

HR Professionals vs Employment Lawyers - Who Should Do What to Solve Your Workplace Issues?

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Presentation Roadmap

- Why?
- Anatomy of Employee Oversight
- Practical Factors that Drive Who Does What
- The Grey Area
- Optimizing Efficiencies
- Questions

The Why & The Anatomy

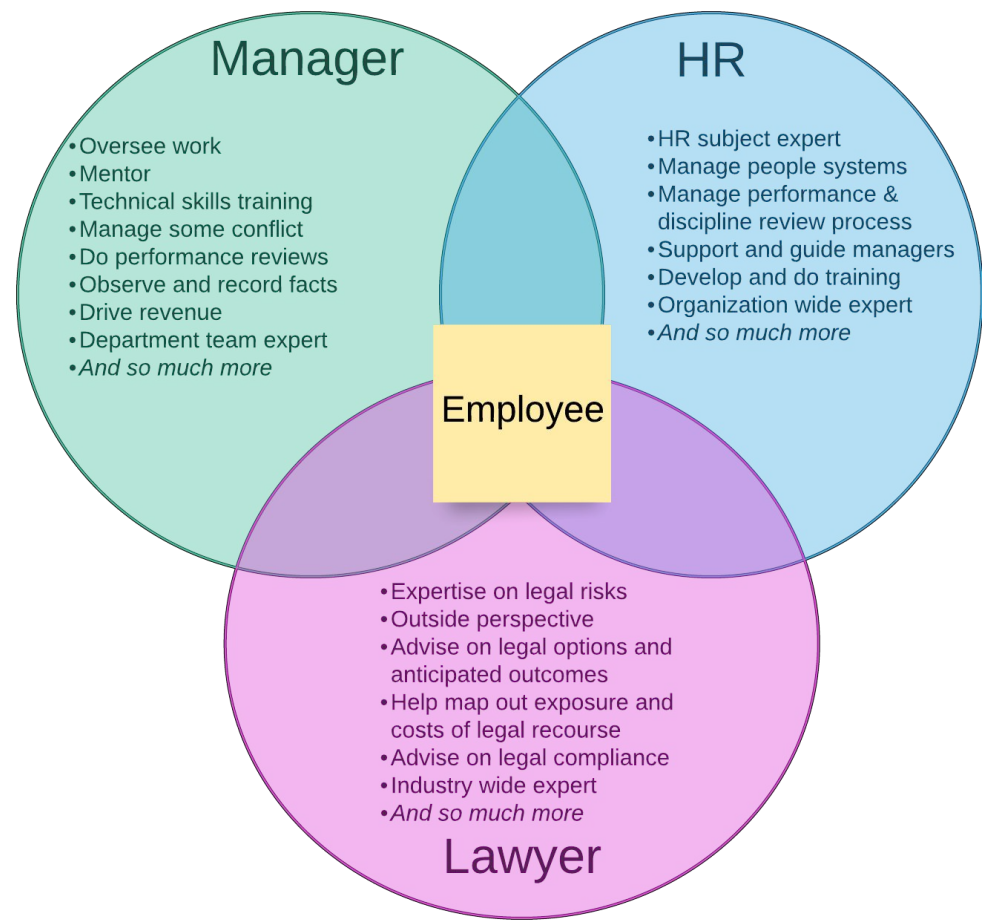
A woman with long dark hair and glasses, wearing a white t-shirt and blue jeans, stands in a meeting room pointing at a whiteboard. The whiteboard is covered with numerous colorful sticky notes (pink, yellow, orange) arranged in a structured manner. Several people are seated around a white table in the foreground, looking towards the presenter. The room is bright with natural light from a window on the left. The overall atmosphere is professional and collaborative.

[Leon](#) on Unsplash

The Why

- **Best practices to manage the workforce**
- **Getting practical: finances, insurance and expertise that drive the decisions**
- **Cost-effective efficiencies in people management systems**

Anatomy of employee oversight



Practical Factors That Drive Who Does What

[Headway](#) on Unsplash

Cost

Cost/fees structure for person doing the work

- From HR entry coordinator salaries range from \$40-60K
- To HR Director range from 120K+
 - [https://www.payscale.com/research/CA/Job=Human_Resources_\(HR\)_Generalist/Salary](https://www.payscale.com/research/CA/Job=Human_Resources_(HR)_Generalist/Salary)
- Canadian employment lawyers hourly rate \$200-\$500+
 - https://www.canadianlawyermag.com/staticcontent/AttachedDocs/CL_Apr_19-survey.pdf
- Any platforms, automation, tech or templates to compliment?

Insurance

- What happens when the expert is wrong or company gets sued?
- Is insurance available for person or situation:
 - D&O, professional liability, corporate, litigation insurance,
 - Employees are vicarious liable

Training

- What is upfront training?
 - Lawyers don't learn HR, sort of
 - HR doesn't learn law, sort of
- What is ongoing professional training requirements?

Legal Exposure

- What is the cost-benefit analysis of the problem?
- What is the legal exposure / risk if the issue goes south?
- HRTO:
 - 68% of all HRTO cases employment related between 2016-2019
 - 55% of all HRTO cases on grounds of disability
 - [https://tribunalsontario.ca/documents/TO/Tribunals Ontario 2019-2020 Annual Report EN.pdf](https://tribunalsontario.ca/documents/TO/Tribunals%20Ontario%202019-2020%20Annual%20Report%20EN.pdf)

Legal Exposure continued

- **Common employment law court cases:**
 - **Contract disputes**
 - **Termination packages and reasonable notice**
 - **Some disability claims, if attached to wrongful dismissal claims**
 - **Executive comp**

Employee Tools

- Internet: government resources, blogs, peer groups
- Canada is an employee friendly jurisdiction - tie goes to employee
- Rise in contingency cases - employees have nothing to lose
- Can self-rep at HRTO with great supports including HRLSC if eligible
- PR and social media - business reputation matters

The Grey Area

[Nicole Mason](#) on Unsplash

14

The Grey Area & How to Navigate It:

- **Contracts**
- **Policies**
- **Disability Management**
- **Discipline**
- **Terminations**
- **About a billion other things**

Now What?!



Brendan Church on Unsplash 16

Optimizing Efficiencies

- Proactively systematize processes and resources
- Focus on the key docs:
 - contracts
 - policies
 - termination letters & releases
- Look for tech driven platforms and services



Takeaways

- Your HR and employment lawyer should collaborate not compete
- Let math drive many decisions
- Be strategic about the Grey Areas
- Systematize & automate processes
 - get your Managers, HR & Lawyers on board

Questions?

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Thank you!