



James Fu

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[Labour & Employment](#)

[Pensions & Benefits](#)

[Mergers & Acquisitions](#)

[Employment Disputes](#)

[Business Immigration](#)

James has a multi-faceted human resources law practice, handling day-to-day, litigation and corporate transactions mandates for clients in both pension and benefits and labour and employment matters. His approach is practical and zealous advocacy for his clients. Practical solutions, in a cost-effective manner, as well as being a tireless advocate, drives his mindset and mantra each and every day.

James' labour and employment practice includes:

- advising employers on many aspects of the employment relationship, including pre-employment representations and establishment of employment contracts
- managing the ongoing employment relationship such as leave of absences issues and performance management
- advising on terminations of employment relationships including pension and benefits entitlements in severance packages
- providing employment law advice in corporate transactions

In his pensions and benefits practice, James advises pension plan stakeholders, including plan sponsors, administrators and service providers on a broad range of matters, including:

- strategic consideration in corporate transactions including the establishment or termination of retirement income plans in purchase and sale transactions.
- pension and benefits plan set-ups and mergers
- transfer of plan assets and liabilities
- due diligence
- letters of credit

- change of trustees and custodians

James regularly makes submission to, and has appeared before, Ontario Courts, tribunals and regulatory authorities on a variety of matters, including pension disputes and wrongful dismissal actions. James has also acted in more than 160 corporate transactions. As well, James has also written numerous articles related to labour and employment and pensions and benefits.

Experience

- Advises private and public sector employers on managing the employment relationship, including defending employers against wrongful dismissal actions and human rights applications.
- Advises on employment and labour law aspects in private and public company purchase and sale transactions.
- Advises private and public sector employers on compliance with employment standards requirements and legislative developments, including *Occupational Health and Safety Act* requirements relating to workplace harassment and violence and the *Accessibility for Ontarians with Disabilities Act*.
- Advises private and public sector employers on union-related issues such as union certification drives, interpreting collective agreements and responding to labour grievance proceedings.
- Advises plan sponsors on plan mergers and amendments.
- Advises plan sponsors on transfers of plan assets and liabilities with respect to pensions and benefits arrangements.
- Advises plan administrators on plan administration matters, including pension plan governance.
- Advising employers on funding agreements.
- Advising on corporate purchases, sales, financings and other transactions involving pension and benefit plans.
- Advising on entitlement to pension fund surplus.
- Advised **Veridian Corporation** and **The Corporation of the City of Belleville, The Corporation of the City of Pickering** and **The Corporation of the Municipality of Clarington** in the amalgamation of Veridian and Whitby Hydro Corporation to form Elexicon Corporation.
- Advised **Long Point Capital** in its significant equity investment in CentriLogic, a global provider of managed IT solutions.
- Advised **MD Financial Management** in its sale to Scotiabank for \$2.6 billion.
- Advised **Bedrock Industries LLC** in its C\$500M acquisition of Stelco Inc. and the associated CCAA restructuring.
- Advised **Excel Funds Management Inc. and Excel Investment Counsel Inc.** (collectively, Excel Funds) in its sale to Sun Life Global Investments (Canada) Inc.
- Advised **Brennan Industries, Inc.** in its acquisition of Versa Fittings Inc., a leading manufacturer and distributor of fittings and tubing in Canada.
- Advised **M3 Mortgage Group**, the parent company of Multi-Prêts Mortgages, Mortgage Alliance, Invis and Mortgage Intelligence in its acquisition of Verico Financial Group Inc.
- Advised **Cushman & Wakefield** in its acquisition of 20 VIC Management Inc., one of Canada's leading commercial real estate management firms.
- Advised in the amalgamation of St. Michael's Hospital, St. Joseph's Health Centre and Providence Healthcare to create the **Unity Health Toronto**, the largest Catholic health network in Canada, with approximately 10,000 staff and an annual operating budget of approximately one billion dollars.
- Advised **Stone Canyon Industries, LLC** in its \$2.3 billion acquisition of Mauser Group N.V., a global supplier of rigid packaging products and services for industrial use, from Clayton, Dubilier & Rice, through its subsidiary BWAY Corp., a leading North American manufacturer of rigid metal and plastic containers. The all-cash transaction is valued at approximately US\$2.3 billion.

- Advised **Securian Financial Group** in its acquisition of four subsidiaries of Canadian insurance company Ivari. The businesses acquired for approximately US\$142 million include Canadian Premier Life Insurance Co. and Legacy General Insurance Co., distributor CRI Canada, and Selient.
- Advised in the amalgamation of Kingston General Hospital and Religious Hospitallers of Saint Joseph of the Hotel Dieu of Kingston to create a newly incorporated public hospital known as **Kingston Health Sciences Centre**.
- Advised **Sumitomo Corporation** in its acquisition of Fyffes Plc.
- Advised **HollyFrontier Corporation** in its acquisition of Suncor Energy's Petro-Canada Lubricants business for C\$1.125 billion.

Insights & Events

- Ensuring Adherence to Canada's Immigration Compliance Regime — Employer Inspections
- Court Confirms Possibility to Owe an Employee 9 Years' Salary and Benefits
- Time-Sensitive and One-Time Opportunity to Fix Pension Plan Filings
- A Business Deal Is a Business Deal... or Is It?
- Quoted, "SCC ruling will impact on business asset purchases," Law Times, March 4, 2019
- Author, "Canada employment law outlook 2019," Bloomberg Law, January 2, 2019
- New Pay Equity Obligations on the Horizon for Federally Regulated Employers
- Is Your Default Investment Option Appropriate for Your Employees?
- Speaker, "Corporate and Commercial Panel," Asian Canadian Law Students Conference, Toronto, March 3, 2018
- Ontario Employment Offers in Asset Transactions – Truly New Employment or Not?
- Be Prepared For A Targeted Review
- Co-Author, "Easier unionization and more employer obligations in Ontario," Legal Alert, December 6, 2017
- Can Employers Be Liable For Employees Loss of Disability Benefits Coverage
- Speaker, "Conduct Risk: Practical Tips for Employers," BLG's In-house Counsel Professional Development Conference, May 2017
- Author, "Board Opens Door to Medical Marijuana Benefit Claims," Legal Alert, April 2017
- Ontario Changes Definition of "Spouse" in Pension Benefits Act
- Speaker, "Ontario Works and Ontario Disability Support Program, Public Legal Education," FACL Ontario – Community Outreach Committee, March 2017
- Author, "Employment Law Outlook 2017," Bloomberg BNA, 2017
- A Flurry Of Activity: PRPP Act In Force Today And A Trio of Other New Regulations For Employer Consideration
- Speaker, "Getting Up To Speed – 'Must Know' Retirement Savings and Benefits Developments Over the Past Year," 19th Annual Labour and Employment Symposium, November 2016
- Stand Up Now If You Want to Be Heard – Ontario "Pension Advisory Committees"
- Author, "As My Employer, You Need to Reimburse Me for My Medical Marijuana...or Not?," Carswell Legal Alert, August 2016
- Author, "Canada Employment Law Outlook 2016," Bloomberg BNA, January 2016

Beyond Our Walls

Professional Involvement

- Member, Ontario Bar Association (Pensions and Benefits Law Section, Labour and Employment Law Section, and Young Lawyers Division Section and on the Executive of the Ontario Bar Association Pensions and Benefits Law Section)
- Member, Canadian Bar Association
- Vice-Chair, The Association of Canadian Pension Management Editorial Committee

Community Involvement

- Director, Churchill Chums Child Care Centre
- Co-Chair of the Board of Director's Policy Committee (Non-HR), Churchill Chums Child Care Centre
- Volunteer, BLG Reads to Kids Program
- Member, West Willowdale Neighbourhood Association

Bar Admission & Education

- Ontario, 2011
- LLB, University of Ottawa, 2010,
- BA (Hons.), University of Toronto, 2007,

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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