

## TOP TEN HR RISKS FROM HIRING TO FIRING:

- 1) Failing to comply with human rights legislation when hiring employees
- 2) Not signing new employees to written and properly drafted employment agreements
- 3) Failing to comply with the Workforce Safety and Insurance Act, if applicable
- 4) Failing to comply with the Occupational Health and Safety Act, as applicable
- 5) Failing to comply with Ontario's Pay Equity Act respectively, if applicable
- 6) Failing to comply with employee privacy laws and adopt privacy policies
- 7) Failing to comply with human rights laws for ongoing employees
- 8) Failing to make termination decisions correctly and with proper due diligence
- 9) Failing to properly terminate employees
- 10) Failing to prepare and/or comply with the Accessibility for Ontarians with Disabilities Act.

Subject to people's individual questions or concerns, I wanted to focus on three of the above areas and have set out some tips for each:

### A. Employment Agreements

- 1) Remember to provide for consideration in any change to an employment agreement.
- 2) Enter into written agreements upfront if possible.
- 3) Draft termination section of employment agreements with great care so as to: (i) provide for at least minimum standards under Employment Standards Act and (ii) clearly provide that notice provisions are not reasonable notice under the common law if that is the intent.
- 4) Refer back to employment agreements throughout employment to reduce risk of obsolescence argument.
- 5) Include synopsis of policies with initial employment offer and ask for acknowledgment that employee has read and agreed to policies and will agree to updated policies in future.
- 6) Do not overreach with restrictive covenants.

### B. Human Rights Considerations

- 1) Remember human rights considerations begin at application stage and apply through all stages of employment.
- 2) Human Rights Tribunal's policies should be reviewed and kept in mind as they are given deference by the courts.
- 3) Harassment policies must be thorough and allow for organizations to respond to complaints quickly.
- 4) Managers should be knowledgeable about the duty to accommodate.

### C. Preparing and Complying with the AODA

- 1) Comply with initial Customer Service Accessibility Standard as of January 1, 2012 by reviewing online MCSS materials and developing customer service policies and plans to train employees.
- 2) Be aware of ongoing reporting requirements for organizations with 20 or more employees.
- 3) Review additional integrated standard in general terms to prepare for future compliance.