



Employment Law Spring Cleaning

With the spring weather finally upon us, it is a perfect time to take a look at existing employment contracts, policies and requirements with a view to doing some spring cleaning and making sure that everything is up-to-date.

The law on the enforceability of termination provisions within employment contracts continues to evolve and we have seen a number of cases strike down clauses that previously had been upheld by the Court. We rely on employment contracts to minimize the costs upon termination given the significant gap between minimum statutory entitlements and the common law awards. Generally, the first time an employment contract is relied upon for a termination, the cost of preparing the entire contract has been saved. However, with the number of cases in which employees have been successful in striking these clauses down, we continue to try to revise the termination provisions to increase the chance of enforceability. We have recently made revisions to our recommended language for termination provisions and invite you to contact us so that we can review your existing contract and make the appropriate revisions with respect to termination and *Employment Standards Act* compliance, if they are required. If your organization does not currently have employment contracts, we would be happy to assist in creating one.

In addition to up-to-date employment contracts, we also recommend the following:

- Display posters, including:
 - “Health and Safety at Work – Prevention Starts Here” as required by the *Occupational Health and Safety Act*
 - Post in the workplace a copy of the *Occupational Health and Safety Act*, as well as explanatory material prepared by the Ministry of Labour that outlines the rights, responsibilities and duties of workers. This material must be in English and the majority language in the workplace
 - “What you Should Know About the Ontario Employment Standards Act” as required by the *Employment Standards Act*
 - “In Case of Injury – 1234” as required by the *Workplace Safety and Insurance Act*
- Policies and Employee Handbook, for example
 - Workplace Harassment and Violence as required by the *Occupational Health and Safety Act*
 - Respect in the Workplace (including Human Rights)
 - Policies required by the *Accessibility for Ontarians with Disabilities Act*
 - Occupational Health and Safety Policy as required by the *Occupational Health and Safety Act*
 - Policies regarding internet and e-mail Use, social media, confidentiality, progressive discipline
- Pay Equity Plan
- Training on Workplace Harassment and Violence as required by the *Occupational Health and Safety Act*, Respect in the Workplace training and the training required by the *Accessibility for Ontarians With Disabilities Act*

The above suggestions are not an exhaustive list of measures that may be appropriate for your business. Please contact us to discuss these and other tools that are specifically recommended for your organization.

Kevin Robinson will be attending a panel on mental health in the legal Profession at Osgoode Hall on May 6, 2015



Kevin Robinson will be Speaking at the Canadian Bar Association On May 29, 2015

