

2021, The Year

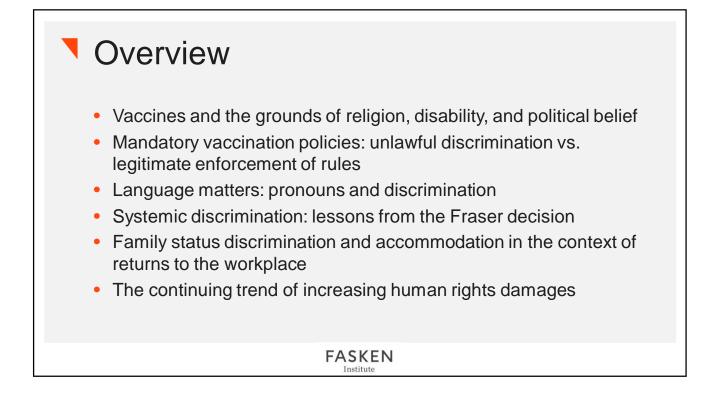
in Review:

Human Rights

Labour, Employment and Human Rights Group

November 16, 2021





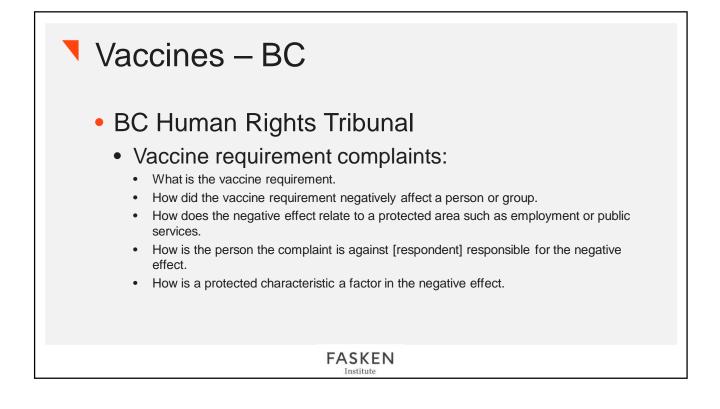
Vaccines and the grounds of religion, disability, and political belief

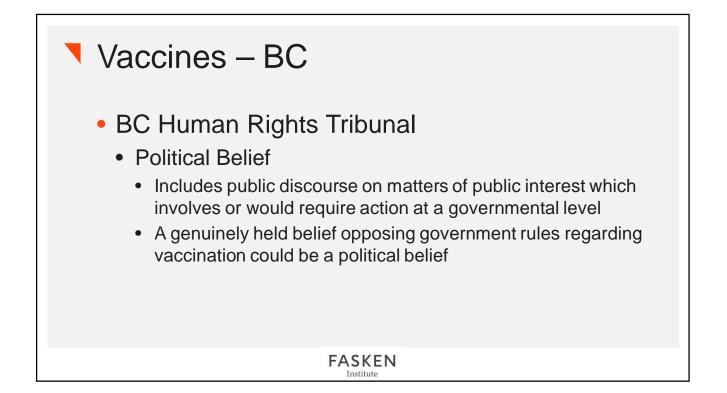
Vaccines – Quebec Charter of Human Rights and Freedoms: Disability Personal liberty Freedom of religion 9.1 justification

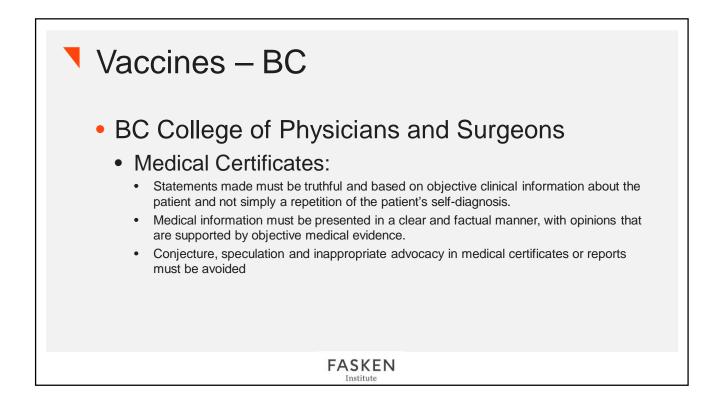


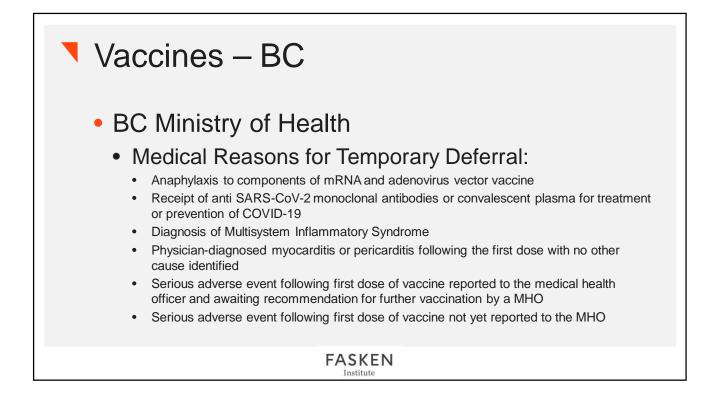
Vaccines – Alberta Human Rights Act: Physical Disability, Mental Disability, Religious Beliefs Alberta Human Rights Commission Can't address personal opinion or political beliefs Alberta Government Restrictions Exemption Program Proof of medical exemption

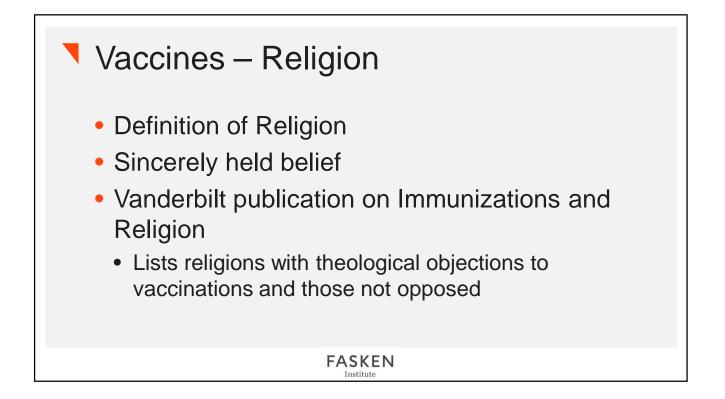




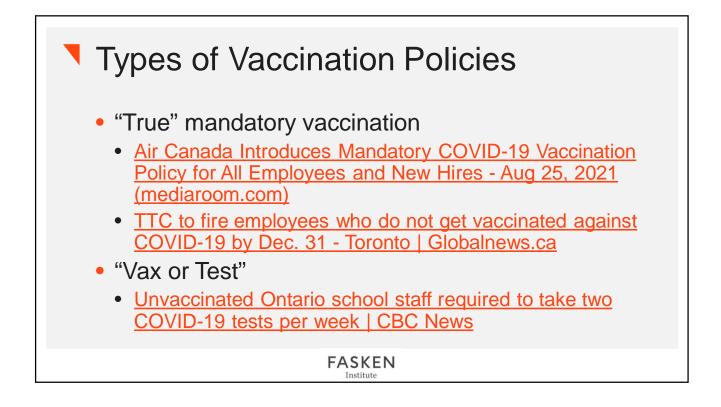




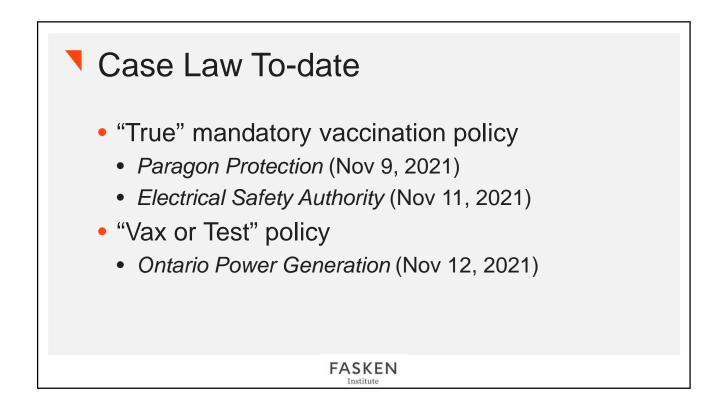


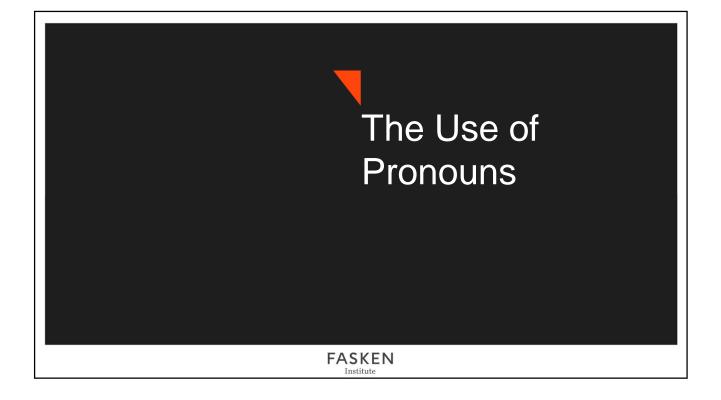




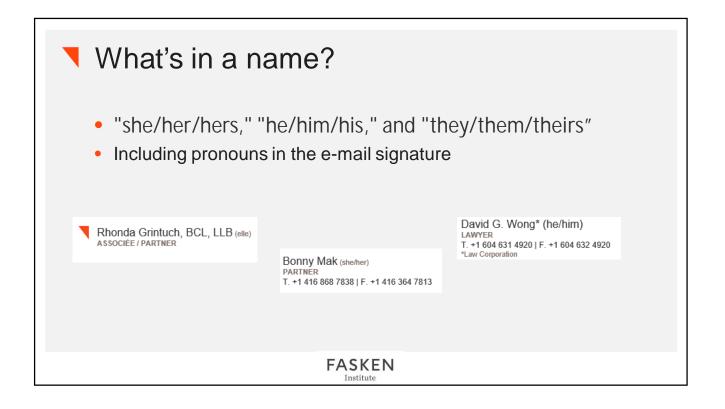




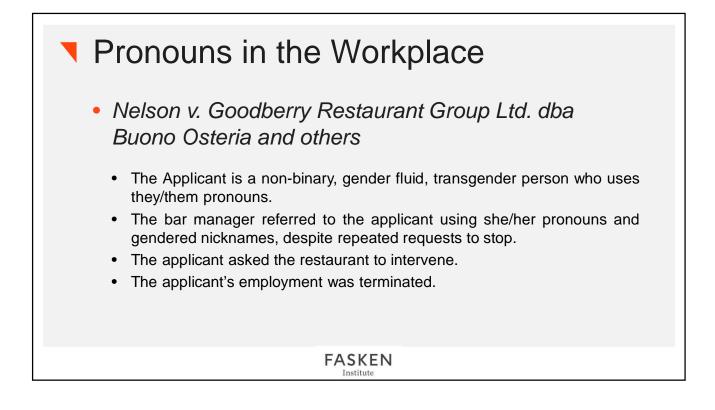


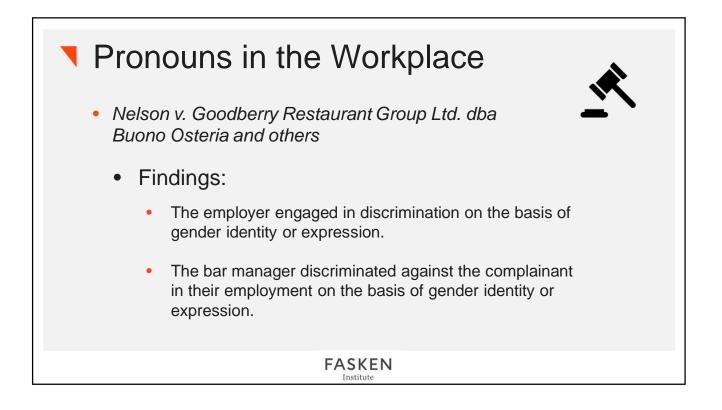


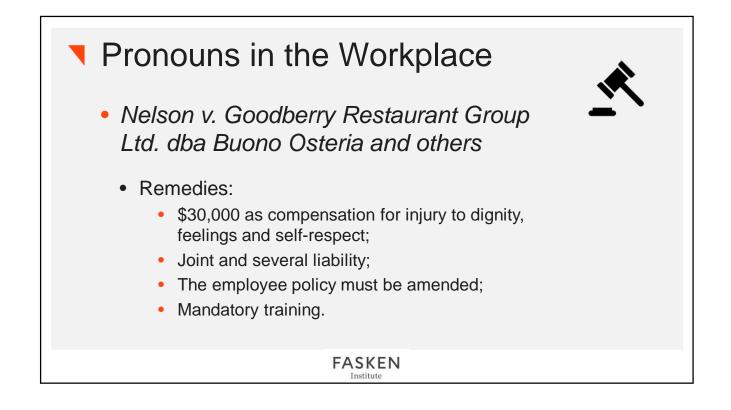
Recent amendments to human rights legislation Recently, jurisdictions in Canada have amended their human rights legislation, in order to protect gender identity and gender expression: Ontario: in 2012, the Human Rights Code was amended to add "gender identity" and "gender • expression" as a prohibited ground of discrimination. • Quebec: In 2016, the Act to strengthen the fights against transphobia and improve the situation of transgender minors in particulars amended the Quebec Charter of Human Rights and Freedoms to add "gender identity or expression" as a prohibited ground of discrimination. Federal : in 2017, "gender identity or expression" was added as a prohibited ground of discrimination • under the Canadian Human rights Act. Some courts and tribunals have adopted new procedures about the importance of inviting court participants to share their preferred pronouns and prefixes. FASKEN Institute

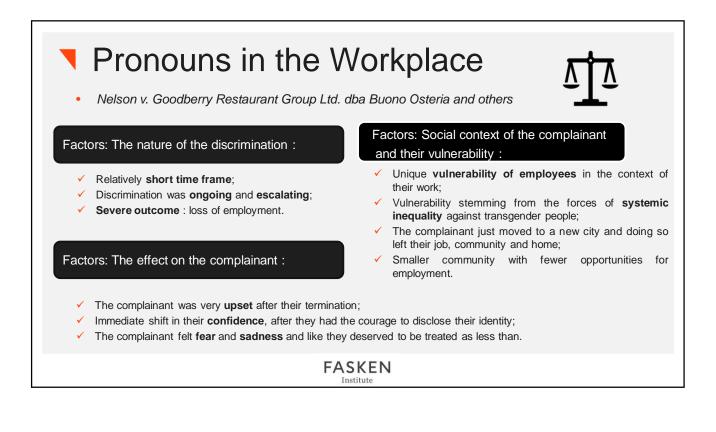


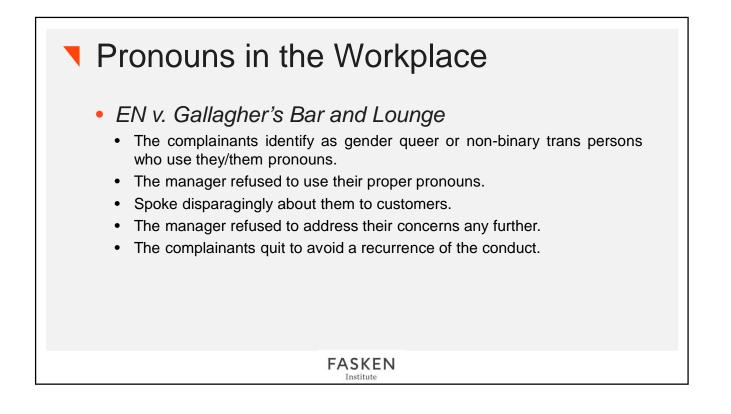


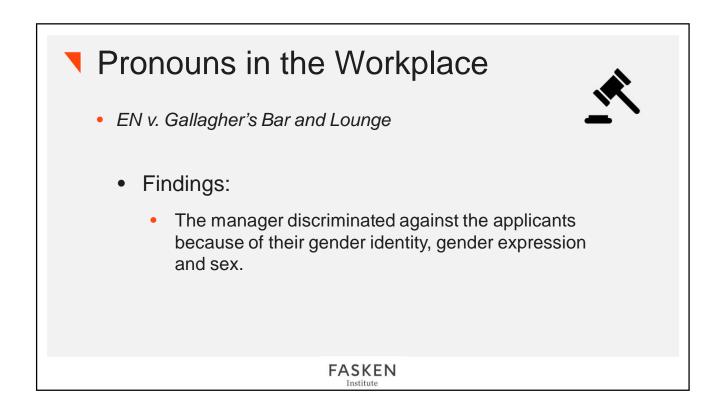


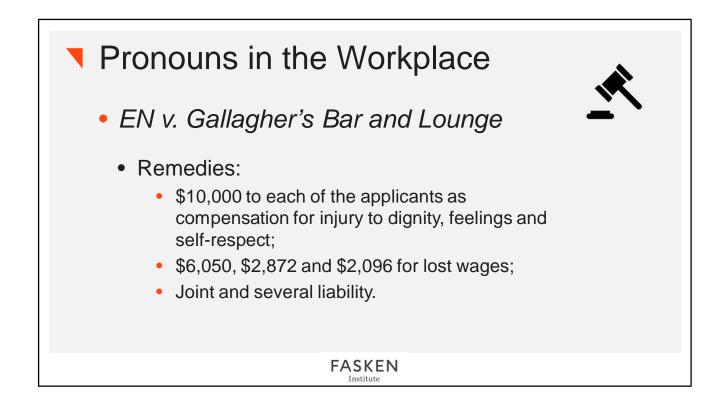


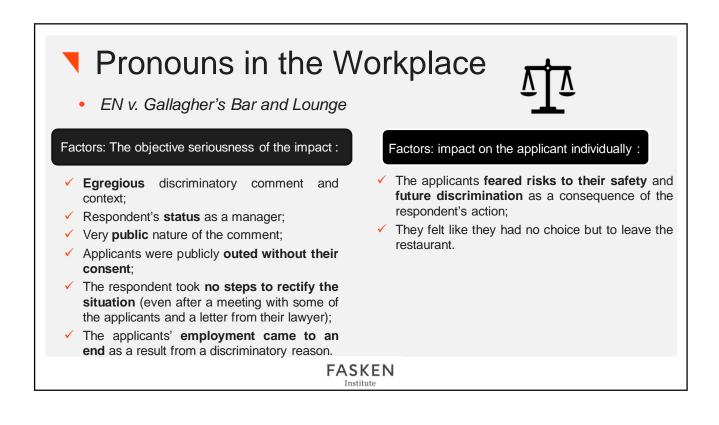


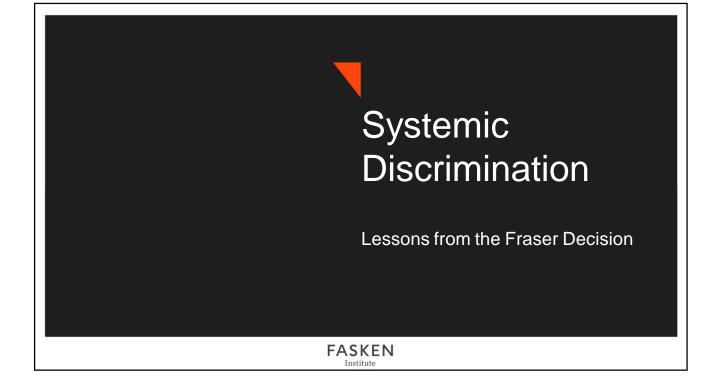


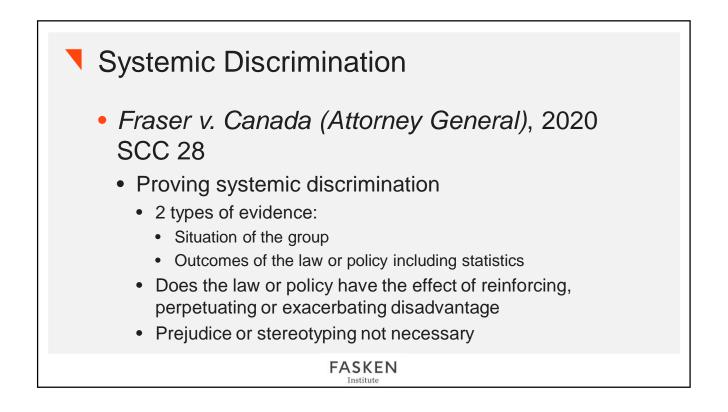


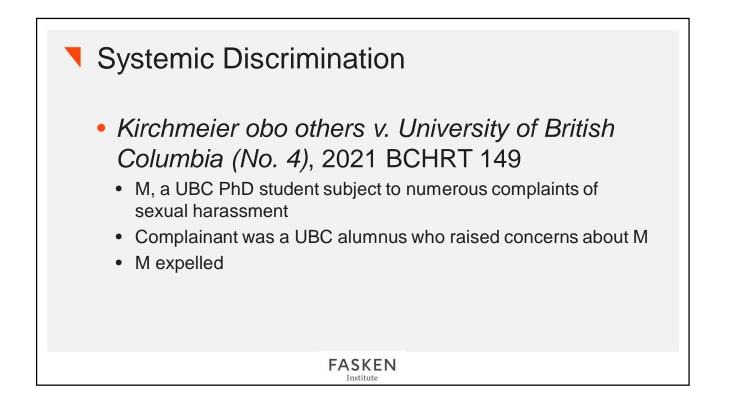


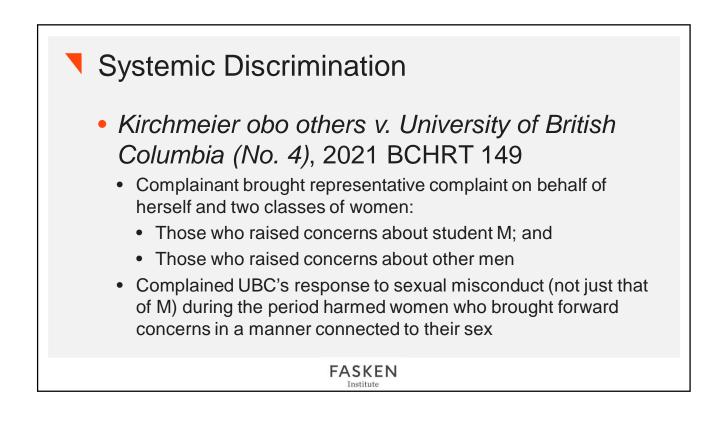


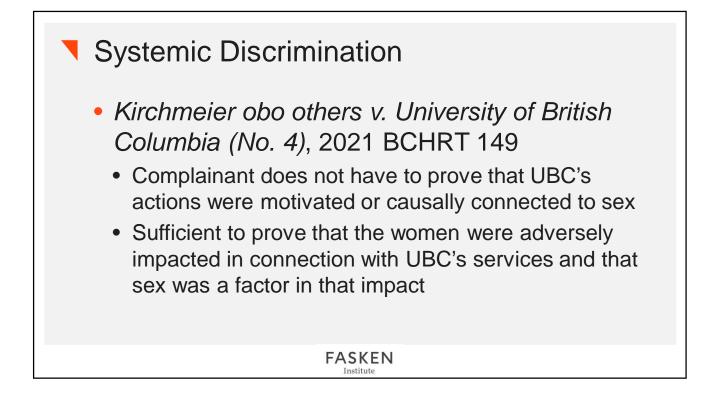


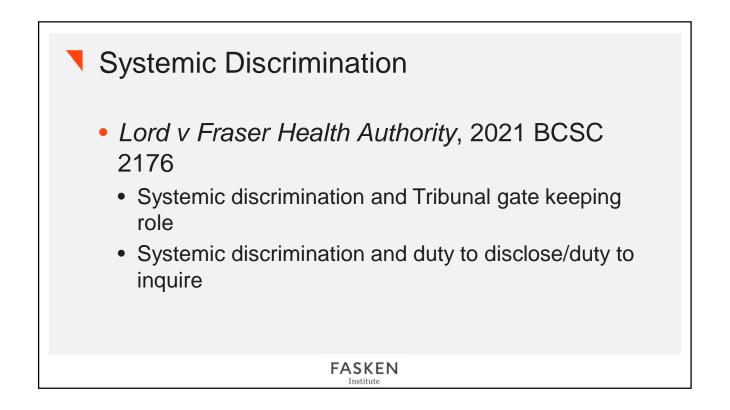


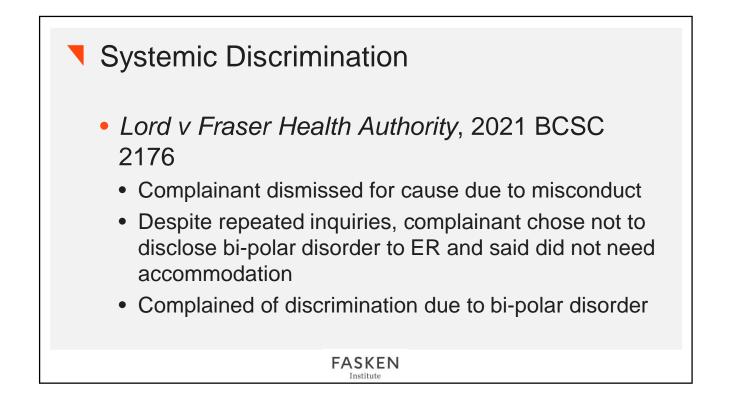


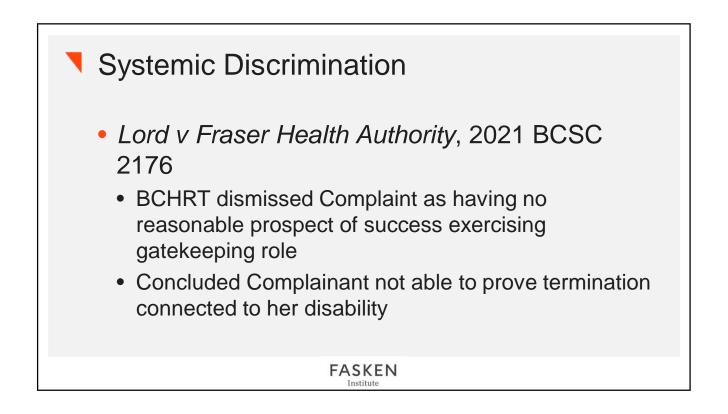


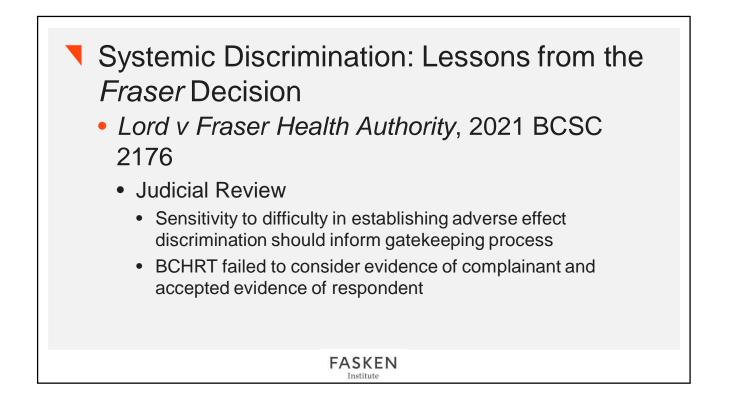


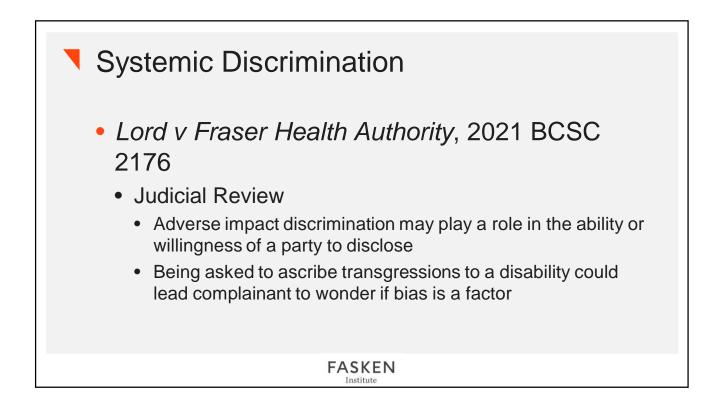






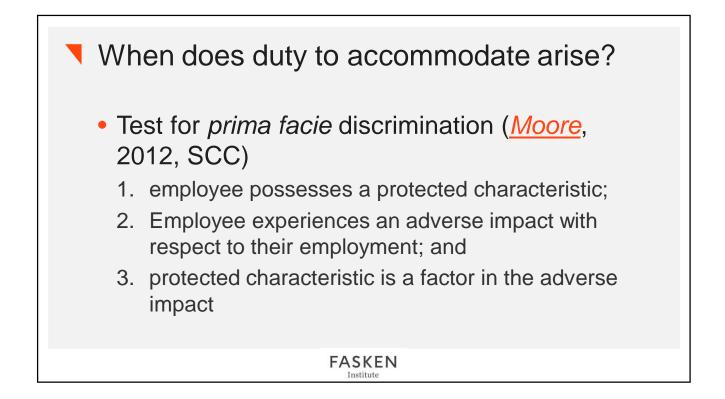


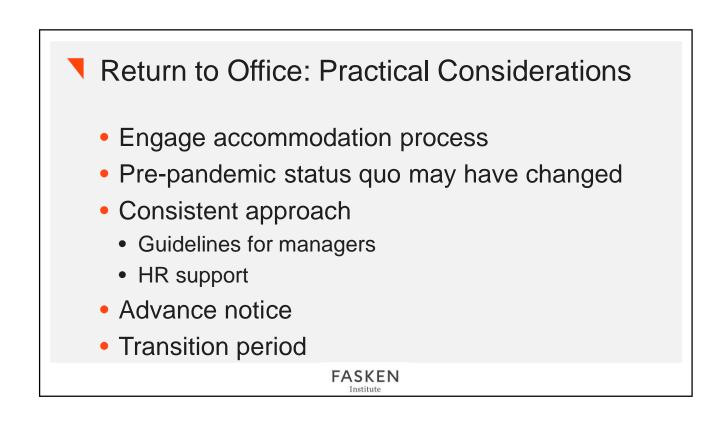






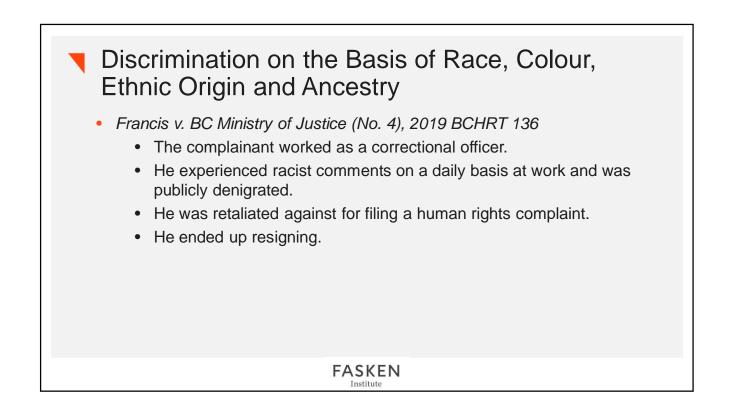


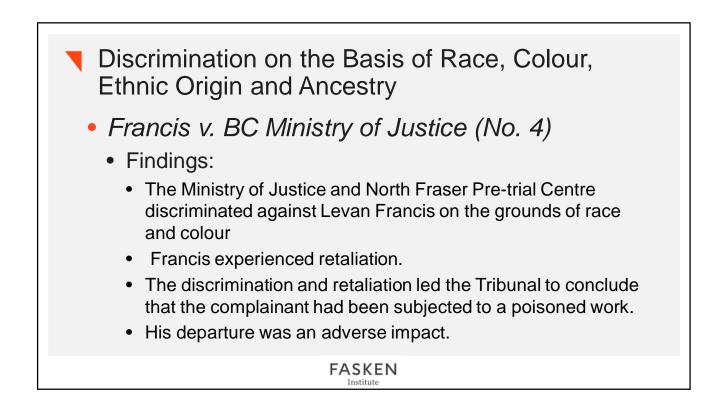


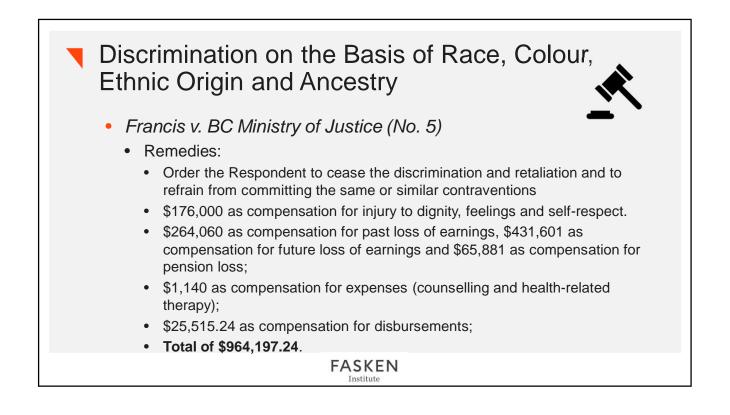


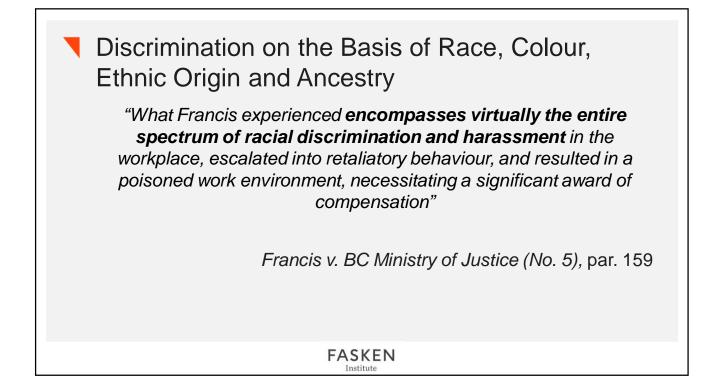


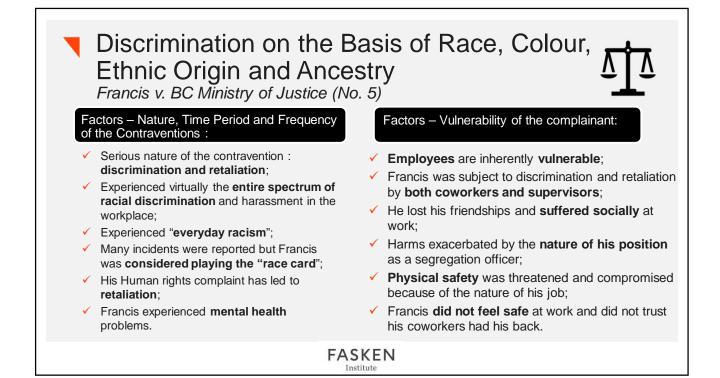


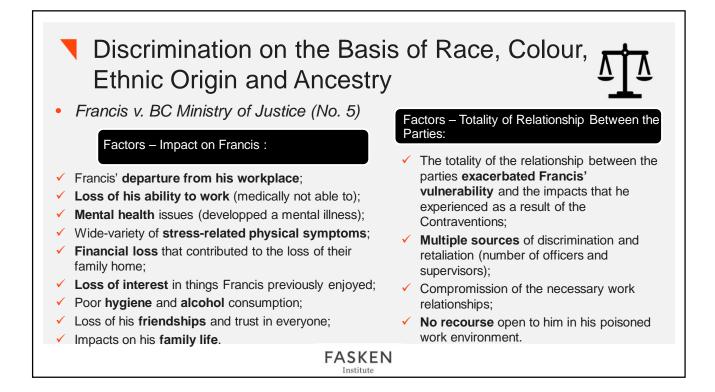


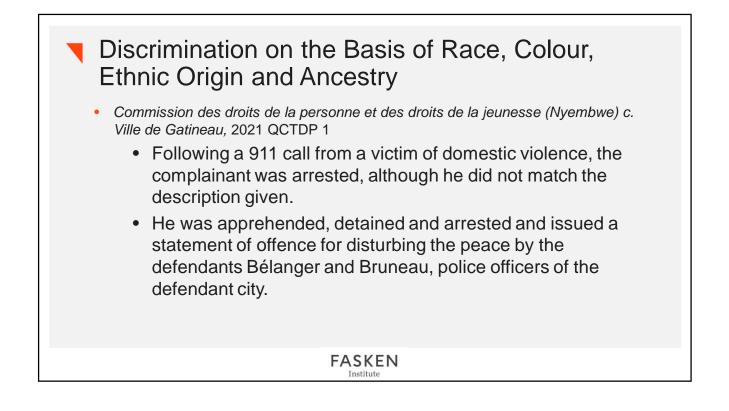


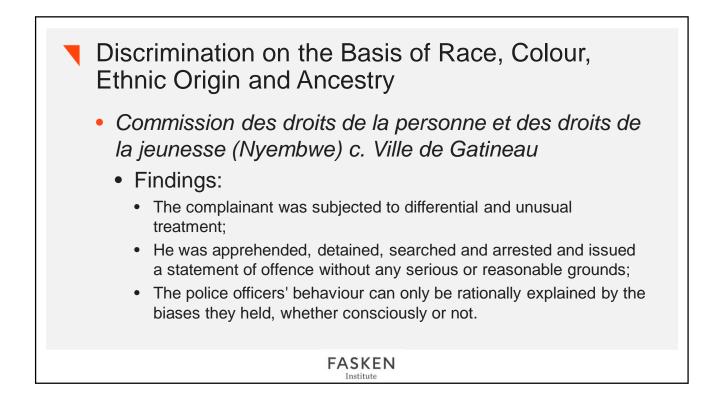


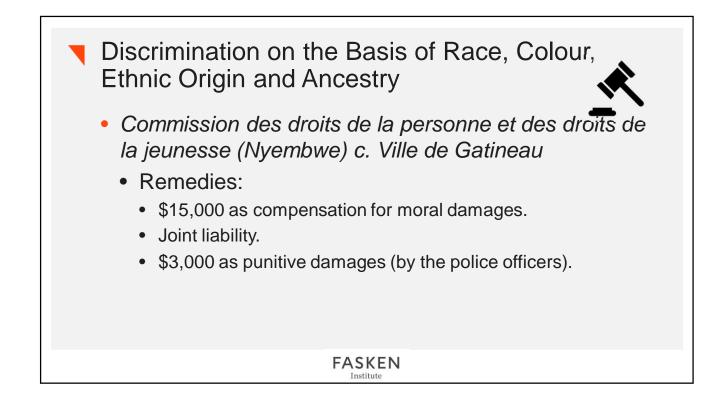


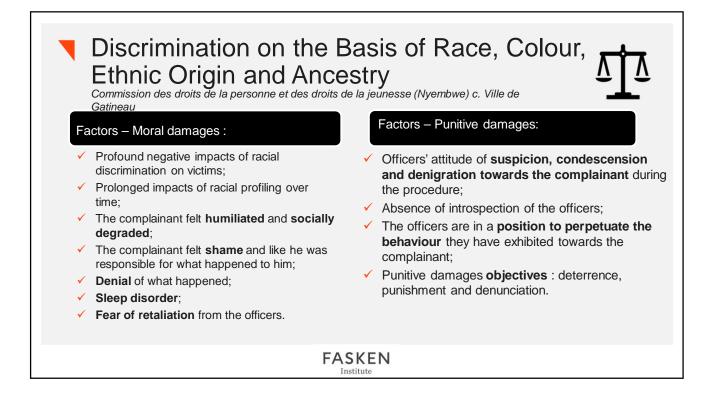


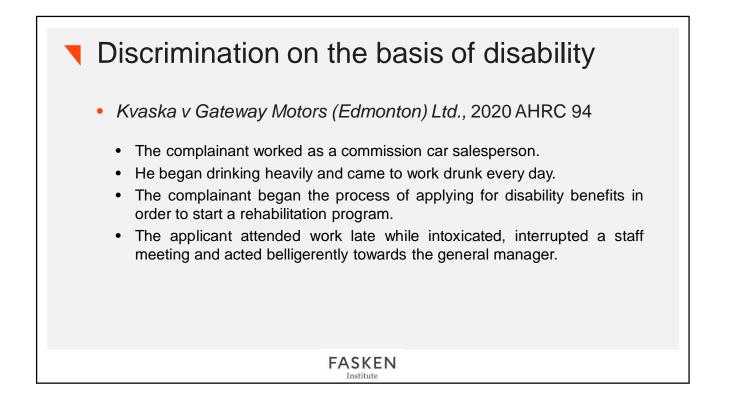


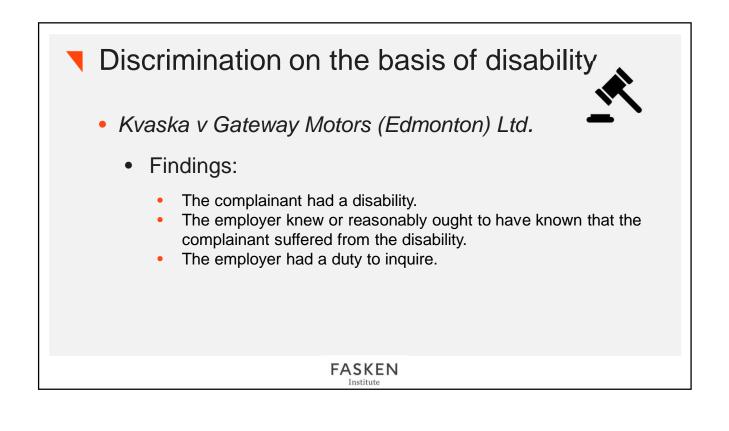


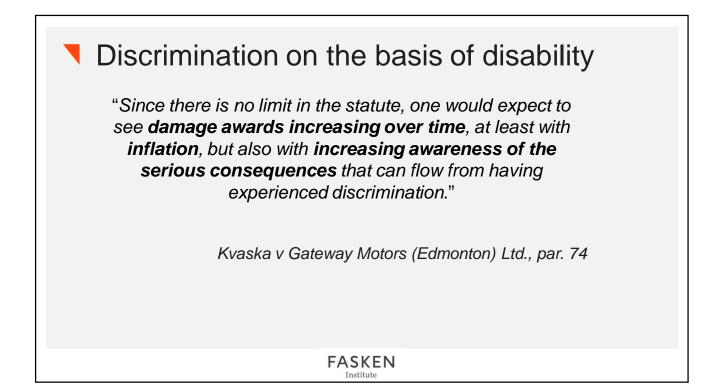


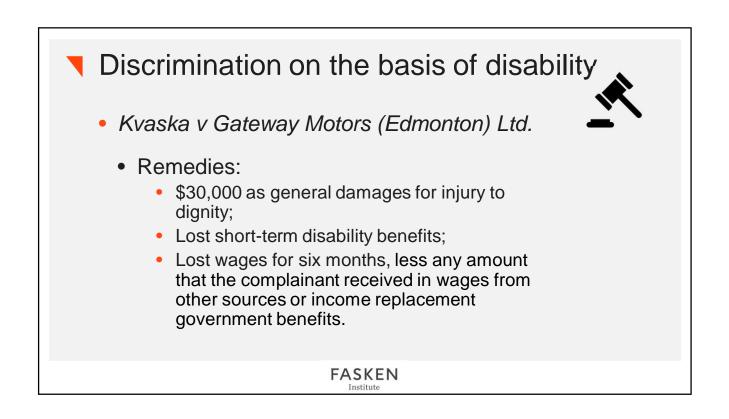


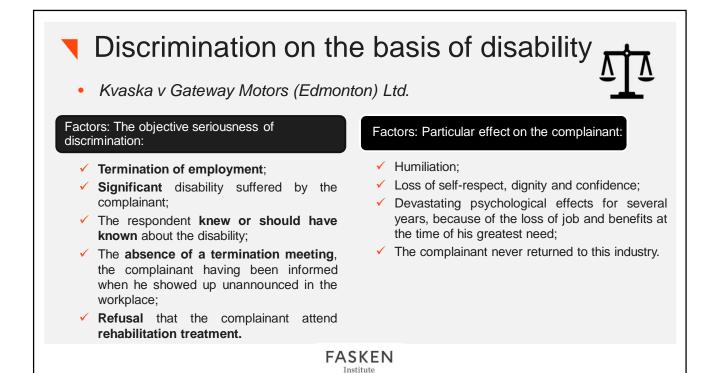


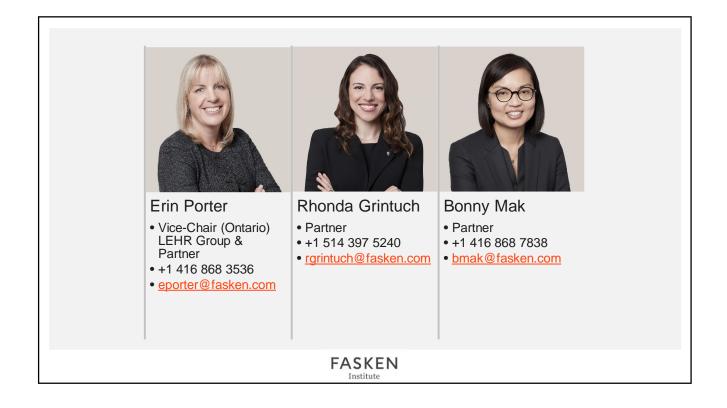












FASKEN Institute



Biographies



Areas of Expertise

Labour, Employment & Human Rights | Labour Relations and Collective Bargaining | Employment Advice and Litigation | Labour Mergers, Acquisitions and Sales of Business | Human Rights & Discrimination | Canada

Erin Porter

PARTNER | VICE-CHAIR, LABOUR, EMPLOYMENT & HUMAN RIGHTS

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Education

2014, LLM, Labour and Employment Law, Osgoode Hall Law School at York University 2003, LLB, Queen's University 1998, BEd, Western University 1997, BA (Honours), Western University **Jurisdiction** Ontario, 2004 **Language**

English

Erin Porter's practice is focused on advising and representing employers in labour, employment and human rights matters. With considerable experience in the health care sector, Erin offers strategic and practical advice to her clients.

Erin returned to Fasken after spending more than 11 years as in-house counsel for one of Canada's largest retirement and long term care home providers. In her position as Vice President, Legal, she was responsible for providing advice on acquisitions and dispositions, accommodation, employment contracts, terminations and various other workplace matters.

Erin frequently appears before arbitrators, the Ontario Labour Relations Board, and the Human Rights Tribunal of Ontario. Although she is a passionate advocate, Erin also knows the benefit of pursuing a settlement under the right terms and conditions.

In addition to her appearance work, Erin also has experience negotiating and interpreting collective agreements, drafting employment policies and conducting workplace investigations. A former teacher, Erin loves to present and has been a speaker at professional and client-based seminars on topics such as the duty to accommodate, preparing for arbitration, workplace investigations, code of conduct and last chance agreements.



Areas of Expertise

Labour Relations and Collective Bargaining | Labour, Employment & Human Rights | Employment Advice and Litigation | Labour Mergers, Acquisitions and Sales of Business | Human Rights & Discrimination | Executive Compensation and Incentive Plans | Pensions and Benefits

Rhonda Grintuch

PARTNER

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Education

2019, Certificate in law, Pension Law, Osgoode Hall Law School at York University

2008, BCL / LLB, McGill University

2005, BA (Honours), University of Toronto

Jurisdictions

Quebec, 2012 | Ontario, 2010

Languages

French | English

Rhonda Grintuch is a lawyer with the firm's Labor, Employment & Human Rights group. With a practice covering all aspects of employment law, she provides employers strategic advice on hiring, lay-offs and dismissals, human rights, and federal and provincial employment standards. Clients also benefit from Rhonda's advice on labour relations matters, including grievance arbitration and union certification.

Over the course of her practice, Rhonda has developed particular expertise in health law, including the administration of healthcare institutions and mental health law.



Bonny Mak (麥嘉欣)

PARTNER

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Areas of Expertise

Labour Relations and Collective Bargaining | Labour, Employment & Human Rights | Employment Advice and Litigation | Human Rights & Discrimination | Transportation | Retail | Health | Agribusiness, Food & Beverage

Education

2006, JD, University of Toronto

1999, B Comm (Hons), Industrial Relations Management, University of British Columbia

Jurisdiction

Ontario, 2007

Languages

English | Chinese (Cantonese)

Bonny Mak advises and advocates for employers. Having practised exclusively labour, employment and human rights law for over a decade, she is experienced in a broad range of industry sectors, issues faced by employers, and legal proceedings. The majority of her work is in support of companies that are national in scope, in which she leverages both her own expertise and that of Fasken's national labour, employment and human rights team.

Advisory Work

Bonny supports employers in major initiatives impacting employees including: reduction in force, closure of business, sale and acquisition of business, implementation of new or changed policies, and response to union organizing campaigns. Recent examples include:

- Supported the closure of retail and manufacturing operations of a U.S. based client in 3 provinces involving the termination of 240 employees, from which no litigation arose
- Supported the negotiation of a closure and severance agreement between a service industry client and its union
- Formulated a strategy for client in building services sector to stay union free in contract bidding and subcontracting

- Revamped a transportation industry client's alcohol and drugs policy, including the introduction of a requirement that employees in safety-sensitive positions self-report alcohol or drug addictions to the employer
- Advised a service industry client with salesforce in multiple provinces on changes in sales compensation structure and deferred commissions
- Analysis of retiree benefits buyout scheme under consideration for unionized and non-unionized employee groups potentially impacting thousands of retirees
- Supported distribution centre client in staying union free in the face of an aggressive 3-year organizing campaign

On a day-to-day basis, Bonny helps clients manage their employees and resolve workplace issues. She brings a pragmatic approach to disability management, discipline and termination, investigation of internal complaints, and the development of employment policies and procedures. She has delivered numerous training sessions on union organizing and certification, disability management, workplace harassment and human rights.

Advocacy Work

Bonny represents employers before the Human Rights Tribunal of Ontario, the Canadian Human Rights Commission, the Ontario Labour Relations Board, labour arbitrators, unjust dismissal complaint adjudicators, and courts. Recent examples include:

- Securing dismissal of 10 human rights complaints in 2018-19 before the Human Rights Tribunal of Ontario and Canadian Human Rights Commission without proceeding to hearing or investigation
- Represents a hospital in 9 complaints made by current and former employees to the Human Rights Tribunal of Ontario alleging systemic racial discrimination
- Successfully defended a discharge grievance for a transportation industry client
- In 2018-19, settled 8 grievances, 6 wrongful dismissal actions, and 5 human rights complaints

Ten offices Four continents **One Fasken**

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