

## Legal Series Part 1: 2020 Look Back and 2021 Look Ahead

Thursday, January 28, 2021 | 9:00 AM – 1:00 PM | 4 CPD Hours

### Session 1 | 9:10am – 10:25am Accommodating Family Status in BC, during a Pandemic

2020 came with a steep learning curve for many employers and human resources professionals. Adjusting to it required a lot of flexibility, and compassion. As we embark into 2021, Jennifer and Preston will speak to the current state of the law in British Columbia and recent decisions regarding the duty to accommodate employees' family status, as well as posit scenarios to help human resources professionals imagine the types of requests they may face in this area moving forward.

#### Learning Outcomes:

- The leading cases;
- The test employees' must meet to be successful in a family status complaint;
- How best to navigate family status accommodation requests; and
- the ways in which these cases may arise as the pandemic continues to unfold, and after.

#### About the presenters:



**Jennifer Kwok** is a Partner at Overholt Law LLP. Her practice focuses on providing practical and pragmatic advice in the area of labour, employment and human rights law, including complex human resources management issues such as terminations, accommodation, and workplace complaints. She is also often engaged to conduct external, independent investigations in connection with work-

place complaints of bullying and harassment, including sexual harassment.

Jennifer began her legal career with a two-year clerkship with the Federal Court, Trial Division, articulated in downtown Vancouver at a large national firm, and then later practiced at a boutique labour and employment firm. In 2006, Jennifer joined the Vancouver Police Department and worked as a Patrol Constable in south-east Vancouver for almost 7 years, investigating a variety of criminal offences, before returning to the practice of law.

Outside of the office, Jennifer has been a sessional instructor at the Justice Institute of British Columbia. She is active as

a competitive ultimate Frisbee player, has represented Canada in a number of World Championships, and also volunteers her time as a coach. When not playing ultimate, Jennifer is often painting, travelling and mountain biking.



**Preston Parsons**, is a Partner at Overholt Law LLP and practices in the firm's core areas of labour, employment, and human rights law. Preston takes great care in advising both employers and employees with an emphasis on taking proactive steps to avoid problems and disputes from arising wherever possible. Preston has experienced a wide

breadth of legal practice and procedure and has appeared in the BC Court of Appeal, Supreme Court, and Provincial Court for employment litigation and advocacy, mediations, and more. He has also appeared at the BC Labour Relations Board, BC Human Rights Tribunal, in federal labour arbitration proceedings, and before the Social Security Tribunal (General and Appeal Divisions). He has summered, articulated, and practiced in downtown Vancouver since 2009, first at a large regional firm and later at a boutique class action litigation firm. Preston joined Overholt Law LLP's predecessor in January 2013.

### Session 2 | 10:25am – 11:40am Vaccination issues for workplaces in 2021

This session will cover key questions employers are asking about how to manage COVID-19 vaccination issues in their workplaces this year. For example, can employers require employees to obtain a COVID-19 vaccination? Can employers treat vaccinated employees differently than those that are not vaccinated?

#### Learning Outcomes:

- Can employers require employees to obtain a COVID-19 vaccination?
- Should employers encourage COVID-19 vaccinations?
- Can employers require employees to disclose their vaccination status?
- Can employers treat employees differently if they refuse to get vaccinated?

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### About the presenter:



**Scott Marcinkow** is a partner with Harper Grey LLP in Vancouver and is the chair of the firm's workplace law practice group. He primarily assists employers with advisory and litigation services relating to a wide range of workplace issues.

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### Session 3 | 11:45am – 1:00pm Termination Options in a COVID World

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In this session, you will learn how and when an employer can use layoff provisions in a non-union environment.

### Learning Outcomes:

- What are the laws relating to temporary and permanent layoffs?
- Should layoff clauses be included in employment contracts?
- How can employment contracts be amended to add a temporary layoff clause?
- What benefits are reasonable to offer in exchange for agreeing to a layoff clause?
- What are the changes affecting COVID-19-related temporary layoffs in BC?

### About the presenters:



**Melanie Samuels** is a Partner at Singleton Urquhart Reynolds Vogel LLP with extensive experience in Labour and Employment Law, and has been practicing in this area for more than 30 years. She is Chair of the Employment and Labour Group, Co-Chair of the Diversity & Inclusivity Committee and a member of the firm's Management Committee. She advises clients on all workplace issues

including providing guidance on disciplining and/or dismissing employees, drafting employment contracts and policies and advising on human rights issues, including harassment and the duty to accommodate.

A particular area of focus for Melanie is working with creative industries, including the film and music industry, to help guide and inform their harassment policies and

advise them on how best to implement protocols in the workplace to effectively deal with bullying and harassment. Melanie works with employers to investigate these kinds of claims and provides recommendations on how to manage these difficult issues. Melanie is regularly invited to speak on key workplace issues including bullying and harassment. She also provides hands-on training to various industry groups seeking to ensure respectful work environments.

Melanie also specializes in business-related immigration including applications for labour market impact assessments, exemption applications, work permits and temporary resident permits and visas. She determines the best option for Permanent Residency Applications, Provincial Nominee Programs, Canadian Experience Class, Express Entry and Federal Skilled Worker Programs. In addition, she assists with Spousal and Family Sponsorships and Rehabilitation Applications.

Melanie is a regular speaker on workplace law issues for the legal profession, and various industry groups and associations.



**Glen Stratton** is an Associate in the Workplace Law and Commercial Litigation Practice Groups at Singleton Urquhart Reynolds Vogel LLP. He is also a member of the firm's Diversity Committee.

He advises clients on workplace law issues including wrongful dismissal, disciplining and/or dismissing employees, properly

Glen works with often related creative industries in the entertainment law world to advise on harassment policies, assist with financing applications, and litigate commercial disputes. Glen understands the human component of workplace law-related issues, and he has specific experience related to wrongful termination claims involving senior management personnel and related shareholder disputes.

He also assists clients with commercial litigation issues, such as shareholder rights and remedies, insurance coverage, product liability, and business venture and partnership issues.

Glen has appeared before the Provincial Court of British Columbia and the Supreme Court of British Columbia.