

2016-09 Employer Shakedown

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It's getting out of hand

Remember the hugely popular "Hill Street Blues" television program from the 1980s? At the end of the roll call, the sergeant would warn, "Hey, let's be careful out there". That is so often what we want to say to our clients given Canada's ever-worsening employment-law environment.

A number of developments over the years have contributed to an employment-law system that is getting out of hand. With the advent of each one, many of us in the management-side employment-law bar expressed concern that we would end up with precisely the situation we now have: a virtual employer shakedown.

Contingency fee arrangements (which are now allowed across the country) permit employee-side lawyers to start lawsuits against employers that would never otherwise have seen the light of day. Under a contingency fee arrangement, the employee does not pay anything to her lawyer up front, but agrees to pay them a percentage (usually approximately one-third, the precise percentage depending on the weakness of the case).

Similarly, the human rights regimes across the country have been revamped in such a way that there is typically no check on frivolous or vexatious claims. Employers must incur substantial costs as there is usually no preliminary way to get even completely frivolous claims dismissed short of a hearing. Moreover, the employee typically receives free legal advice from the tribunals whereas the employer must hire their own lawyer. As the tribunals do not (and often do not even have jurisdiction to) award costs against unsuccessful employees, there is no disincentive to an employee for bringing a false claim. Moreover, awards from the tribunals are getting staggeringly high.

In Ontario, the government is conducting a review on provincial labour laws. This is a particularly good time to make your views known. For more information and to contact the advisers specially appointed by the government (one employee-side and one employer-side lawyer), see "[Changing Workplaces Review](#)". And whichever province you are in, you can also contact your particular MPP. Health-care offices provide outstanding jobs and are an important part of the engine of the Canadian economy. They deserve more respect and support than is currently accorded to them in our legal system.

At MBC, we are proud to have been making a dramatic impact for over 13 years on effecting a better balance between employer and employee rights. Those of our clients who come to us before they have a problem--health-care sector employers across the country who have a Practice Protection Package™ --are significantly less likely to face litigation for a host of reasons (including the protections in place in the Discipline Policy, and the fact that the expensive common law notice period which can total two years' worth of the employee's compensation is taken off the table). And even in the statistically much less likely event of litigation, the case typically settles for dramatically less because we were able to eliminate the most expensive elements of the claim.

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Top-quality contracts and policies are like a bullet-proof vest: they cannot necessarily prevent someone from shooting at you, but they dramatically reduce the likelihood of your getting killed.

As Sergeant Phil Esterhaus would say, "Let's be careful out there!"

Join us for a very special Happy HR
How to Get the Most out of your PPP™



Date: Friday, October 14 at 2pm

If you are in the Oakville, Ontario area, join us for a very special **"Happy HR"** focusing on planning for your smooth and successful transition out of your practice. We'll have refreshments and discuss the issues that are crucial to ensuring that you don't leave any of your money on the table, while being respectful to your legacy. If you only attend one cocktail party this year, this should be it! Whether you're ten months or ten years from a sale of your practice, failing to plan is planning to fail.

Most respected brokers across the country will tell you that when you have MBC's PPP™ your practice will likely sell for dramatically more, and with much less hassle. If you already have a PPP™ don't miss this essential opportunity to learn how to get the very most out of it. If you don't yet have a PPP™ come learn what all the fuss is about, and how, like your colleagues across the country, *you too can increase the value of your practice by up to six figures.*

Rsvp: Cheryl at chs@mbclegal.ca or 905-825-2268.

The first 5 attendees to Rsvp will receive a **free** copy of the DVD course, *Top Ten Tools for Your Employer Toolbox* (value: \$199).



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[Contact us](#) to maximize the value of your practice, without harming your legacy.

[Jon Walton](#)



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[Tom Schramm](#)



416-720-3915

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[Irv Handler](#)



647-286-5839

We are delighted to welcome Irv Handler, formerly of Scotiabank!

Our brokerage division is booming, and we are excited to send you new practice listings as they become available. Just click one of the below to sign up for the listings that are relevant for you.

[Dental Listings](#)

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Check out the new site: mbcbrokerage.ca. [Contact us](#) today for your appraisal and sale needs: 905-825-2268.

"Working with Jon to sell my veterinary practice has been nothing short of a great experience. Jon is very attentive and patient, and helped me understand every part of the process, from preparation, to marketing, through to post-purchase details. Most importantly, he is very in tune with the veterinary world, and found for me the best purchaser possible for my practice. I highly recommend Jon for professional and exceptional service."

Janet Sawyer, BSc, MSc, DVM

Minimum Wage Hikes in BC and Alberta

The minimum wage in British Columbia has increased to \$10.85 per hour effective September 15, 2016.

The minimum wage in Alberta will rise to \$12.20 per hour effective October 1, 2016.

Reminder to Ontario employers: the Bill 132 alarm has rung...

As Ontario employers, each of us had until September 8, 2016, to comply with significant new legal obligations. On March 8, 2016, Bill 132, the Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016, (the "Act") received royal assent. Among other things, the Act requires that, as an Ontario employer, you update your workplace harassment policy to comply with the Act before the September 8 deadline. (Click here to read [Bill 132](#).)

If you are an existing Practice Protection Package TM client of MBC, this is one of the exceedingly rare times (in our thirteen years of business) that you must update your PPP TM. As a professional courtesy to our PPP TM clients, for a limited time, we will update the Workplace Policy Manual of your PPP TM to comply with the new law for a nominal fee of \$320 (plus HST). Please contact us as soon as possible as we have a large roster of clients who need to have their policies updated and the clock is ticking. While we obviously will not be able to update yours in time for the deadline, at least if you are audited by a Ministry official, you can say that you have begun the process.

Email: mbc@mbclegal.ca or call us: 905-825-2268.

The PPP: Just Do It

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