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EMPLOYMENT & HUMAN RIGHTS

For many of us, most of our waking hours are spent at work, making the employment relationship of utmost importance. Employment and human rights issues can arise in the workplace or in the provision of public accommodation, services, or facilities. The Employment and Human Rights Group at RBS can help.

The Clients

The team serves both employers and employees in British Columbia across multiple industries, from natural resources and retail to technology and intellectual property. Our clients include business owners, managers, human resources professionals, and employees.

The lawyers in the Employment and Human Rights Group are experienced in issues running the gamut of the employment relationship including:

- Hiring practices;
- Employment agreements;
- Workplace policies;
- Employee retention;
- Compensation and benefits issues;
- Protection of privacy and personal information;
- Discrimination and harassment issues;
- Employee / shareholder disputes;
- Progressive discipline;
- Terminations; and
- Enforcement of contractual rights, including provisions restricting or prohibiting the misuse of confidential information, solicitation of clients, and wrongful competition.

Whether you need advice on business setup, consulting on a new initiative, problem solving for specific issues or representation in a dispute, RBS can help. Our lawyers will evaluate your immediate needs to meet your strategic objectives, and outline options in the context of your long-term goals.



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RBS.CA

Related Practices

Arbitration and Mediation
Services

Business Reorganizations

Insolvency

Intellectual Property

Startups and New Ventures

Privacy

Trademark Services

Shareholder and Partnership
Disputes

Legal Services

RBS believes in proactive organization of the employment relationship as it helps avoid disputes, and defines rights and obligations if disputes arise. We also believe in providing clients with options and offer customized service packages designed to help clients build effective and integrated human resource strategies.

The Employment and Human Rights Group can address:

- **Hiring practices:** Negotiation and drafting of offers of employment, employment agreements, independent contractor and consulting contracts, assignments of intellectual property rights and confidentiality, non-competition and non-solicitation agreements;
- **Workplace policy and procedure:** Best practices and advice to handle sensitive matters, including checking job references, employee file management, compliance with privacy laws, job performance evaluations, duty to accommodate, preparation and implementation of anti-bullying and harassment policies, workplace investigations, conflict resolution, employment standards including compensation and vacation calculation issues, absenteeism, and other employment relationship issues; and
- **Retention, compensation, and benefit strategies:** Developing, drafting and providing advice on benefit and incentive plans, phantom share and performance-based bonus policies, stock ownership, and stock option plans.

The Employment and Human Rights Group also advises on workplace management and relationship issues including:

- Compliance with employment and human rights legislation as well as express and implied obligations, duties of good faith, loyalty and fidelity, and fiduciary duties;
- Timing, calculation and right to vacation pay, overtime, sick leave, and disability benefits;
- Initiatives to curb absenteeism or deal with and accommodate disabilities in the workplace;
- Working with employees and disability insurers on graduated return to work programs;
- Investigation of complaints and disciplinary matters;
- WorkSafe BC bullying and harassment laws; and
- Documentation of workplace performance issues and evaluation of whether a

pattern of conduct or a discrete event constitutes “just cause” for dismissal without notice.

Severance, Layoff and Termination

Bringing an employment relationship to an end is a sensitive and sometimes confusing process for both employers and employees. Our lawyers can help with evaluating whether the “just cause” standard has been met, developing, advising on, and negotiating, appropriate severance and termination packages, providing advice for handling corporate restructuring and layoffs, explaining the impact of terminating employee benefits, and negotiating and drafting effective employee releases.

Employment and Shareholder Relationships

Key employees often have shareholder interests that are impacted by the employment relationship. Understanding when or if forced sale provisions can be invoked against a departing employee / shareholder can be a critical factor in a decision to terminate employment. In addition to rights and obligations that may be found in a shareholders agreement, minority shareholders have statutory rights and remedies that can be invoked against majority shareholders or the employer to protect against oppressive or unfairly prejudicial conduct.

Dispute Resolution and Litigation

Our lawyers will defend or advance constructive dismissal and wrongful dismissal claims, human rights complaints, or other administrative tribunal matters. We know that litigation is not always the best option for handling a dispute, so it is important to investigate complaints and manage the resolution of workplace disputes. Our lawyers frequently provide advice and representation in settlement negotiations, mediations and arbitrations, and represent clients before the British Columbia courts and employment law-related tribunals (e.g., Employment Standards Branch and Tribunal, Employment Insurance Board of Referees and Umpire, the BC Human Rights Tribunal and WorkSafe BC or WCAT).

Post-Employment Obligations

When an employment relationship ends, finding new employment can be significant for both the former employer and the former employee. Our lawyers advise on enforcement issues for confidentiality, non-solicitation, non-compete, and assignment



of intellectual property agreements. The group also provides advice on situations involving misappropriation and misuse of confidential information, and the protection of proprietary information.

Part of the firm's commitment to helping clients manage change includes offering seminars on developments in Employment and Human Rights law that might impact how employers conduct business.



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