

employment and labour law

SEMINARS | 2010



Disability
Management
Compliance

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Lawyers • Patent and Trade-mark Agents

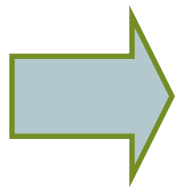
Disability Management Compliance

1. Common Law
2. Insurance Issues / Benefit Plans
3. Human Rights
4. Privacy / Benefits Issues
5. Unions
6. So What Do We Do?

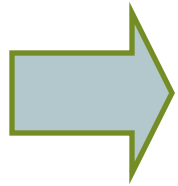
Common Law

1. Cause?
2. Reasonable Notice
3. Frustration: *Employment Standards Act*

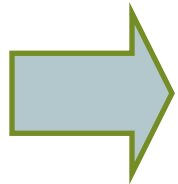
Insurance Issues / Benefit Plans



What if you improperly cut off the access to insurance benefits?



Can you deduct benefit payments from severance payments owing?



The importance of a release, and what to do if you do not get one

Union Issues

1. Can you discipline for absenteeism caused by illness?
2. Can you terminate someone who has a handicap?
3. Does the union have any obligations?
4. Do employers have obligations respecting the application for benefits?

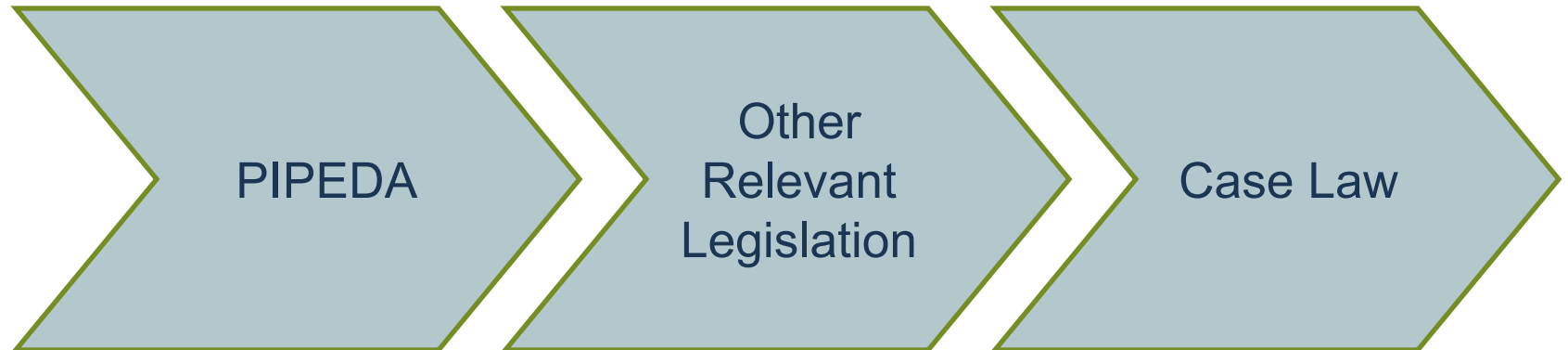
What If You Do Not Believe The Employee is Sick?

- Doctor's notes
- Medical examinations
- The benefits file
- The Honda case and beyond

Human Rights

- Can you terminate the employment of an ill employee?
- Duty to accommodate – is WSIB different?
- The employee's duty to cooperate and effective management

Privacy



So What Do We Do In These Challenging Circumstances?

A: PRAY A WHOLE LOT?

OR some practical suggestions...?

Thank You



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