

Michelle S. Henry

Partner

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Disputes
Education
Labour & Employment
Human Rights
White Collar Criminal Defence and Corporate Investigations
School Boards and Independent Schools

Michelle’s practice focuses on labour and employment law. She advises employers on employment-related matters, including:

- restructuring, contracts and terminations
- investigations and discipline
- workers' compensation
- occupational health and safety
- workplace violence
- employment standards and human rights

Michelle represents employers in employment-related litigation, including wrongful dismissals, constructive dismissals and injunctions proceedings.

Michelle's practice also encompasses labour relations. She advises and acts on behalf of employers in:

- collective bargaining
- interest arbitrations
- collective agreement interpretation
- grievance arbitrations
- strikes and lockouts
- injunction proceedings during strikes

Michelle has vast experience in representing companies in human rights litigation before the Canadian Human Rights Commission and the federal and provincial Tribunals. She is frequently hired to conduct independent investigations into allegations of harassment, sexual harassment, discrimination and other alleged misconduct.

Michelle was corporate counsel for Federal Express Canada from April 2012 to September 2013, where she worked extensively in the area of federal employment-related legislation. She resumed her labour and employment practice at BLG in October 2013.

Experience

- Advise clients on various employment-related matters, including workplace restructuring, employment contracts, employee terminations, discipline, workers' compensation, occupational health and safety matters, and employment standards.
- Represent clients in employment-related litigation, including wrongful and constructive dismissal actions, unjust dismissal complaints, mediations, unpaid compensation claims, injunctions pertaining to restrictive covenants, and proceedings before the Workplace Safety and Insurance Appeals Tribunal.
- Advise employers and human resources teams on the development and implementation of workplace policies and procedures and/or changes to existing policies; assist client teams in communicating and launching employment related policies; conduct management workshops and assist employers with employee training on various employment-related issues and policies.
- Advise and assist clients in identifying and managing labour and employment-related risks associated with business decisions and/or changing business needs. Work with clients in assessing and determining long term goals and strategies and their impact on labour and employment issues.
- Advise and act on behalf of employers in collective bargaining (including at negotiations, mediation and conciliation), interest arbitrations, collective agreement interpretation, grievance arbitrations, strikes and lockouts, and injunction proceedings during strikes.
- Advises and acts on behalf of employers in matters before the Ontario Labour Relations Board and Canada Industrial Relations Board.
- Advises and acts on behalf of school boards and independent schools in matters including labour matters, development of policies and protocols with respect to court actions and applications, suspension and expulsion hearings, privacy law matters and issues pertaining to human rights.

Insights & Events

- Author, "Canada’s Supply Chains Act (Modern Slavery Regulation) Resource Centre", BLG Article, December 2024
- Author, "Ontario proposes changes to postsecondary education sexual violence regulation", BLG Article, February 2021
- Author, "Employers and the COVID-19 Federal Emergency Response Act", BLG Article, March 2020
- Author, "BLG Highlights Industry Concerns in Response to OPC Consultation on Cross-Border Dataflows", BLG Article, August 2019
- Author, "Labour and Employment News", BLG Article, October 2018
- Author, "Court of Appeal Affirms Exercise of Good Faith Requirement in Terminating Contractor Agreement", BLG Article, October 2018
- Author, "Federal Government Unveils Enhanced Workplace Harassment and Workplace Violence Framework", BLG Article, November 2017

- Author, "Employers May Request an Independent Medical Examination (IME) in Certain Circumstances", BLG Article, October 2017
- Author, "Bill 148: What Could It Mean to the Retail, Service and Hospitality Sectors", BLG Article, June 2017
- Interviewed, "How to address – and prevent – sexual harassment in your workplace," The Globe and Mail, June 2017
- Author, "The 2017 Federal Budget: What Employers Need To Know", BLG Article, April 2017
- Instructor, “Certificate in Human Resources Law for HR Professionals,” Osgoode Hall Law School Professional Development Programme, March 2017
- Co-chair, “2017 Human Rights and Accommodation Conference,” 2017
- Instructor, “Certificate in Clinical Risk, Negligence and Claims Management in Health Care,” Osgoode Hall Law School Professional Development Programme, January-February 2017
- Author, "Are You Prepared? New Ontario Human Rights Commission Policies Suggest Employers Review", BLG Article, November 2016
- Author, "Employers Beware! Significant Fines for Breach of Obligations relating to Workplace Violence," Canadian Employment Safety and Health Guide, November 2016
- Co-speaker, "Federally Regulated Employers Update," BLG's Annual Labour and Employment Symposium, November 2016
- Interviewed, "The Black Business Law Clinic is up and running," Canadian Lawyer Magazine, November 2016
- Author, "Employers Beware! Significant Fines For Breach Of Obligations Relating To Workplace Violence", BLG Article, October 2016
- Interviewed, "African Canadian Lawyers Give Back to their Community; Launches Black Business Law Clinic," Pride News, October 2016
- Speaker, "Accommodating Mental Health Issues," 17th Annual Employment Law Summit, Law Society of Upper Canada, October 2016
- Speaker, "Combatting Workplace Violence and Harassment: New OHSA Requirements, Investigations, and Work Refusals," Health and Safety Conference, October 2016
- Author, "Wilson v. Atomic Energy of Canada Limited: No Right to Dismiss Non-Unionized Employees Without Cause for Federally-Regulated Employers", BLG Article, July 2016
- Co-speaker, "Navigating Disability, Management and Accommodation," BLG's Labour and Employment Breakfast Seminar, May 2016
- Co-author, "Does my employer have to accommodate my disability?," The Globe and Mail, March 2016

Beyond Our Walls

Professional Involvement

- Member, Federal Judicial Advisory Committee (GTA)
- Member, Canadian Bar Association
- Council member, Ontario Bar Association (2014-present); chair of the Pro Bono Sub Committee (2016-2018); past executive member, Education Law Section
- Committee member, Canadian Association of Black Lawyers, 2002-present
- Co-founder, Black Business Law Clinic, a project in partnership with Pro Bono Ontario, 2016-present
- Member, Canadian Association of Counsel to Employers

Community Involvement

- Co-chair, Trial Division of the University of Toronto Tribunal, 2016-present

- Member, Board of Directors, LOFT Community Services, 2011-present; vice-chair of the board, 2014-present
- Alumni representative, St. Michael's College, class of 1998, University of Toronto, 2003-present
- Member, Board of Director, George Brown College Foundation

Awards & Recognition

- Recognized in the 2027 edition (and since 2020) of *The Best Lawyers in Canada* (Labour and Employment Law)
- Recognized in the 2027 edition (and since 2025) of *Chambers Canada* (Employment & Labour (Ontario)).
- Recognized in the 2026 edition of *The Canadian Legal Lexpert Directory* (Labour Relations), and since 2022 (Employment Law) and in the 2023-2018-2025 editions (Workplace Human Rights)
- Recognized in the 2026 edition (and since 2022) of *Benchmark Canada* as a Litigation Star.
- Recipient of the 2021 Women in Law Leadership Stronger Together Award for Ontario
- Recipient of the 2021 Ontario Bar Association David Scott, QC Award for Pro Bono Law.
- Recipient of the 2019 Lexpert Zenith Change Agent Award
- Recipient of the 2017 Lexpert® Zenith Awards — Celebrating Women in Law in recognition of exceptional leadership
- Recipient of the 2017 Ann Wilson and Robert Prichard Award presented by the University of Toronto's Faculty of Law
- Nominee in the Changemakers category in the Canadian Lawyer's 2017 The Top 25 Most Influential

Bar Admission & Education

- Ontario, 2003

- JD, University of Toronto, 2002
- MA, University of Toronto, 1999
- BA (Hons.), University of Toronto, 1998

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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 800 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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