

April Kosten

Partner



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Calgary

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Overview

April Kosten (She/Her/Hers) is a partner and the practice lead in Calgary's Employment & Labour group. Her practice focuses on management side labour, employment, human rights, administrative and privacy law as well as advising employers on:

- Collective bargaining and administration of collective agreements;
- Provincial and federal human rights issues, including assisting with accommodations in the workplace, alcohol and drug testing policies, ill and disabled employees, harassment in the workplace;
- The interpretation and application of labour and employment legislation at both the federal and provincial level;
- Drafting employment agreements;
- Employee terminations and departing employee issues;
- Reorganization of the workplace at the provincial level;
- Labour, employment and privacy issues in mergers and acquisitions;
- Privacy issues under federal and provincial privacy legislation;
- Workplace health and safety; and
- Conducting litigation and alternate dispute assistance, on wrongful dismissals, departing employee matters, human rights complaints, labour arbitrations, and a broad range of employment litigation matters.

Ms. Kosten has appeared before the Supreme Court of Canada, the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta, the Provincial Court of Alberta, the Alberta Labour Relations Board and Boards of Arbitration.

Experience

- *Altex Energy v Meyer, 2020 ABCA 368*

- **Taylor and Avmax Aircraft Leasing Inc., Re**, 2019 CarswellNat 1707
- **Unifor, Local 707A v. Suncor Energy Inc.**, 2018 ABCA 75 aff'g 2017 ABQB 752
- **Belyea v. Syncrude**, 2018 ABQB 132
- **Suncor Energy Inc v. Unifor Local 707A**, 2017 ABCA 313
- **Stewart v. Elk Valley Coal Corp.**, 2017 SCC 30
- **SAIT Academic Faculty Association v. The Board of Governors of the Southern Alberta Institute of Technology and Alberta Labour Relations Board**: 2016 ABQB 463
- **Suncor Energy Inc. v. Unifor Local 707A**: 2016 ABQB 269
- **The Board of Governors of the Southern Alberta Institute of Technology and SAIT Academic Faculty Association**: (Turner Grievance) (Alta Arb) (R. Garden - November 16, 2015)
- **Syncrude Canada Ltd. v. Saunders**: 2015 ABQB 237
- **Clarke v Syncrude Canada Ltd**: 2014 ABCA 362
- **Suncor Energy Inc v Unifor: Local 707 A**: 2014 ABQB 555
- **The Board of Governors of the Southern Alberta Institute of Technology and the SAIT Academic Faculty Association**: (A.C.L. Sims, Q.C. – August 14, 2014)
- **Clarke v Syncrude Canada Ltd**: 2014 ABQB 430
- **SAIT Academic Faculty Association and The Board of Governors of the Southern Alberta Institute of Technology**: [2014] Alta. L.R.B.R. LD-021
- **Suncor Energy Inc. and Unifor, Local 707A**: 2014 CarswellAlta 457, 118 C.L.A.S. 138
- **Suncor Energy Inc**: (Re), Order P2013-06, 2013 CanLII 75502 (AB OIPC)
- **Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.**: 2013 SCC 34
- **The Board of Governors of the Southern Alberta Institute of Technology and The SAIT Academic Faculty Association**: (D.P. Jones, Q.C. – June 26, 2012)
- **The Board of Governors of the Southern Alberta Institute of Technology and Alberta Union of Public Employees, Local 39**: (P.A. Smith, Q.C. – June 8, 2012)
- **Crest Energy International LLC**: Advising on PSC and JOA matters in connection with the acquisition of WesternZagros Resources Ltd. (having oil and gas assets in the Kurdistan Region of Iraq).
- **A consortium comprising of MIE Holdings Corporation, The Can-China Global Resource Fund and Mercuria**: Advising on the acquisition of 100% of the partnership interests of CQ Energy Canada Partnership from Direct Energy Resources Partnership (60%) and an undisclosed body corporate (40%) for a purchase price of CA\$722 million
- **Shaw Communications Inc.**: Advising on its announced agreement to acquire a 100% interest in Mid-Bowline Group Corp. and its wholly-owned subsidiary, WIND Mobile Corp. by way of plan of arrangement for an enterprise value of approximately CA\$1.6 billion.
- **Geo-Jade Petroleum Corporation**: Advising in connection with the purchase of all of the issued and outstanding shares of Bankers Petroleum Ltd. by way of statutory plan of arrangement with a transaction value of approximately CA\$725 million.

Recognition

First recognized in 2019, April has been commended for her extensive knowledge and experience in a variety of respected publications, including:

- *Chambers Canada: Employment & Labour* (Alberta)
- *The Canadian Legal Lexpert Directory: Employment Law*

In the Media

- Mentioned in “Dentons welcomes four new partners in its Calgary office”, *Lexpert*, March 2016

Insights

- Co-author, "Bill 47: Changes announced to Alberta's occupational health and safety and workers' compensation legislation", *Dentons Insight*, November 11, 2020
- Co-author, "2018 Canadian Model Independent Legal Opinion", *Construction Owners Association of Alberta*, 2018
- Co-author, "SCC upholds employer's "no free accident" alcohol and drug policy: *Stewart v Elk Valley*", Dentons Client Alert, June 16, 2017
- Co-author, "2015 Alcohol and Drug Policy Model for the Canadian Upstream Petroleum Industry - Independent Legal Opinion", Enform, 2015
- Co-author, "2014 Canadian Model Independent Legal Opinion", Construction Owners Association of Alberta, 2014
- Co-author, "Human Rights Session: Cross Canada Check-Up", Canadian Association of Counsel to Employers, 2013
- Co-author, "Wronko: An Anomaly in the Law or the Future?", Canadian Association of Counsel to Employers, 2013
- Co-author, "Case Law Update: What's New in Labour Arbitration & Human Rights Decisions", Labour Arbitration and Policy Conference, 2013
- Co-author, "Dealing with Workplace Stress: An Employers Perspective", Canadian Association of Counsel to Employers, 2011
- Co-author, "Family Status Accommodation: A Fragmented Approach?", Alberta Law Conference, 2011

Activities and Affiliations

- Member of the Law Society of Alberta, the Calgary Bar Association, the Canadian Bar Association and the Canadian Association of Counsel to Employers.
- Member of the Legislative Review Committee of the Alberta Branch, Canadian Bar Association.
- Member of the Privacy Committee of the Canadian Association of Counsel to Employers.

Presentations

- Presenter, "Testing, Testing 1, 2, 3: An update on Post-Incident, Reasonable Cause, and Random Drug and Alcohol Testing", Lancaster House Audio Conference, March 7, 2019

- Presenter, “Managing Alcohol & Drugs in the Workplace”, CPHR Alberta Calgary HR Law Conference, Feb 5, 2019
- Presenter, “Alberta: Workplace Update”, Canadian Association of Counsel to Employers (CACE), September 14-16, 2017
- Workshop Leader, “Taking Safety Seriously: Managing the risks of marijuana, opioids, and other drugs in the workplace”, Lancaster House 35th Annual Labour, Arbitration & Policy Conference, June 8, 2017
- "Privacy Section: Privacy Law: Hot Topics in Labour and Employment", Canadian Bar Association, January 2016
- "2014 Canadian Model Independent Legal Opinion", Construction Owners Association of Alberta – Annual General Meeting
- "Supreme Court Appeal – Update", Construction Owners Association of Alberta – Annual General Meeting, 2012
- "Alcohol & Drug Testing Initiatives: An Alberta Update", Canadian Bar Association – Construction Section Lunch, 2012
- "Management Rights: A Shrinking or Expanding Sphere?", Labour Arbitration and Policy Conference, 2012

Areas of focus

Practices

- Employment and Labor
- Privacy and Cybersecurity

Education

- University of Alberta, 2008, LLB (with Distinction)
- University of Calgary, 2005, B.A. Economics

Admissions and qualifications

- Alberta, 2009