights matters. He appears before employment tribunals and all levels of the Ontario courts on behalf of employers. He also advises employers on strategic and risk management considerations in employment policy and contracts.

## Experience

- **Industrial client:** Acting as counsel to an industrial employer in a successful dismissal of charges in respect of machine guarding under the *Occupational Health and Safety Act*.
- **Pharmaceutical client:** Acting as counsel, successfully argued that there was no reasonable prospect of success on charges under the *Occupational Health and Safety Act* in relation to a workplace explosion, resulting in the withdrawal of the charges prior to trial.
- **Construction client:** Acting as counsel to a construction company in successfully appealing a conviction on charges under the *Occupational Health and Safety Act*, resulting in the conviction being overturned and a new trial ordered.
- **Property management client:** Acting as counsel to a property management company in obtaining the withdrawal of charges under the *Fire Protection and Prevention Act, 1997*.
- **Bayer:** Advising as Canadian counsel in connection with its US\$14.2 billion acquisition of the over-the-counter and consumer personal care business of Merck & Co., Inc.
- **Teledyne Technologies Incorporated:** Advising on the CA\$337 million acquisition of DALSA Corporate by plan of arrangement. The arrangement was completed following the approval of the Ontario Superior Court of Justice (Commercial List) and satisfaction of the various conditions precedent to the arrangement.
- **Confidential client:** Acting as counsel to a religious employer in a landmark human rights appeal dealing with the interpretation of the Ontario Human Rights Code and the rights of religious employers to engage in faith-based hiring, and to insist upon religious adherence as a condition of employment.

- **Confidential client:** Advising with respect to defending employers charged with health and safety offences.
- **Confidential client:** Advising with respect to providing strategic advice to employers to reduce the risk of legal disputes.
- **Confidential client:** Advising in connection with workplace safety and insurance matters.
- **Confidential client:** Representing employers in human rights matters.
- **Confidential client:** Advising with respect to providing risk management advice to employers.
- **Confidential client:** Advising with respect to enforcing non-competition and non-solicitation obligations.
- **Confidential client:** Advising and representing management in dismissal matters.
- **Confidential client:** Representing and advising charities in employment and human rights matters.
- **Confidential client:** Advising and representing in drug and alcohol testing matters.

## Recognition

First recognized in 2011, Adrian has been commended for his extensive knowledge and experience in a variety of respected publications, including:

- *The Legal 500 Canada:* Labour and Employment
- *The Best Lawyers in Canada:* Labour and Employment Law
- *The Canadian Legal Lexpert Directory:* Occupational Health & Safety; Worker's Compensation: Employer
- *Acritas:* Acritas Star

## In the Media

- Quoted, "Mask and COVID-19 screening requirements creating employment law issues," *Law Times*, October 14, 2020
- Quoted in "Return to work includes strict occupational health and safety requirements with personal liability," *Canadian Lawyer Magazine*, June 8, 2020
- Quoted in "Worker wins \$5K damages in close-shave shooting," *HRM Canada*, April 2016
- Quoted in "Why do OHS injuries go unreported?" *Canadian HR Reporter*, March 2016
- Quoted in "Waiver against lawsuit not enforceable for worker without workers compensation coverage," *Canadian Safety Reporter*, February 2016
- Quoted in "Public sector employers can't arbitrarily decide what is workplace violence: Court They have obligation to investigate using impartial, competent individuals", *Canadian HR Reporter*, February 8, 2016
- Quoted in "Employers on notice after manager gets jail sentence for fatal safety lapse," *Business Insurance*, January 1, 2016
- Quoted in "Is this the worst time to fire an employee," *HRM Canada*, November 30, 2015
- Quoted in "Many employees unsure about workplace protection," *Canadian Safety Reporter*, October 1, 2015
- No punches thrown, but employee properly dismissed for yelling, swearing and abusive conduct, *Canadian Employment Law Today*, March 31, 2015 (byline)

- Quoted in "We've been fighting ever since ," *Canadian Safety Reporter*, December 1, 2014
- Quoted in "Ministry of Labour faces negligence suit", by Jennifer Brown, *Canadian Lawyer*, August 6, 2014
- Quoted in "Two cases show Crown's aggressiveness on safety act fines", by Michael McKiernan, *Law Times*, November 11, 2013
- Quoted in "Companies, supervisors facing added scrutiny", by Marg Bruineman, *Law Times*, May 27, 2013
- "How Secure is Secure?" by J. Lynn Fraser, *HR Professional*, October 2012
- "Off The Shelf" by Alyson Nyiri, *HR Professional*, October 2012
- "Not Seeing Eye-to-Eye," by Greg Burchell, *OHS Canada*, July 17, 2012
- "Can Faith Groups Impose Lifestyle Standards?" by Robert Todd, *Law Times*, September 13, 2010
- "Safety Matters" by Julius Melnitzer, *Lexpert Magazine*, June 2010
- "Wait-and-see approach to fulfilling Bill 168 requirements may result in unwelcome scrutiny, lawyer" by Laurie Blake, *WorkPlace*, May 2010
- "Ontario employers face tough new violence laws: Companies will soon have to shoulder greater responsibility in ensuring employees are safe and free from harassment", *The Globe and Mail*, March 24, 2010
- "Creative sentencing gains ground for occupational safety violations", *The Lawyers Weekly*, February 29, 2008
- "Shooting the messenger", *Boundary Bulletin* (Grand Forks), October 12, 2007
- "Now it's the employers working overtime: Potential \$600-million CIBC suit is spurring Canadian companies to investigate their own practices", *The Globe and Mail*, June 9, 2007
- "Employers urged to heed CIBC suit: Teller files landmark class-action claim for \$600-million", *The Globe and Mail*, June 6, 2007
- "Managers' overtime victory short-lived: Manitoba quickly closes loophole that handed supervisor a win", *The Globe and Mail*, April 20, 2007
- "Keep your eyes on a hire purpose: There's a fine balance between personal privacy and corporate necessity when filling positions", *Edmonton Journal* (Alberta), February 7, 2007
- "Didn't you check?: Background checks can help companies avoid making bad hires that could harm their reputations", *The Gazette* (Montreal), February 7, 2007
- "Bad hires can be costly: Checking those CVs: Fine line between reason to probe and intrusion", *The Vancouver Province* (B.C.), February 4, 2007
- "Don't hire without checking", *Ottawa Citizen*, February 3, 2007
- "Didn't you check?: A bad hire can be catastrophic to a businesses' reputation ," *National Post*, January 31, 2007
- "Overtime 'wakeup call' seen in ruling; Manitoba case puts employers on notice: lawyers", *The Globe and Mail*, December 1, 2006

## Insights

- Co-author, "Ontario - Return to the Workplace Toolkit #2 (a.k.a. "Haven't we been down this road before?") ," *Dentons Insights*, August 12, 2021

- Co-Author, "\$2.5 million payroll threshold for ESA severance pay includes global – not just Ontario – payroll, says Ontario Divisional Court," *Employment and Labour Law Reporter Volume 31, No. 5*, August 2021.
- Co-author, "Don't spend your vacation in a courtroom: Potential vacation time and vacation pay issues that every employer should know about," *Dentons Insights*, June 23, 2021
- Co-author, "Toronto and Peel mandate business closures if five or more cases of COVID-19 in 14 days," *Dentons Insights*, April 23, 2021
- Co-author, "Employer alert: Ontario issues "stay-at-home" order and new restrictions on businesses," *Dentons Insights*, January 13, 2021
- Co-author, "Government puts Toronto and Peel Region into lockdown," *Dentons Insights*, November 23, 2020
- Co-author, "COVID-19 – What you missed on your summer vacation and what happens next," *Dentons Insights*, September 10, 2020
- Co-author, "Important new Ontario regulation helps non-union employers who implemented layoffs or wage cuts," *Dentons Insights*, May 31, 2020
- Co-author, "Are you a "person responsible for a place of business that is open" in Ontario? Understand your legal duties and potential charges and fines," *Dentons Insights*, May 21, 2020
- "Court of appeal decides WSIB fraud requires wilful act," *International Law Office*, December 4, 2018
- "Administrative driving suspension not just cause to dismiss assistant fire chief," *International Law Office*, October 2, 2018
- "Court finds lawyer's communications and conduct during harassment investigation were not privileged," *International Law Office*, September 18, 2018
- "Owner of electrical contracting firm held personally liable for its C\$430,000 regulatory fine," *International Law Office*, September 11, 2018
- "Class action claiming gender harassment dismissed as only arbitrator had jurisdiction," *International Law Office*, September 4, 2018
- "Safety manager wins wrongful dismissal suit having not failed to complete assigned tasks," *International Law Office*, August 28, 2018
- "Female police officers' class action claiming gender harassment dismissed because arbitrator, not courts, had jurisdiction," *Employment Law Today*, August 16, 2018
- "Safety manager wins wrongful dismissal suit," *Canadian Occupational Safety*, August 13, 2018
- "Court declines to quash bid ban imposed by city on paving company," *International Law Office*, August 7, 2018
- "Occupational health and safety charges in fatality case dismissed for delay," *International Law Office*, July 31, 2018
- "Distracted by mobile phones: forklift operators guilty of occupational health and safety offence," *International Law Office*, July 17, 2018
- "Armoured car employee's work refusal due to Christmas crowds was not justified," *Canadian Employment Law Today*, April 26, 2018
- "Court fines out-of-business company that did not defend health and safety charges C\$1.3 million," *International Law Office*, April 24, 2018
- "Armoured car employee's work refusal was not justified," *Canadian Occupational Safety*, April 24, 2018
- "Possession of small amount of marijuana was just cause to fire employee," *International Law Office*, March

13, 2018

- "Jail term upheld on appeal in criminal negligence case against Metron project manager," *International Law Office*, February 27, 2018
- "Mere fact of accident not enough to convict on OHS charges," *Canadian Occupational Safety*, February 20, 2018
- "Appeal court upholds C\$5.3 million combined fine in Sunrise Propane case," *International Law Office*, February 13, 2018
- "3 1/2-year jail term upheld on appeal in criminal negligence case against Metron project manager," *Canadian Employment Law Today*, February 8, 2018
- "Appeal court holds that fact of accident alone is not enough to convict," *International Law Office*, February 6, 2018
- "Court of Appeal holds general duty clause can impose higher obligations than regulatory requirements," *International Law Office*, January 30, 2018
- "When is a release effective to bar a safety-related complaint?," *International Law Office*, January 9, 2018
- "Court dismisses health and safety charge given due diligence," *International Law Office*, December 12, 2017
- "Ontario proposing to triple maximum OHS fine to \$1.5 million," *Canadian Occupational Safety*, December 6, 2017
- "Town Employees Did Not Have a Reasonable Basis To Fear Violence from Protester: 'Violence Is Not the Mere Absence of Civility', Appeal Court States," *Employment and Labour Law Reporter*, November 2017
- "City inspector who engaged in two separate physical attacks at work fired for cause," *Canadian Occupational Safety*, November 15, 2017
- "Well-trained worker's negligence caused his death; company not guilty of OHS charge," *Canadian Occupational Safety*, October 23, 2017
- "Appeal court upholds C\$270,000 fine when Ministry of Labour and company agreed on C\$180,000," *International Law Office*, September 26, 2017
- "Appeal court upholds \$270,000 fine – when MOL and company agreed on \$180,000." *Canadian Occupational Safety*, August 28, 2017
- "Court throws out criminal negligence charge against boom truck operator," *Employment Law Today*, August 3, 2017
- "Citing unfairness: court throws out criminal negligence charge against boom truck operator," *International Law Office*, August 15, 2017
- "Student's violent outbursts justified teacher's work refusal: OLRB," *cos-mag.com*, July 24, 2017
- "Loader operator entitled to remain in job despite 8 accidents: Arbitrator," *Canadian Occupational Safety*, May 23, 2017
- "Safety officer wins wrongful dismissal lawsuit," *Canadian Occupational Safety*, April 25, 2017
- "Court refuses small-town mayor's OHS-based request for injunction prohibiting resident from harassing her," *Employment Law Today*, February 9, 2017
- "Arbitrator finds employer violated OHS workplace-violence obligations," *Employment Law Today*, December 21, 2016
- "Employer loses wrongful dismissal case after court finds safety rules unclear," *Canadian Occupational*

- "Fired Employee's Facebook Post Calling Company "s—hole Showed Dismissal for Workplace Outbursts, Threat Was Indeed Appropriate," *HRInsider*, August 2016
- "Employer loses wrongful dismissal case after court finds safety rules unclear," *Employment Law Today*, August 16, 2016
- "Australian Employee Wins Workers Compensation Benefits After Coworker Takes Covert Photographs of Her," *HRInsider*, June 15, 2016
- "\$250,000 fine against school board may be largest-ever against not-for-profit organization in Ontario," *Canadian Employment Law Today*, May 24, 2016
- "Shot at in parking lot, employee awarded \$5,000 in damages from employer despite coverage," *Canadian Occupational Safety*, April 27, 2016
- "Employer's Request for Post-Incident Alcohol and Drug Test Was Not Justified Where No Sign of Impairment: Arbitrator," *HRInsider*, April 7, 2016
- "Work Refusal Was Motivated by Employee's Dislike of Work Assignment, Not by Safety," *HRInsider*, March 22, 2016
- "Waiver against lawsuit not enforceable for worker without workers compensation coverage," *employmentlawtoday.com*, February 23, 2016
- "Waiver was unenforceable, employee entitled to sue employer after workplace injury," *Canadian Occupational Safety*, February 19, 2016
- "Context is key when it comes to discipline for workplace threats," *Canadian Employment Law Today*, December 22, 2015
- "Alcoholic employee reinstated after employer's compassion made seriousness of warnings questionable," *Canadian Occupational Safety*, October 27, 2015
- "Doctor's note prescribing 'no overtime' was obtained due to labour tensions, not employee's health: 3-day suspension imposed," *Canadian Employment Law Today*, October 26, 2015
- "Alcoholic employee reinstated after employer's compassionate approach put in question seriousness of previous warnings," *Canadian Employment Law Today*, October 8, 2015
- "Employee properly fired for workplace violence threats, despite his mental disability: Appeal Court," *Canadian Employment Law Today*, September 18, 2015
- "Employee guilty of 'reckless' speeding in mine trolley: dismissal upheld," *Canadian Employment Law Today*, August 17, 2015 (also published in *Canadian Occupational Safety* on August 25, 2015)
- "'Zero tolerance' policy on drugs in workplace upheld by human rights tribunal where employee did not have 'marijuana card,'" *Employment Law Today*, August 6, 2015
- "'Creative sentence' imposed for OHS violation: Company must give 150 hours of safety presentations," *Canadian Occupational Safety*, June 24, 2015 (also published on *Canadian Employment Law Today*, June 26, 2015)
- "Classic washroom bullying lands employee 3-day suspension," *Canadian Occupational Safety*, May 4, 2015
- "Company that Met or Exceeded Industry Standards Still Found Guilty of OHS Charges," *OHS Insider*, April 21, 2015
- "Manager was not 'competent person' to conduct harassment/violence investigation under Canada Labour Code: Court," *Employment Law Today*, April 15, 2015
- "No punches thrown, but employee properly dismissed for yelling, swearing and abusive conduct,"

- "Who is a supervisor? Ontario Ministry of Labour releases guideline," *Canadian Occupational Safety*, March 25, 2015
- "An active OHS Committee Can Save Employers From OHSA charges," *eCompliance*, February 27, 2015
- "Retail employee run over by shoplifter may sue employer despite having WSIB coverage," *Canadian Occupational Safety*, February 25, 2015
- "Fake e-mail to other employees results in criminal mischief conviction," *Employment Law Today*, December 1, 2014
- "Discipline included 'dismissal' in reprisal settlement," *Employment Law Today*, September 24, 2014
- "'Disgruntled and aggressive clients' posed safety threat under OHSA," *Canadian Occupational Safety*, July 17, 2014
- "Arbitrator may order change to hours, location of doctor who sexually-harassed hospital nurse," *Employment Law Today*, July 8, 2014
- "Supervisor who solicited and procured drugs from employee was fired for cause," *BC Council on Substance Abuse*, June 10, 2014
- "Disabled Employee Who Lied About Ability To Work Was Fired For Cause," featured in *DRI Labor Digest*, May 22, 2014
- "Seat belt offence not 'absolute liability', Appeal Court decides," *The Lawyer*, May 8, 2014
- "Not Harassment to Remind Nurses of Professional Obligations, Arbitrator Says," featured in *DRI Medical Liability and Health Care Digest*, April 28, 2014
- "July 1, 2014 deadline for Ontario's new safety awareness training requirements," *Canadian Corporate Counsel*, April 2014
- "Marijuana Possession and Use at Work Justified Dismissal, Despite Employee's 'Drug Problem'", *Ultimate HR Manual*, April 2014
- "Marijuana Possession and Use at Work Justified Dismissal, Despite Employee's 'Drug Problem,'" *HR Connected: Employment and Labour Law*, April 2014
- "Marijuana Possession and Use at Work Justified Dismissal, Despite Employee's 'Drug Problem'," *Labour Notes*, April 25, 2014
- "Not Harassment to Remind Nurses of Professional Obligations, Arbitrator Says," *The Lawyer*, April 25, 2014
- "Majority Of OHSA Fines In \$100,000 To \$150,000 Range In Fatality Cases, Court Notes," featured in *DRI Construction Law Digest*, April 14, 2014
- "Filed late, appeal of inspector's order dismissed," *The Lawyer*, April 9, 2014
- "Three Months Until July 1 Training Deadline: Update on Ontario's New Safety Awareness Training Requirement," *OHS Insider*, April 8, 2014
- "Wave of harassment cases coming to Ontario Labour Relations Board?," *Canadian Employment Law Today*, February 14, 2014
- "Supervisor jailed under OHSA after lying to MOL inspector, police," *Canadian Occupational Safety Magazine*, January 20, 2014
- "Entire vehicle a 'workplace' under OHSA even when only transporting employees, says board," *Canadian Employment Law Today*, December 11, 2013

- "Entire vehicle considered 'workplace' even when only transporting employees: OLRB," *Canadian Occupational Safety Magazine*, November 26, 2013
- "Post-accident safety fixes: an admission of liability?," *Labour Notes*, November 25, 2013
- "Fired employee failed to prove depression, harassment drove him to fight: Court," *Canadian Employment Law Today*, September 18, 2013
- "Arbitrator May Not Award Damages For Workplace Injury Where Worker Entitled To WSIB," *HRInsider.ca*, September 1, 2013
- "Inherently dangerous business' requires 'high degree of attention to detail' in safety training and supervision: Court," *Canadian Employment Law Today*, August 8, 2013
- "Emails sink employer in safety retaliation case," *Canadian Employment Law Today*, June 11, 2013
- "Bad-faith work refusal complaint justified discipline — reinstatement denied" *Canadian Employment Law Today*, May 3, 2013
- "37-Year employee fired for safety violations," *Canadian Workplace Law Today*, April 17, 2013
- "Managers file complaints about employees' offensive blog posts, but remedy denied ," *Internet and E-Commerce Law in Canada, LexisNexis*, April 2013
- "I Should Have Brought a Gun to Shoot Her" Comment Was Not a Threat, Thus Not Workplace Violence: Ontario Arbitrator," *Labour Notes*, March 18, 2013
- Co-author, "Employment and the Controlling Mind" chapter, in *The Controlling Mind - Exercising Legal Control: Its Obligations and Liabilities* (Barry D. Lipson, Ed.), Carswell, 2012
- "Criminal Safety Charges Against Companies and Supervisors: A Growing Concern?," *Mercer/CCH Guide for Employees*, November 2012
- "Mandatory safety awareness program coming to Ontario," *Legal Alert*, September 2012
- "Metron/Swartz Sentencing Decisions Now Online: Company Criminally Liable for Site Supervisor's Actions," *Canadian Employment Safety and Health Guide*, August 2012
- "Caution Advised in Social Media Background Checks," *Legal Alert*, July 2012
- "68% Of Companies Plead Guilty to *Occupational Health and Safety Act* Charges (and 8 other interesting findings): FMC Employment / Occupational Health and Safety Lawyers Analyze Unpublished Ontario Ministry of Labour Data," May 16, 2012
- "Volunteer Fire Department's Actions Being Scrutinized By Court Under OHSAA: 2 of 3 Remaining Charges Dismissed," *Canadian Employment and Safety Health Guide*, April 2012
- "Using lawyer as investigator doesn't guarantee privilege," *Legal Post*, February 2012
- HR Manager's Guide to Background Checks and Pre-Employment Testing, Second Edition
- "The Bill 160 'Revamp' of Ontario's Health and Safety System," *HR Professional*, November/December 2011
- Criminal Liability for Occupational Health and Safety: Bill C-45 Update (Presentation)
- Social Media Risk Management for Charities: A Policy in 140 Characters - September 2011
- FMC Occupational Health and Safety Law Digest (Ontario), April 2011
- "Class actions, "stay and sue" are risk with pay changes," *Legal Alert*, June 2011
- "(Keeping the) Faith at work," CBA National Labour and Employment Law Section Newsletter – Focus on Human Rights, November 2010



- "Workplace Violence: Introduction of Bill 168 (Part 1)" - Webcast
- "The Performance Review as Harassment?: Understanding Ontario's Proposed Workplace Harassment and Violence Amendments to the *OHSA*" - Webcast
- "How, and When, Employers Should Monitor Employees"
- "Employment Litigation: Has Overtime Class Action Fever Hit Canada?"
- "Things Really Have Changed: Employers are Winning Preliminary Objections at the Human Rights Tribunal of Ontario," *CBA*, December 2009
- "With cake' terminations now sweeter for employers," *Legal Alert*, November 2008
- Selected Articles
- "Checking it Twice: Employee Background Checking For Christian Charities," *CCCC Bulletin*, October 2007
- Co-author, "Criminals, Hackers and Competitors: Managing Employee Risk," *Canadian Treasurer*, August | September 2007 (co-author)
- Co-author, "But I Thought You Checked: Background Checking of Temporary Employees," *Canadian HR Reporter*, April 30, 2007
- "Take Me Back: Ontario Judges may begin Reinstating Employees," *CEER Editorial*, April 2007
- Co-author, "Pre-employment background checks can assist in reducing risk of fraud," *The Lawyers Weekly*, March 2, 2007
- Co-author, "Background Checking: It's Legal if Done Properly," *Workplace Magazine*, 2007
- "It's There But You Can't See It: Beware the Hidden Danger of the E-world," *Workplace News*, November/December 2006
- "Overtime Liability: Is it Lurking Behind your Balance Sheet?," *Canadian Corporate Counsel*, September/October 2006
- "The Million-Dollar Question: Is Your Plant Misapplying Overtime Laws?," *Workplace News*, Fall 2006
- "What are They Smoking? Drug and Alcohol Testing in the Mining Industry," *Canadian Mining Journal*, August 2006
- "Electronic Evidence in the Workplace: Potential Risks, Opportunities and Embarrassment," *Corporate Governance* (Federated Press), July 2006
- "Metadata: Manage Hidden Data and Save the Embarrassment," *FMC Focus on Employment, Labour and Pensions*, June 2006
- "Employers Roll the Dice with Drug Testing Programs," *OHS Canada*, June 2006
- "Remember Who You Are: The Ten-Step Human Rights Plan," *CCCC Bulletin*, May 2006
- "Electronic Evidence: Manage Hidden Data and Catch the Rogue Employee," *FMC Focus on Employment and Labour*, April 2006
- "HR Manager's Guide to Background Checks and Pre-Employment Testing," (co-author, Thomson Carswell, 2006)
- "HR Manager's Guide to Non-Competition and Non-Solicitation Agreements," (co-author, Thomson Carswell, 2005)
- "When Litigation becomes a Sport," *CEER Editorial*, February 14, 2006

- “Corporate Director Jailed for ESA Violations,” *Legal Alert*, November 2005
- “The Doctrine of Frustration and the Disabled Employee: Dying a Slow Death?,” *Canadian Corporate Counsel*, July, 2005
- “HR Manager’s Guide to Non-Competition and Non-Solicitation Agreements” (co-author, Thomson Carswell, 2005)
- “Court Punishes Internet Defamation,” *Legal Alert*, January 2005
- “Wrongful Dismissal Can Void Non-Competition Obligations,” *Workplace News*, December 2004
- Co-author, “Legalese with Ease: Legal Terms for Human Resources Professionals,” CCH, 2003
- Co-author, “Courts may Defer to Employer Severance Formula,” *Legal Alert*, September 2003
- “Consider the choice of law at the time of hiring,” *The Lawyers Weekly*, October 11, 2002

## Activities and Affiliations

- Director, Yonge Street Mission
- Member, Ontario Bar Association
- Member, The Advocates’ Society

## Community Involvement and Pro Bono

- Member, The Scott Mission

## Teaching Roles

- Adjunct Professor of Employment Law at the Faculty of Law, University of Western Ontario, 2006–2009

## Presentations

- Speaker, "Workplace Harassment and Violence Prevention Regulations", The Six-Minute Employment Lawyer 2021, Law Society of Ontario, June 24, 2021
- Speaker, "Return to the workplace – 2021 edition: Employer compliance," Ontario Employment and Labour Spring webinar series, June 15, 2021
- Speaker, "Fines and enforcement, mask refusals and vaccination," Employment and Labour webinar series, April 23, 2021
- Moderator, "Legislation and employer updates," Employment and Labour webinar series, June 5, 2020
- Speaker, "Key considerations for reopening physical workplaces," Employment and Labour webinar series, May 29, 2020
- Speaker, "Return to work issues," Employment and Labour webinar series, May 8, 2020
- Speaker, "Canada Emergency Wage Subsidy update," Employment and Labour webinar series, April 17, 2020
- Speaker, "Legal update for Canadian employers – and your questions answered," Employment and Labour webinar series, March 20, 2020
- Speaker, "Employer obligations, options and strategies in Canada," Employment and Labour webinar series, March 13, 2020

- "OHS Caselaw Highlights from 2015: Top Picks from Dentons' OHS Blog," Presentation to CSSE, Toronto, January 12, 2016
- "Human Rights Compliance, Presentation to CCI/Canada, Camp Leadership Institute, Guelph, Ontario, December 1, 2015
- "2015 OHS Caselaw Update, Privilege, Metron, violence, marijuana, experts, post-accident fixes, and more," Toronto, November 6, 2015
- "Occupational Health and Safety Law: A Changing Landscape, Caselaw Highlights from 2014-2015," Presentation to OMHSRA Conference, June 12, 2015
- "OHS Caselaw Highlights from 2014-2015, Fines, jail, conviction trends, Facebook, privilege and much more (Miedema/Rasmussen), Client Seminar, Toronto, June 5, 2015
- "ACSI, Human Rights Update, Eastern Canada Impact 2015, Toronto, April 25, 2015
- "Criminal Liability for OHS Violations, A Review of 10 Years of Bill, C-45 Cases, Bongarde Webinar, April 8, 2015
- "OHS Caselaw Highlights from 2014, Presentation to CSSE Ottawa, March 26, 2015
- "ACSI, Human Rights Update, ACSI Eastern Ontario, Ontario Board/Administrators' Conference, Human Rights Update, Toronto, February 7 2015
- "OHS Caselaw Highlights from 2014, and What to When the MOL Inspector Arrives, Presentation to CSSE, Mississauga, January 13, 2015
- "Restrictive Covenants, Critical Employment Issues Facing Multi-National Employers, Dentons' Global Employment Seminar, New York, December 10, 2014
- "Hospitality Human Resource Professional Association, Royal York Hotel, Toronto, November 26, 2014
- "OHS Prosecutions by the Numbers, Presentation to e-Compliance Safety Leadership Conference 2014, Ivey Tangerine Leadership Centre, Toronto, November 27, 2014
- "Reinstated with 10 Years of Back Pay: Lessons from the Fair Case". This presentation was to Hospitality Human Resource Professional Association on November 26, 2014
- "Due Diligence: Tips & Insights from the Court Decisions, Lessons for Employers from the Cases, Bongarde Webinar, November 5, 2014
- "Occupational Health and Safety Law Update, Dentons' Ottawa Client Seminar, Ottawa, September 24, 2014
- "Reviewing Human Rights Compliance in Employment Agreements, CCI Ontario, Energize–Barrie, April 29, 2014
- "July 1<sup>st</sup> Deadline Looming: How to Comply with Ontario's New Safety Awareness Training Regulation, Dentons Spring Labour and Employment Client Seminar, Toronto, May 1, 2014
- "May it Please the Court (and the Law Society): Civility as a Responsibility and Strategy", Continuing Professional Development Bootcamp, November 14, 2012
- "Criminal Liability for Occupational Health & Safety: Bill C-45 Update", October 26, 2011
- "When is it Worth Fighting? A Cost/Benefit Analysis of Employment Litigation", May 18, 2011
- "10 Things You Need to Know About the Law, Ethics and Social Media", Webinar, March 2, 2011
- "Social Networking Websites: Challenges for the Workplace", Law Society of Upper Canada, April 20, 2010
- "Workplace Violence: Introduction of Bill 168", FMC Employment and Labour Law Update, March 25, 2010

- “Working 9 to 6: What a Way to Make an Overtime Pay Class Action”, HRP A - 2010 Annual Conference, January 28, 2010
- “The Performance Review as Harassment?: Understanding Ontario’s Proposed Workplace Harassment and Violence Amendments to the OHS A”, FMC Employment & Labour Law Update, Toronto, October 20, 2009
- “Taking Care of Business and Working Overtime”, CCCC, September 30, 2009
- “Working 9 to 6: Overtime Class Actions”, HRP A, September 16, 2009
- “Working 9 to 6: What a Way to Risk an Overtime Pay Class Action”, Fraser Milner Casgrain LLP Employment & Labour Law Update, Toronto, October 15, 2008
- “Somebody Poked Me: Facebook and its Many Challenges for Charities”, CCCC, September 23, 2008
- “Social networking websites, dealing with the legal challenges posed by MySpace, Facebook, Blogs, etc.”, Osgoode Hall Law School of York University, Professional Development Program, Continuing Legal Education, April 28, 2008
- “Lecture on Restrictive Covenants”, Osgoode Professional Development L.L.M. Program, February 1, 2008
- “Social Networking Websites - Challenges for the Workplace”, The Law Society of Upper Canada, CLE Teleseminar, January 15, 2008
- “Check Carefully: Strategies to Avoid Legal Pitfalls in Background Checking”, Strategy Institute, FMC, November 2007
- “Employee Background Checking for Christian Charities”, CCCC, September 26, 2007
- “Don’t Hire a Rogue: Employee Background Checking for Finance and Treasury Professionals”, TMAC, September 18, 2007
- “Whistleblowing Post-Enron: What Employers and Employees Need to Know”, TMAC, September 17, 2007
- “Whistleblowing Post-Enron: What You Need to Know”, TMAC, Southwestern Ontario, July 18, 2007
- “Whistleblowing Post-Enron: What You Need to Know”, TMAC, Kitchener, Ontario, June 20, 2007
- “Electronic Evidence, E-forensics and Metadata: A New World of Opportunities and Risks”, Osgoode Professional Development - Employment Law 2007, April 10, 2007
- “Are You Watching? The Law and Technology of Employee Monitoring”, Fraser Milner Casgrain LLP client seminar, April 2007
- “Background Checking: Legal Pitfalls”, Recruitment and Retention Industry Summit, March 2007
- “Electronic Evidence Primer for HR Professionals”, HRP AO, January 2007
- “Issue Estoppel and Multiplicity of Proceedings”, HRP AO, October 2006
- “Employment Law Update: Snapshots of Emerging Risks”, CCCC, September 2006
- “Criminals, Hackers and Competitors: Managing Employee Risk”, Treasury Management Association of Canada, September 11, 2006
- “Electronic Evidence in the Workplace: Potential Risks, Opportunities and Embarrassment”, Corporate Governance, August 2006
- “Employee Fraud in the Enron Age: Catching the Rogue”, Treasury Management Association of Canada, York Durham and Toronto Chapters, June 22, 2006
- “Overtime Liability in the Class Action Age”, Lorman, June 2006

- “You Can’t Take it With You”, Workopolis TV, ROBTV, November 2005
- “Human Rights Update”, CCCC, September 2005
- “Accessing, Using and Disclosing Personal Medical Information: New Rules and Risks”, Managing and Litigating Depression and Disability Claims Conference, Canadian Institute, June 2005
- “Privacy Law in the Charitable and Non-Profit Sector”, Privacy Law, Ethics & Confidentiality for Non-Profits, A Comprehensive, One-Day Risk Management Workshop, April 2004
- “Employment Law”, Humber College, December 2003
- “Relocation Issues – Employment Contracts”, Insight, November 2003
- “Privacy Update, Bad Faith Dismissal, and Disability”, CCCC, September 2003
- “Conflict of Laws in Employment Law”, More Current Issues in Employment Law (2003): Cases and Contracts (Ontario Bar Association, May 2003)
- “Employment Law”, Humber College, Human Resource Management Program, May 2003
- “Appeals Regarding Community Services”, Provincial Association for Senior Managers Conference, February 2003
- “Employee terminations : minimizing the risks of wrongful and unjust dismissal claims”, Infonex, 2002

## Areas of focus

### Practices

- Employment and Labor
- Employment and Labor Advice and Counseling
- Employment Disputes
- Litigation and Dispute Resolution
- Occupational Safety and Health
- Restrictive Covenant Disputes
- Workers Compensation
- Wrongful Termination and Unfair Dismissal

### Industry sectors

- Construction
- Defense and Space
- Educational Institutions
- Financial Institutions
- Government
- Mining
- Non-Governmental Organizations (NGOs)

- Professional Services

## Education

- University of Western Ontario, 1995, LLB
- University of Waterloo, 1992, B. Math (Act.Sci, Econ)

## Admissions and qualifications

- Ontario, 1997

## Languages

- English