Human Resources & Labour Relations

Health care organizations require a trusted team of advisors and advocates who can anticipate and act on the full spectrum of issues involving unionized and non-unionized employees and professional staff. It's essential to have a team that can work with clients to build and maintain a culture of safety and trust, effectively manage workforce issues, comply with applicable laws and mitigate risk.

Our multidisciplinary labour and employment law team offers a comprehensive range of services and expertise.

Employment Law

We advise health care institutions on all aspects of the employment relationship, including:

- drafting policies and compliance processes
- employment contracts
- executive compensation
- litigation, including wrongful and constructive dismissals, human rights and other claims
- pay equity
- benefits and pensions
- diversity and gender equality
- compensation, including public sector wage restraint legislation and requirements

Labour Relations

Our labour lawyers understand role of unions within the health care landscape. Our experience includes:

- responding to certification applications and unfair labour practice complaints
- collective bargaining
- representing clients at arbitrations

Professional Staff

The unique relationship between hospitals and their physicians and other professional staff is governed by statutory protections, hospital by-laws and common law requirements of due process and procedural fairness. Our team has decades of experience advising hospitals on the following:

- clinical performance, patient safety and quality-of-care concerns

  interpersonal conflict and code of conduct violations

- workplace harassment and workplace violence
- allegations of research misconduct
- reporting to regulatory colleges
- representation at Medical Advisory Committees, Hospital Boards and appeal proceedings

Experience

- Lakeridge Health Corporation and OPSEU (Koscik Arbitration). Labour arbitration before Arbitrator Carrier. Decision issued March 12, 2012. We successfully represented Lakeridge Health Corporation in upholding the discharge of an employee for time theft
- Nina Unantenne v. The Hospital for Sick Children – Human Rights Tribunal of Ontario. Decision issued June 21, 2012. We successfully represented Sick Kids in an application brought under the Human Rights Code by a former employee who claimed that she had been discriminated against in the hiring process and during her employment.
- The Scarborough Hospital and OPSEU, Local 581. Labour arbitration before Arbitrator Johnson. Decision issued February 3, 2012. We successfully represented The Scarborough Hospital in an arbitration where its clerical unit sought to re-classify 25 employees into a higher pay classification. The back-pay exposure for the Hospital exceeded $1 million. The grievance was dismissed in its entirety.
- The Scarborough Hospital and OPSEU, Local 581. Interest arbitration under the Hospital Labour Disputes Arbitration Act before Gerry Lee. Decision issued March 15, 2011. Although there were multiple issues in this arbitration, the most contentious was the union's attempt to create a new and higher pay classification. We successfully resisted this argument.
- Provide labour and employment counsel to a hospital-owned purchasing entity and nursing group. Their services include a transportation business catering to the healthcare industry (including hospitals, private labs and the Ministry of Health). They also provide nursing services, and formerly provided security services.
- We have represented this client in a wide range of legal services, including labour and civil matters as well as providing day-to-day advice.
- Provide all L&E work for an Ottawa hospital service provider, including advice relating to and defence of grievances and arbitrations, human rights complaints; terminations etc. While the service was originally set up to service needs of several Ottawa region hospitals, it now has more and more contracts with other entities in the private and para-public sector.
- Provided legal advice with respect to wrongful dismissal, layoffs and non-competition agreements with respect to a supplier of hospital equipment in Canada. Represented a large Toronto community hospital in all labour relations matters arising out of the SARS crisis, including Ontario Labour Relations Board hearings and arbitrations.
- Facilitated the current staffing of Community Care Access Centres in the province, including what is now the Champlain Community Care Access Centre, and for many years served as the permanent Facilitator for the joint Physician Health Services Committee of the Ministry of Health and Long-Term Care and the OMA.
- Acted as counsel for the Eastern Ontario Regional Laboratory Association in its restructuring under the *Public Sector Labour Relations Transition Act*, and in negotiating the first collective agreements and pay equity plans for the new entity with the Ontario Public Service Employees Union and the Canadian Union of Public Employees.

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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