

Fausto Franceschi

Office Managing Partner



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Overview

Fausto Franceschi (He/Him/His) is the Managing Partner of Dentons' Edmonton office and a member of the Firm's Employment and Labour practice group. He also sits on Dentons' National Management Committee. He is among the most highly respected senior litigators in Alberta and is repeatedly hailed as one of Canada's leading lawyers on employment and labour law by *Chambers Canada*, *Best Lawyers in Canada*, *The Legal 500* and *The Canadian Legal Lexpert Directory*.

Based in Edmonton, Fausto represents and advises federally and provincially regulated business clients on a wide range of employment and labour matters, including employment litigation, employment standards disputes, wrongful dismissal claims, drafting and enforcement of restrictive covenants, discipline and dismissal issues, corporate reorganizations and acquisitions, workplace contracts and policies, labour arbitration, collective bargaining, union certification campaigns and human rights. He has appeared as counsel before all levels of court in Alberta, including the Provincial Court of Alberta, the Alberta Court of Queen's Bench, the Alberta Court of Appeal and the Federal Court, as well as before various administrative tribunals, including the Alberta Labour Relations Board and the Canada Industrial Relations Board.

An Alberta native, Fausto has longstanding ties to the province's legal and business communities, as well as its prominent oil and gas, and energy sectors. He is renowned for his extensive knowledge, strategic approach and responsiveness, and prides himself on being a trusted advisor and partner to his prestigious local, national and multinational clients. He has developed a keen appreciation for creative and effective dispute resolution efforts and has adhered to that throughout his distinguished career.

In addition to his community involvement Fausto also gives back to the legal profession by volunteering his time to the Law Society of Alberta's Mentor Express program which seeks to improve the professionalism and success of junior lawyers by engaging experienced counsel to assist them in reaching their career goals and achieve greater personal and professional balance in their lives.

Experience

- **Major energy companies:** Acting in connection with labour and employment issues arising from both the acquisition and sale of business units.

- **Katz Group Canada Inc.:** Acting as labour and employment counsel in relation to the sale of a large portion of its independent banner business, privately owned pharmacy Drug Trading Company Limited, and all of the shares of its independent franchise retail pharmaceutical business to McKesson Canada Corporation for CA\$925 million and in connection with the sale of its Rexall chain to McKesson Corp. in a CA\$3 billion deal.
- **Major North American railway company:** Acting as counsel in successfully obtaining an injunction in connection with picket line misconduct arising from a labour dispute.
- **Confidential clients:** Preparing complex executive employment agreements on behalf of significant employers in many industries including for employers in the power distribution and power generation business.
- **National transportation company:** Successfully arguing before the adjudicator and the Federal Court a major unjust dismissal case under the *Canada Labour Code*.
- **Confidential clients:** Providing strategic advice and direction to numerous employers including those in the mining, newspaper, printing, forestry and manufacturing sectors in opposing union certification drives.
- **International manufacturer of compressor products:** Advising on plant closure issues which impacted both union and non-union employees.
- **Major oil company:** Successfully defending its CFO on an allegation that he induced breach of contract in the context of a third party employee termination.
- **Confidential clients:** Successfully defending numerous wrongful dismissal and human rights claims on behalf of various employers.
- **Pogo Producing Co.:** Acting for this Houston, Texas-based client on the US\$2 billion sale of its Calgary-based oil and gas company, Northrock Resources Ltd., to Abu Dhabi National Energy Co. (TAQA).
- **Petro-Canada:** Advising on the sale of its interest in the Brazeau and West Pembina gas facilities and associated reserves to Blaze Energy Ltd.

Recognition

First recognized in 2013, Fausto has been commended for his extensive knowledge and experience in a variety of respected publications, including:

- *Chambers Canada:* Employment and Labour (Alberta)
- *The Legal 500 Canada:* Labour and Employment
- *The Best Lawyers in Canada:* Labour and Employment Law
- *The Canadian Legal Lexpert Directory:* Employment Law; Workers Human Rights
- *Martindale-Hubbell:* BV Distinguished Peer Review Rating

Insights

- Co-author, chapter on "Strikes and Lockouts," CCH's *Ultimate HR Manual - Western Edition*

Activities and Affiliations

- Member, Edmonton Bar Association; Alberta Bar Association and Canadian Bar Association
- Member, Dentons National Management Committee

Community Involvement and Pro Bono

- Board member of Royal Alexandra Hospital Foundation
- Leader and Founder of the Dentons' United Way "Make Your Mark on Poverty" campaign
- Legal counsel for Edmonton Symphony Society and Francis Winspear Centre for Music
- Past Board Member of Alberta Continuing Care Association, Edmonton Symphony Society, Operation Friendship and Santa Maria Goretti Community Centre

Presentations

- Speaker, "The Workplace Post COVID-19," Canadian Employment and Labour Law Podcast, May 11, 2021
- Presenter, "Best Practices in the Conduct of Mediation – Non-Insurance Disputes," Alternative Dispute Resolution Symposium, May 2019, Calgary
- Breakfast for the Mind Labour and Employment Presenter – Various topics, 2010-Present

Areas of focus

Practices

- Disciplinary and Grievance Procedures
- Discrimination, Retaliation and Unlawful Harassment Litigation
- Employee/Independent Contractor Classification and Disputes
- Employee Poaching/Raiding
- Employment and Labor
- Employment and Labor Advice and Counseling
- Employment Contracts, Handbooks and Policies
- Executive Employment and Severance Agreements
- Internal Corporate Investigations
- Labor Relations and Collective Labor Law Negotiation with Unions and Employee Representatives
- Mergers and Acquisitions
- Restrictive Covenant Disputes
- Restructuring, Redundancies and Reductions in Force
- Wage and Hour/Working Time/Overtime Litigation
- Wrongful Termination and Unfair Dismissal

Industry sectors

- Energy
- Manufacturing

- Mining
- Professional Services
- Transportation
- Forest Products and Agribusiness
- Forest Products and Agribusiness in Canada
- Agribusiness in Canada

Education

- University of Alberta, 1987, LLB
- University of Alberta, 1984, BA

Admissions and qualifications

- Alberta, 1988

Languages

- English
- Italian