

Top 4 Tips for your Top 4 Legal Docs

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Presentation Roadmap

1. Ensuring your employment contracts are enforceable
2. Writing termination clauses that reflect company culture and calm exits
3. Must-have vs nice-to-have workplace policies (Rome wasn't built in a day!)
4. Releases: clean breaks, post-employment restrictions and reducing legal risks



1. Ensuring your employment contracts are enforceable

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- Ensure you are classifying your employees properly:
 - EE vs IC

1. Ensuring your employment contracts are enforceable

- **Mucking Up the Employment Contract**
 - **The Importance of Employment Contracts**

1. Ensuring your employment contracts are enforceable

- **Restrictive covenants: Giving Away Your Ideas**
 - What is this?
 - Non-Competition and Non-Solicitation
 - Must demonstrate you have a proprietary interest to protect

1. Ensuring your employment contracts are enforceable

Auditing Your Employment Contracts

- **Top Tip #1 - What type of contract?**
 - Indefinite Term Employee
 - Independent Contractor
 - Fixed Term Employee

1. Ensuring your employment contracts are enforceable

Auditing Your Employment Contracts

- **Top Tip #2 - Get it signed BEFORE the start date to ensure enforceability**
 - What is consideration?

1. Ensuring your employment contracts are enforceable

Auditing Your Employment Contracts

- **Top Tip #3 - Probationary Period**
 - **Employment Standards Act - first 3 months**
 - **Set this out in the contract!**

1. Ensuring your employment contracts are enforceable

Auditing Your Employment Contracts

- Top Tip #4 - Termination Provisions

1. Ensuring your employment contracts are enforceable

Auditing Your Employment Contracts

- **Top Tip #5 - Templates are cost-effective when also some customized advice**



2. Writing termination clauses that reflect company culture and calm exits

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2. Writing termination clauses that reflect company culture and calm exits

- Termination clauses are the focus of most litigation
- Hope for the best but plan for the worst
- The termination meeting

2. Writing termination clauses that reflect company culture and calm exits

- Length of notice period - cushion for next job
- Give Reasons?
- Time to consider termination package

3. Must-have vs nice-to-have workplace policies (Rome wasn't built in a day!)



3. Must-have workplace policies

- Workplace Violence and Harassment Policy
- Occupational Health and Safety Policy
- Accessibility Policy
- Pay Equity Plan

3. Nice-to-have workplace policies

- Remote work policy
 - Loosey-Goosey Remote Working Rules

3. Nice-to-have workplace policies

- Accommodation policy
 - Don't be cynical about disability issues

3. Nice-to-have workplace policies

- **Performance Management Policy**
 - **Failing to Manage Performance Before Blow-Ups**

3. Nice-to-have workplace policies

- Attendance Management Challenges and Opportunities

4. Releases: clean breaks, post-employment restrictions and reducing legal risks



4. Releases: clean breaks, post-employment restrictions and reducing legal risks

- Purpose and Elements of the Release
- Timing
- Does this doc encourage employees to lawyer up?

4. Releases: clean breaks, post-employment restrictions and reducing legal risks

- **Enforceability of a Release**
 - **Lack of Consideration**
 - **Lack of Capacity**
 - **Lack of Settlement**
 - **Misrepresentation or Fraud**
 - **Mistake**
 - **Unconscionability**



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Takeaways

- Whether a small or giant global company, get the 4 core docs in place for legal risk reasons
- Realities of small business bandwidth are real - focus on what best addresses both:
 - company culture
 - legal risk

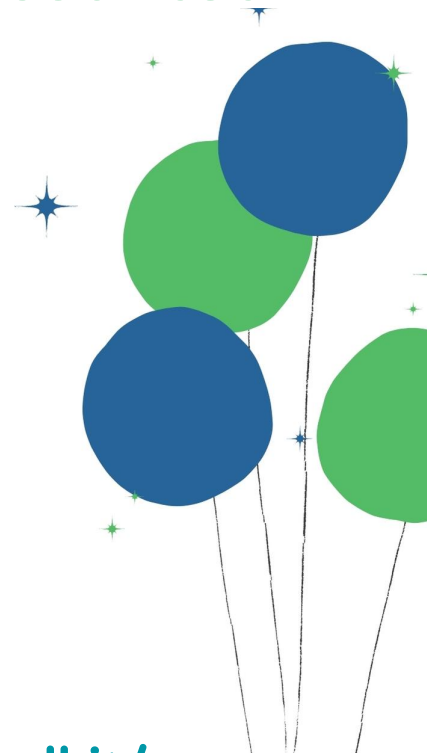
The 444 Toolkit - Time Limited | Deeply Discounted!

The 444 an employment law toolkit containing our most highly sought-after resources that our clients ask for every day:

- 4 Core Legal Templates
- 4 Workplace Law Guides
- 4 Helpful Checklists

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ANNIVERSARY SPECIAL

The 444



<https://www.springlaw.ca/product/the-444-toolkit/>

WHAT'S INCLUDED IN THE 444:

4 Core Legal Docs

- Employment Contract
- Employee Handbook
- Termination Letter
- Release for Employees Upon an Exit

4 Workplace Guides

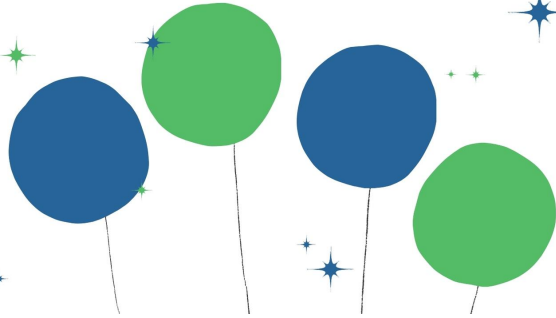
- Guide to Hiring
- Guide to Employment Contracts
- Guide to Firing
- Guide for Employers During Covid-19 (in case you haven't already picked that up off our website)

4 Checklists

- Workplace Policies Checklist
- Should I Hire Checklist
- Workplace Compliance Checklist
- Exit Interview Checklist

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*Thank you - here's
to 40 more years!*



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Questions?

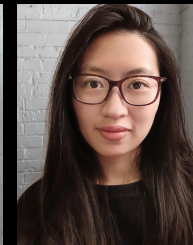
To learn more about our team: <https://springlaw.ca/team/>

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