

Overview

Dentons' Global Employment and Labor Group includes over 400 lawyers who regularly represent management in connection with employment and benefits related litigation, corporate and governmental investigations, executive compensation and counseling projects. Our employment lawyers are known for providing practical, business-oriented advice. With our global presence and contacts, we are one of only a handful of firms that can provide multinational businesses with a coordinated solution to all employment and benefits needs.

When it comes to defending against claims of discrimination, retaliation (referred to as "victimization" in the UK) and unlawful harassment, businesses all over the world seek out and rely on the experience and talent of Dentons' employment lawyers. We have successfully defended clients in courts, arbitrations, and before government agencies against claims of discrimination based on age, disability, national origin, pregnancy, race, color, religion and gender. We have also successfully defended our clients against claims of sexual and other unlawful harassment. The same holds true of our success in defending clients against claims of retaliation/victimization in courts, arbitrations and hearings at government agencies.

Representative Experience

- **International airline:** Successfully defending an employment tribunal claim on age discrimination arising from the application of a travel privilege policy.
- **Leading inter-dealer broker:** Advising on a claim for unfair dismissal and discrimination by an employee based in the Middle East. In addition to disputing liability, our client contends that the tribunal does not have jurisdiction to hear the claims. Although under the discrimination legislation that preceded the Equality Act 2010, it was unlawful for an employer to discriminate against an employee "in relation to his employment at an establishment in Great Britain," this test does not appear in the Equality Act 2010, which is silent as to its territorial scope. This may be the first case to go before a tribunal on the issue of the territorial scope of the Equality Act 2010 and will potentially set the precedent for how such cases are resolved in the future.
- **Multinational car manufacturer:** Advising on numerous contentious and non-contentious matters, including successfully defending a four-day unfair dismissal and sex discrimination complaint, and advising on a major redundancy and reorganization program.
- **Spirits and wine company:** Successfully defending against claims of gender discrimination and retaliation filed with the Connecticut Commission on Human Rights and Opportunities. It was alleged that the company had discriminated against a female employee by promoting a similarly qualified male colleague to an executive position without ever interviewing her for the position, and then later retaliated against her by lowering her employee evaluation score shortly after she raised the claim. After we filed an answer that demonstrated that the employee could not prove discrimination or retaliation, our team successfully settled the case to the company's satisfaction.
- **Suncor Energy Inc.:** Advising on the implementation of a random alcohol and drug testing program. This case was an appeal by Suncor of the Court of Queen's Bench decision to grant an injunction preventing Suncor from implementing its random alcohol and drug testing program until a decision was rendered regarding the Communications, Energy and Paperworkers Union's (CEP's) grievance against the reasonableness of the policy.
- **Syncrude Canada Ltd.:** Advising after the Alberta Court of Queen's Bench dismissed a human rights complaint against a number of parties, including Syncrude Canada Ltd., in relation to a refusal to allow an individual to work at a work site following a positive alcohol and drug test. Syncrude Canada Ltd. appealed the Court of Queen's

Bench's finding that a site-owner was an "employer" under section 7 of the Human Right's Act. On appeal, the Court of Appeal confirmed a narrower interpretation of the meaning of "employer", concluding that a site-owner is not an employer under section 7 of the Human Rights Act. This decision had a significant impact on the ability of site owners to implement appropriate site access requirements.

- **Syncrude Canada Ltd., Imperial Oil, Nexen, Albian Sands, & Suncor:** Acting as counsel in the successful appeal before the Alberta Court of Appeal which upheld the right of employers to test workers in safety-sensitive jobs for alcohol and drugs in Alberta (Human Rights & Citizenship Commission) v. Kellogg Brown and Root (Canada) Company, 2007 ABCA 175.
- **Venture capital firm:** Currently defending in federal court in New York against claims of sexual orientation discrimination and retaliation brought by a former human resources employee.