James Fu

Partner and National Leader, Pensions and Benefits Law

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Pensions & Benefits
Labour & Employment
Mergers & Acquisitions
Employment Disputes
Business Immigration

James is a preeminent pension and benefits & labour and employment lawyer. James regularly handles day-to-day, litigation and corporation transaction mandates, including complex and sensitive matters. James is passionate about providing practical solutions and being a zealous advocate for his clients drives his mindset and mantra each and every day.

James is a partner in BLG's Labour and Employment Group and the National Leader of BLG's Pensions and Benefits Group.

James' labour and employment & pensions and benefits practice includes:

- Advising employers on many aspects of the employment relationship, including pay transparency requirements, interview questions and 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.
- Advising on contractor relationships, including classifications as dependent contractors and independent contractors.
- Advising pension plan stakeholders on pension and benefits plan set-ups and mergers.
- Advising plan sponsors and administrations on plan sponsor and plan administrator duties, including funding obligations and letters of credit.

- Advising plan sponsors and administrations on differences and/or disputes with third parties, including in multi-employer pension plan situations and in individual pensioner or spousal claims situations.
- Advising borrowers and lenders in the context of pensions and benefits liabilities and obligations.
- Providing strategic advice in corporate transactions (e.g., asset purchase and sales, share sale and purchase, amalgamations, etc.) including transferring employment of employees, the establishment or termination of retirement income and other benefit plans, pension asset transfers and mitigating risks of constructive dismissal.

James regularly makes submissions and appearances before courts, tribunals and regulatory authorities on a variety of matters, including but not limited to pension disputes, wrongful dismissal actions, employment standards complaints and human rights disputes. James has also acted in more than 300 corporate transactions, providing him with exceptional experience. James has been recognized as making outstanding contributions in law, most recently being recognized as a Top Lawyer in the *Lexpert Rising Stars Awards*.

James is regularly called upon by national media and industry to provide insights, including live interviews, panel discussions and/or publications to/on Canadian Lawyer Magazine, Law Times, Benefits and Pension Monitor, Canadian HR Reporter, Canadian Underwriter, Bloomberg Law, CTV's News Channel, CBC's The Current with Matt Galloway, CBC News and the Toronto Region Board of Trade. James has also written numerous articles related to pensions and benefits & labour and employment law, continually contributing to the legal discourse and knowledge building of pensions, benefits, labour and employment law in Canada.

Experience

- Kiwa N.V., a Netherlands-based testing, inspection and certification organization, in connection with its agreement to acquire the Testing, Inspection and Certification (TIC) business of CSA Group for approximately C$2.1 billion.
- Element Materials Technology, a global testing, inspection and certification services company, in the US$400 million carve-out and sale of its North American Life Sciences Testing Services business to Eurofins Scientific SE.
- Counsel to Guardian Capital Group Limited in its $1.67 billion go-private transaction with Desjardins Global Asset Management Inc.
- KDDI Canada, Inc. on the C$1.35 billion acquisition of three data centres in Toronto from Allied Properties REIT.
- Giampaolo Group on Rio Tinto's C$700 million joint venture with Giampaolo Group with respect to the Matalco businesses.
- Canaccord Genuity announces acquisition of Mercer Global Investments Canada's Canadian private wealth business
- Securian Financial Group completes acquisition of Armour Group Inc.
- ODL, Inc. in its acquisition of Tru Tech Doors
- Occidental Petroleum Corporation in its US$1.1 billion acquisition of direct air capture technology innovator Carbon Engineering Ltd.
- British clothing group Next, in its $140 million acquisition of fashion retailer FatFace.
- IU Group in its acquisition of the University of Fredericton
- Canadian Premier Life Insurance Company in its acquisition of the sponsored markets business from Sun Life Assurance Company of Canada, involving the transfer of over 100 plan sponsors and roughly 1.5 million insured clients and plan members/customers from Sun Life to Canadian Premier, as well as in its acquisition of Gerber Life Insurance Company's Canadian insurance business from U.S.-based Western & Southern Financial Group.

- Loblaw Companies Limited in its acquisition of Lifemark Health Group, a leading provider of outpatient physiotherapy and other rehabilitation services nationwide, for C$845 million.
- Sterling Capital Brokers in its merger with Luedey Consultants Inc. to become one of the largest independent employee-owned benefit consulting firms in Canada.
- PayBright Inc., one of Canada's leading buy-now-pay-later providers, in connection with its $340 million acquisition by Affirm, Inc., a leading U.S.-based "buy now, pay later" platform.
- K+S Aktiengesellschaft in the sale of its Canadian salt business, including Windsor Salt, to Stone Canyon Industries Holdings LLC and affiliates.
- BNY Mellon Wealth Management, Advisory Services, Inc. in its sale to Guardian Capital Group (TSX: GCG).
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- SterlingCapitalBrokers Ltd. acquired all of the issued and outstanding shares of Riverview Insurance Solutions Inc.
- Allied Hotel Properties Inc. (TSX: AHP) in its $102 million acquisition by DVP Hotel Development LP.
- Kratos Defense & Security Solutions, Inc. (NASDAQ: KTOS), a leading National Security Solutions provider, in its US$35 million acquisition of satellite antenna manufacturer ASC Signal from CPI.
- IFS in its acquisition of Clevest Solutions Inc., a provider of mobile workforce management and advanced network deployment solutions in the utilities vertical.
- Day & Zimmermann of Canada Corporation, a provider of construction, engineering, maintenance, staffing, and defense solutions, on its strategic acquisition of EMC Power Canada Ltd., provides specialized construction management and multi-discipline trade services for transmission and generation power sector clients.
- Acted for Timiskaming Home Support in an arbitration regarding a settlement in a termination grievance.
- 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

- Author, "New deadlines announced for Ontario employers", BLG Article, March 2025
- Author, "Swift action needed – New employment legislation changes for Ontario employers", BLG Article, November 2024
- Author, "Steps Ontario employers need to take to comply with newest employment legislation changes", BLG Article, March 2024
- Author, "Do fixed-term independent contractors have a duty to mitigate?", BLG Article, December 2023
- Author, "Working for Workers Four Act, 2023: Changes to Canadian employment law coming soon", BLG Article, November 2023
- Author, "Salary range and AI-use disclosures requirements likely coming soon to Ontario", BLG Article, November 2023
- Author, "Bill C-228: Expanded pension protection receives royal assent", BLG Article, July 2023
- Author, "Employer strategies for managing monkeypox risks in the workplace", BLG Article, July 2022
- Author, "New legislation imposes additional legal obligations for Ontario workplaces", BLG Article, April 2022
- Author, "New obligations for Ontario employers announced by government", BLG Article, October 2021
- Author, "New pay equity obligations for employers starting August 31", BLG Article, August 2021
- Co-Author, “Fraser and Other Notable Case Law Developments in 2020”, Benefits and Pensions Monitor, May 2021
- Interviewed by CTV News, "The Debate Over Vaccine Passports", March 12, 2021
- The COVID 19 vaccine: Considerations for Canadian employers, BLG Video, February 2021
- Trends to watch in 2021 – Vaccines: key issues in Canada, BLG Perspective, January 2021

- Author, "Into choppy waters – Canada's highest court creates waves for employers", BLG Article, October 2020
- Presenter, "Back to Business with BLG: Navigating Risk and Effective Business Management", Webinar, Toronto Region Board of Trade, June 2020
- Charities and Not-for-Profit COVID-19 Update, BLG Video, May 2020
- Quoted, "This is not a drill," Canadian Underwriter, May 1, 2020
- Author, "Canada emergency wage subsidy: Summary & practical guide for employers", BLG Article, April 2020
- Author, "New COVID-19 wage subsidies for Canadian employers", BLG Article, April 2020
- Presenter, "Business Continuity Series: Accessing New Government Supports," Toronto Region Board of Trade, April 2020
- Quoted, "Why insurers can expect to see a surge in demand for pandemic BI coverage," Canadian Underwriter, April 01, 2020
- Co-Author, "Ensuring Adherence to Canada's Immigration Compliance Regime - Employer Inspections," Corporate Securities and Finance Law Report
- Author, "Employer strategies for managing novel coronavirus risks in the workplace", BLG Article, March 2020

Beyond Our Walls

Professional Involvement

- Member, Ontario Bar Association
- Member, Executive of the Canadian Bar Association Pensions and Benefits Law Section, Canadian Bar Association
- 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
- Volunteer Coach, Canadian Girls Baseball

Awards & Recognition

- Recognized in the 2027 edition (and since 2025) of *The Best Lawyers in Canada* (Labour and Employment Law)
- Recognized in the 2027 edition (and since 2026) of *Chambers Canada* (Pensions & Benefits (Nationwide - Canada))
- Recognized in the 2026 edition (and since 2024) of *The Canadian Legal Lexpert Directory* (Employment Law)
- Recognized in the 2023 edition of *Lexpert Rising Stars*

Bar Admission & Education

- Ontario, 2011

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

BLG | Canada's Law Firm

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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