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  1. The one bullet-proof technique that allows you to get real results even if you get everything else wrong!
  2. The overwhelming advantage you can get if you understand the way...  If you might possibly sell your practice within the next ten years (or decades?) making unnecessary mistakes and losing enormous amounts of money when you can learn the simple steps that will advance your practice with advantages that you probably don’t even know exist. 

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- WHAT YOU DON’T KNOW CAN REALLY HURT YOU
  What Every Doctor Should Have Been Taught in School About Management... But Wanta!

  A joint presentation of
  Mariana Bracic, MBC
  and Maria Turner,
  Strategic Dental Services Ltd.
  Friday, October 21, 2011
  1:00pm–4:00pm, Oakville
  (and on DVD thereafter)

  Discover the proven, easy formula to accelerating the profit from your practice. Why spend years (or decades?) making unnecessary mistakes and losing enormous amounts of money when you can learn the simple steps that will advance your practice with advantages that you probably don’t even know exist. Smart people learn from their own mistakes... Brilliant people learn from those of others!

  You will learn:
  1. The only thing that you must get right about employment law, that will allow you to get almost everything else wrong in managing staff;
  2. The shocking things the law will let your employees do to you, if you don’t take a simple step to prevent it;
  3. The six numbers you need to know to be on top of your finances;
  4. The $287,069 case study—this could be you!...and much more.

  Your investment: $249 + HST (+ $20 shipping for DVD version)

- WHAT YOU DON’T KNOW CAN REALLY HURT YOU
  What Every Doctor Should Know About Employment Law
  - Deluxe DVD Edition

  “What You Don’t Know Can Really Hurt You. The Law Is An Ass!”

  Mr. Brownlow: “If the law supposes that your wife acts under your direction.”
  Mr. Bramble: “If the law supposes that... the law is a ass–a idiot. If that’s the eye of the law, the law is a bachelor, and the worst I wish the law is that its eye may be opened by experience.”

  – Oliver Twist, Charles Dickens

Imagine that you have recently purchased a practice (it can be medical, dental or veterinary). Among other employees, you inherited two receptionists from the seller. Initially, your monthly billings are lower than you had hoped and are not yet equal to the level enjoyed by the previous doctor. Your expenses, however, are fixed. Given the lost momentum in earnings, you conclude that you are clearly overstaffed. You feel significant financial pressure as you have not only the heavy overhead, but also your purchase loan and student loans to repay. You try to arrange a voluntary reduction in hours that you have the right one of them, Dawn, refuses her consent. You decide that you will put Dawn on a temporary lay-off as her hourly wage is much higher than that of the other receptionist.

Feeling greatly relieved, you schedule a meeting with Dawn at which you advise her that economic circumstances are forcing you to lay her off temporarily. You tell her that you hope to recall her to her job just as soon as you can increase patient bookings up to an acceptable level.

“I predict that a practice with MBC’s PPP will achieve a higher sale price than one without.”

– Timothy A. Brown
CEO of ROI Corporation

Before you act, however, as a precaution, you contact the Ministry of Labour to ensure that you have the right to lay her off temporarily. You speak by telephone with a representative of the Employment Practices Branch, who advises you that the Employment Standards Act (the “ESA”) allows employers to lay off staff temporarily. You try to arrange a voluntary reduction in hours that you have the right one of them, Dawn, refuses her consent. You decide that you will put Dawn on a temporary lay-off as her hourly wage is much higher than that of the other receptionist.

Feeling greatly relieved, you schedule a meeting with Dawn at which you advise her that economic circumstances are forcing you to lay her off temporarily. You tell her that you hope to recall her to her job just as soon as you can increase patient bookings up to an acceptable level.

Dawn gets very angry and upset. She tells you that you have no right to do this to her. She leaves the office. The following week, you get a demand letter from an employee-side lawyer accusing you of wrongfully terminating Dawn’s employment. The case goes to trial

“<br>"There’s absolutely nothing like MBC’s Practice Protection Package... The PPP™: Bullet-Proof Protection for the Life-time of Your Practice... for a one-time flat fee!"

Dawn gets very angry and upset. She tells you that you have no right to do this to her. She leaves the office. The following week, you get a demand letter from an employee-side lawyer accusing you of wrongfully terminating Dawn’s employment. The case goes to trial [See Besse v. Dr. A.S. Machner Inc., 2009 BCSC 1316] and the judge finds that you did, in fact, wrongfully dismiss Dawn, saying:

“The can be no question but that the imposition of a temporary lay-off constitutes, in the absence of a contractual provision permitting the same, a fundamental breach of contract.”

In other words, no matter what the ESA says, you do not have a right to lay off staff unless your contract with them says that you do!

Tel: 905.825.2268 • Fax: 905.825.8633 • mbc@mbclegal.ca • www.mbclegal.ca

The information in this publication is provided for general informational purposes only. It should not be relied upon or used as a substitute for professional legal advice. The publication is brought to you by an affiliation between MBC Legal and MBC Information Solutions Inc. Visit www.mbclegal.ca for more details about the courses.

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What You Don’t Know Can Really Hurt You

WHAT EVERY DOCTOR SHOULD KNOW ABOUT EMPLOYMENT LAW™

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Lessons from this case:

1. Do not be misled (even by the Ministry of Labour itself) that by complying merely with the ESA, you will also avoid the more onerous requirements of the common law (ie the Courts). There are many ways that the common law expects considerably more of us as employers than the ESA does (layoffs, probation, and termination pay, among others). And unless you have proper, written contracts, you will be held to the higher, more onerous, and often very expensive common law requirements.

2. Dr. Machner could have obtained the legal right to lay off his staff had he implemented proper, written contracts when he purchased the practice.

An oral contract isn’t worth the paper it’s written on.

3. Proper contracts and policies are an absolute no-brainer today. Be sure to hire a firm that specializes in employment law as there are many traps that easily catch the non-specialist. Clients of MBC benefit from the paper it’s written on. Dr. Machner could have obtained the legal right to lay off his staff had he implemented proper, written contracts when he purchased the practice.

Don’t Get Caught In The Blizzard!

Yet again, the Ontario government has imposed significant duties on the province’s employers, irrespective of the size of their business. The government has recently passed far-reaching and surprisingly amendments to the Occupational Health and Safety Act. Each of us, as Ontario employers is now required by law to do the following:

(1) develop a policy on workplace violence; and
(2) develop and maintain a program on workplace violence (including training our staff).

MBC can help you comply with your surprisngly onerous obligations under the new law with a comprehensive program that will “do it all” for you. Whomever you choose to hire, ensure that they are expert in the relevant issues.

MBC believes that it is reasonable to anticipate that the Ministry of Labour will plan an upcoming heightened enforcement campaign (a.k.a. “blitz”) on the issue. Clearly the government intends that all of us Ontario employers take this very seriously; individuals are subject to fines of up to $25,000 and 12 months imprisonment, and corporations to fines of up to $500,000. Do plan ahead to ensure that you don’t get caught!

Call 905-825-2268 or email: mbc@mbclegal.ca, and we will take care of your compliance for you.

I have enjoyed the opportunity to work with hundreds of doctors as their practice business coach, and to present practice management lectures worldwide over the last 26 years. There are so many advantages of owning a dental practice but, unfortunately, there are many challenges as well. Most of the challenges centre on staffing issues.

Dentists today absolutely must address employment law to eliminate the stress of dealing with staffing issues. I am always impressed with the completely unique and specialized services provided by Mariana Bracic and MBC and think that every dentist would benefit from them.

MBC can help you to eliminate the stressful situations related to employee contracts, affect policies and employee issues. It is important to have clear guidelines for any business to create a positive working environment. It will make your team happier, your practice more productive, your patients more comfortable and (last but important) your health and wealthier.”

ABOUT MARIANA BRACIC

Mariana Bracic began her legal career in 1994 at a prominent Bay Street law firm advising clients on employment law issues. Six years later, she became Advisory Counsel with the Law Society of Upper Canada, the regulator of all the lawyers in the province. As Advisory Counsel, she was responsible for ensuring the highest standards for Ontario lawyers in ethics and competence.

In 2003, Ms Bracic opened MBC Legal, a boutique employment law firm and subsequently MBC Information Solutions Inc., a legal information company, an affiliation between the two organizations thrives by providing Bay Street standards of excellence with boutique levels of personal attention and business-minded efficiency.

She has an extremely niche practice (exclusively employment law and predominately health-care sector employers). This unique, dual specialty results in an overwhelming benefits to her DDS, MD, and DVM clients.

Ms Bracic’s extracurricular interests include a commitment to early childhood literacy initiatives. She taught her twins to read by the time they were twelve months’ old and they have been featured on the front page of the National Post, on City TV, CBC Radio and other media. Ms Bracic is writing a book about teaching babies to read. In her spare time, she also enjoys running, having recently completed the Toronto Marathon.

She may be reached by telephone at 905-825-2268 or by email at mbracic@mbclegal.ca.
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“This service is a must if dentists wish to protect themselves. Planning for the long-term, I have peace of mind that I am able to transition effectively in practice and comprehensive employment contract with my staff. MBC Legal will put in a 200% effort to conclude the implementation of contracts and an effective workplace manual. I am impressed. The care is worth every cent. Thank you very much. I can sleep better.”

Dr. André Debrède, Burlington

“Very valuable. A must for any practice. Very professional people to work with. Our concerns were addressed quickly and professionally.”

Dr. John Jeffrey

“Mariana Bracic and staff meet the highest professional and personal standards for Ontario lawyers in employment law and health-care professions that we serve. Toward that end, MBC is pleased to announce, for the first time ever (for a limited time) completely interest-free financing for twelve months for a PPP for those of you office. To take advantage of this valuable offer, call or email MBC to book an Intake Meeting and the payments for your PPP will be divided equally over twelve months (starting from the date of your Intake Meeting) with zero interest. This offer will end as soon as our own financing is depleted so act now!”

Free Financing:

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