



Employment & Labour

The Employment & Labour Group at Stikeman Elliott brings a business-focused approach to the advice we provide employers on all facets of the individual and collective employment relationship, both at the provincial and federal level. With a team that includes lawyers in Montréal, Toronto, Calgary, and Vancouver, Stikeman Elliott provides integrated advisory, litigation and transactional capability across the country.

The Group is a full-service practice area within the firm, delivering advice to employers on a wide range of employment and labour mandates, including all matters of employment and labour disputes, on-going compliance and advisory matters as well as complex transactions. Members of the Employment & Labour Group also work closely with the Pensions & Benefits team to deliver bespoke legal solutions on increasingly sophisticated and complex pension executive compensation matters. This integrated capability ensures that clients receive advice in a timely, cost-effective and efficient manner by calling upon appropriate, targeted resources.

Stikeman Elliott lawyers work proactively with unionized and non-unionized employers to help them structure and manage the human resource aspects of their organizations. Members of the Employment & Labour Group help clients analyze and mitigate their risks with an eye toward business expediency and cost-effectiveness. We provide cutting edge knowledge on emerging legal issues and best practices through our blog, publications and complimentary training.

Our Expertise

- Business immigration
- Collective bargaining
- Compliance with employment statutes
- Confidentiality and intellectual property
- Directors and officers liability
- Discipline and termination of employment
- Drug testing
- Employee relations program
- Employment agreements
- Employment-related class actions
- French language requirements
- HR policies
- Human rights claims
- Industrial conflicts
- Labour arbitration and dispute resolution
- Labour relations
- Management and employee training
- Occupational health and safety
- Pay equity
- Privacy and data protection (access to information)
- Restrictive covenants
- Successor-employer proceedings
- Termination, layoffs, severance practices and arrangements
- Transaction advice
- Unfair labour practices
- Union organizing, certification and decertification
- Worker's compensation assessments
- Wrongful dismissal claims

Accolades

- *Chambers Canada 2020* for Employment & Labour
- *Chambers Global 2018* for Employment & Labour - Canada
- *The Legal 500 Canada 2019* for Employment & Labour
- *Lexpert 2019 Guide to the Leading US/Canada Cross-Border Lawyers in Canada* for Dispute Resolution
- Canada M&A Law Firm of the Year and Canada M&A Deal of the Year – 2019 *Americas M&A Atlas Awards*
- Americas Restructuring Deal of the Year – 2019 *Americas M&A Atlas Awards*

Recent Work

- Tattersall Sound & Picture, in its defense against Local certification, assisting in the development of a communication strategy for employees and strategy to address the count and exclusions which resulted in the union withdrawing their certification for application.
- Blinds To Go Inc., in having successfully obtained before the Court of Appeal a decision on what it means to be a “senior manager” in Quebec.
- Electrolux Canada Corp in the negotiation and conclusion of collective agreements covering more than 1,200 employees, including a salary freeze and the termination of the defined benefits pension plan.
- A U.S. based multinational technology company in the supervision of an in-depth investigation with respect to an alleged scheme involving sales of goods to an embargoed country and negotiation of settlement arrangements with several departing management employees.
- TNT Express in connection with the renewal of a collective agreement which had a duration of three years and provided a salary freeze for the first year, followed by annual increases of 2%.
- Henry Schein Canada Inc. in obtaining the rejection of a complaint for dismissal without just and sufficient cause against before the Commission des relations du travail made by former high technology department director, as well as the subsequent abandon of related Quebec Court proceedings.
- The St. Lawrence Seaway Management Corporation against the Commission de la santé et de la sécurité du travail and Quebec’s General Attorney in a constitutional debate regarding the applicability of the *Act Respecting Occupational Health and Safety* to a federal undertaking.
- Essar Steel Algoma Inc., Essar Tech Algoma Inc., Algoma Holdings B.V., Essar Steel Algoma ULC, Cannelton Iron Ore Company and Essar Steel Algoma Inc. USA, in the negotiations of the Grievance Claims Procedures.
- A major national company in advising on employment and labor matters in the course of its ongoing digital transformation, including analyzing the applicable Severance and Change-of-Control Agreements, drafting letters of termination and release & discharge documents and providing legal advice on the short term incentive plan, the Option Plan, the Restricted Share Unit and Performance Share Unit Plan and the Supplemental Executive Retirement Plan.

- Dr. Oetker, in providing strategic day to day human resource advice and assisting in the acquisition of McCain Foods' North American frozen pizza business, in addition to representing Dr. Oetker in a status hearing in the context of a certification application which resulted in the union withdrawing its application for certification.
- Dollarama in a dispute before the Commission des lésions professionnelles (an administrative tribunal with jurisdiction on health and safety disputes) on the duty and procedural powers in connection with the principles of natural justice of a Quebec's workers' health and safety board inspector, as well as defending Dollarama in various human rights tribunal proceedings.
- Les Immeubles Roussin Ltée, as well as the interests of several private seniors' residence owners and operators, in a dispute against the Parity Committee for the Building Services in the Quebec Region regarding the application of the Decree respecting building service employees in the Quebec region to a private seniors' residence.
- BWX Technologies, Inc. in its acquisition of the GE Hitachi Nuclear Energy Canada Inc. This transaction involved the transition of both unionized and non-unionized employees and required an analysis of the value of benefits and compensation in order to ensure that terms and conditions remained substantially similar.
- Consortium of leading Chinese private equity firms and Shanghai Giant Network Technology Co., Ltd., on Canadian employment and labour aspects of the acquisition of Playtika for C\$4.4B. Matters included the pre-closing restructuring and the issues arising from post-closing integration.
- Ontario Teachers' Pension Plan assisting on all employment & labour aspects of its C\$1B acquisition of Constellation Brands Canada. The transaction involved both union and non-unionized employees, different business sectors and executive compensation elements.
- AppDirect Inc. with respect to its Canadian human resources integration project, such as the alignment of the employment policies, bonus plans and benefits plans of Canadian subsidiaries and divisions located in the Provinces of Alberta, Ontario and Quebec with those of the Canadian parent company.
- Scholle IPN Canada Ltd. in its collective bargaining process pertaining to several plants.
- Great Lakes Pilotage Authority as the employer's spokesperson in its bargaining process with its various unions.
- Limited Brands, as trusted counsel, in providing day to day advice on all aspects of their human resources operations including with respect to legislative compliance, employment policies, practices and programs, hiring (including drafting employment agreements), performance management and discipline, and termination of employment (including drafting termination documentation and providing advice on severance obligations and liabilities in relation to mass terminations and reductions in force).
- ConAgra Foods Canada Inc. in its collective bargaining process.