

Healthcare Human Resources and Labour Relations

SUMMARY

We advise hospitals, long-term care homes and other healthcare organizations on a wide range of labour law issues (those involving unionized workplaces and employees), and employment law issues (those involving non-unionized workplaces and employees).

We have an in-depth understanding of the health sector and the unique human resource issues affecting healthcare organizations. Our team is the permanent Facilitator to the Physician Services Committee of the Ministry of Health and the Ontario Medical Association (OMA). Our involvement in the SARS Commission has given us significant insight into the interplay between Ontario hospitals and the Ontario Ministry of Labour, including the implementation of initiatives as the Ministry of Labour and hospitals worked together to address recommendations made by the SARS Commission.

We recognize that labour and employment matters do not exist in a vacuum, and that decisions respecting staff have broader implications for healthcare organizations. In many instances, employment issues are deeply interconnected with health law considerations. Our labour and employment team is unique because it works closely with, and draws upon the expertise of, our health law colleagues who are in health-related institutions on a daily basis and immersed in their culture. We often consult and work together on issues that involve human rights (of patients or employees), health and safety obligations, discipline or discharge of regulated health professionals, termination of physician appointment/privileges, executive contracts and compensation, and workplace investigations. This collaboration means that we can understand and assess issues within the proper context, and provide responsive and practical solutions.

PUBLICATIONS

- Stephanie Young, "[Tips on conducting a workplace investigation](#)," *Hospital News* and *HospitalNews.com*, May 2014.
- Melanie Warner, "[Accessibility Act in Hospitals](#)", *Hospital News*, February 15, 2014.
- Kate Dearden, "[Hospital Employee Vaccinations](#)," *Hospital News* and *HospitalNews.com*, August, 2013.
- Maria Gergin, "[New mental health safety standard may impact employers' duties related to employee mental health](#)," *HospitalNews.com*, May 30, 2013.
- Lisa Cabel, "[Workplace Accommodation of Employees Caring for Elderly Parents](#)," *Hospital News*, April 2013.
- Melanie Warner, "[What Hospitals and Hospital Workers need to know about the Employment Standards Act, 2000](#)," *Hospital News*, February, 2013.
- Roher & Warner, *Ontario Employment Standards Act: Quick Reference*, Carswell (published annually since 2000).
- Jennifer Fantini, "Protecting confidentiality in the health care setting: The menace of social media," *Hospital News*, October 2012.
- Lisa C. Cabel, "Leave for family emergencies," *Hospital News*, August 2012.
- Melany Franklin, "Court affirms arbitrator's award of mental distress," *Hospital News*, April 2012.

- Susan Sorensen, "Bill 168: The Year in Review," *Hospital News*, February 2012.
- Lisa C. Cabel, "Managing Social Media at Work," *Hospital News*, November 2011.
- "New Legislation Coming to Protect Patients from Sexual Abuse," September 2016.
- "New Expanded Duty to Notify the College of Physicians and Surgeons of Ontario," August 2016.

REPRESENTATIVE WORK

- *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.

RANKINGS & RECOGNITIONS

The Healthcare Law Group or its members are recognized for labour and employment law in:

- The 2018 edition of *Chambers Canada — The World's Leading Lawyers for Business (Band 1)*.
- The 2018 edition of *The Best Lawyers in Canada*®.
- The 2017 edition of *Chambers Global — The World's Leading Lawyers for Business*.
- The 2017 edition of *The Legal 500 Canada*.
- The 2017 edition of the *Canadian Legal Lexpert*® Directory.
- The 2015 edition of the *Lexpert*®/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- The 2015 edition of *Who's Who Legal: Canada*.
- The 2015 edition of *Who's Who Legal — The International Who's Who of Management Labour and Employment Lawyers*.