

What You Don't Know Can Really Hurt You™

WHAT EVERY DOCTOR SHOULD KNOW ABOUT HR LAW™



A Message From Mariana Bracic BA, (Hons), J.D.

"Not signing a proper contract with every employee is like signing a blank cheque."

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Avoid this TRAP

As a Canadian employer, it is imperative that you understand that employment law is replete with traps for the unwary. HR law is an increasingly complex area and acting on advice from someone without specialized expertise can be disastrous. Unfortunately, one doctor learned this lesson the hard way in a recent decision by the Ontario Divisional Court.

the day or face termination. The hygienist refused to sign the contract and as promised, was provided a termination letter the next morning. The termination letter did not provide the hygienist with the appropriate amount of notice and she then sued the dentist for wrongful dismissal. The hygienist was successful against the dentist at both trial and on an appeal and was awarded six months' pay

A PPP™ will not only increase the value of your practice today, it will give you more flexibility and protection even if you are not selling.

-- Bill Henderson, President
Tier Three Brokerage

***"Only a fool learns from his* own mistakes.
The wise man* learns from the mistakes of others."***
-- Otto von Bismarck [*sic]

In the case of *Dechene v. Dr. K--Dentistry Professional Corporation*¹, a dentist relied on his "human resources consultant" to implement written employment contracts for his staff, including a hygienist who had been employed by the dentist for six years. However, rather than following an approach endorsed by the Courts to introduce the contracts, the human resources consultant demanded the hygienist sign the contract by the end of

in lieu of notice and many thousands of dollars in legal fees.

The situation faced by the doctor in this case--the trap into which he fell--was completely avoidable. If he had worked with a lawyer who specializes in HR law, and has expertise specifically with doctors, he would have easily been able to transition his staff to proper written employment contracts and policies and actually add value to his practice.

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Thank you

Celebrating 10 Years
MBC
2003-2013

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25% off a PPP™ for a limited time.

¹ 2012 ONSC 4594 (CanLII)





Who's Talking About Us?

SURPRISE! You Do Have Contracts...

When I am speaking to a roomful of doctors, I often begin by asking them to raise their hands if they have contracts with their staff. A minority of hands go up. I then ask the remaining doctors to raise their hands as well because every single person in the room, just as every single doctor reading this as a Canadian employer, has contracts with their staff. The only question is whether your contracts are written or oral. If they are oral, the “common law” will imply terms on your behalf. And after working with hundreds of doctors from coast to coast over ten years now, I can assure you that you will not like the terms the common law will impose on you. My ten-year-old twins could negotiate far better terms for you!

Oral contracts impose onerous and costly requirements on you to which no reasonable business person would ever agree, and restrict your ability to manage your practice effectively and profitably. There is an implied common law term, for example, that you will give your employee notice in advance (or more typically, pay in lieu) of termination. This term alone often costs doctors tens of thousands of dollars, sometimes six figures, almost all of it preventable. When we work with doctors to transition their staff to written contracts, we always advise our clients to rebut that expensive term, as well as to include myriad terms that

give the doctor (and their family) dramatically enhanced management flexibility, legal protection and financial well-being.

If you have not signed comprehensive contracts (and incorporated policies) with every staff member, you have effectively signed a stack of blank cheques.

Another intolerable problem with allowing a Court to decide the terms of your employment contracts is that it introduces uncertainty in your employment relationships. This uncertainty is often only resolved through expensive and time-consuming litigation.

Don't wait until it's too late to find out what the Courts will say on your behalf. If you have not signed comprehensive contracts (and incorporated policies) with every staff member, you have effectively signed a stack of blank cheques. Given the state of employment law today, it is imperative that you transition all staff to comprehensive, well-crafted employment contracts and policies to protect your practice and your family. This allows you to decide how best to manage your practice.

"I wish I'd got a PPP™ a lot sooner because then I'd already have my dream team in place."

- Dr. Jarek Foksa

"I have nothing but great things to say about my experiences with MBC. The unfortunate circumstances that I underwent all ended peacefully and allowed me to get back to concentrating on my business thanks to MBC's advice and direction. My business has grown and much of that is due to a strong team of employees which MBC helped to solidify for me."

- Name withheld on request

"With the complexities of employment law and the significant potential liabilities to employers, it is critically important that specialized, employment-law advice be obtained. Whether it be for new practice start-ups, acquisitions, or growing practices, MBC Legal's expertise and guidance has proven to be invaluable to my clients."

- John McMillan, LL.B., Corporate Lawyer

"I think MBC provides a fantastic service for physicians and dentists, and addresses a chink in the armour most of them have."

- David Harris, President, Prosperident

"I want to thank you and your team for everything you have done for us. It has been a very positive experience and I feel I am well positioned with respect to the mountain of legislation and regulations we have to deal with....I was expecting fear or resistance but everybody was relaxed and accepting. I think the signing bonus helps a lot to take the sting out of it. ...Thanks again. It was much smoother than I expected."

- Dr. Fiona Hodkinson

"Market data proves that a PPP™ will increase sale price significantly."

- Timothy A. Brown
CEO of ROI Corporation



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Instead, he not only failed to increase the value of his practice, but actually lost many tens of thousands of dollars (quite apart from foregoing valuable time and experiencing enormous stress) entirely needlessly. I have no knowledge of how his wife and family felt, but if I were in their situation, I would be upset!

In our practice, we are amazed on a daily basis at the amount of misinformation bandied about regarding employment law. The mistakes we fix are typically created because the doctor relied on any of a myriad of sources: cheap “templates” off the internet (often from the U.S., which has radically different employment law), well-meaning advice from another doctor or other lay person, a local lawyer or one who merely dabbles in employment law, or an employment lawyer who does not have sufficient expertise with medical and dental offices. Having proper, written employment contracts in place is invaluable to your practice but as this case demonstrates, it is imperative to work with a lawyer who practises exclusively in employment law, and also has expertise specifically with doctors.



Employment Risk Assessment™

Contact us for a comprehensive Employment Risk Assessment™ to learn what specific risks you are exposed to (what they cost and how to eliminate them) no matter what your circumstances:

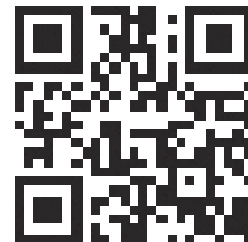
- ✓ In the normal course of your continued practice
- ✓ When opening a new practice
- ✓ When buying an existing practice
- ✓ When selling a practice
- ✓ As you approach retirement age
- ✓ In the event of your death or disability

Whatever stage of practice you are in, you must understand your legal and financial exposure under Canadian employment law. It is an essential part of successful wealth management and asset protection for yourself, your family and your estate.



What Can MBC Do for You?

- Practice Protection Package™ (Gold Standard Contracts and Policies)
- Regulatory Compliance
 - Anti-Violence Program
 - Accessibility for Patients Program under AODA
- Discipline and Terminations (including Termination Meeting with Employee, if desired)
- Workplace Investigations
- Telephone and Email Consultations
- Employment Risk Assessment™
- Continuing Education Courses (Live and DVD)



Scan to view our mobile website!
MBCLegal.ca is packed with HR-law information to help you to avoid getting hurt.

WHAT YOU DON'T KNOW CAN REALLY HURT YOU™ What Every Doctor Should Know About Employment Law™

UPCOMING *live* SPEAKING ENGAGEMENTS

Mariana Bracic is thrilled to be a guest speaker at these events!



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TO BOOK THE SEMINARS - Contact Sandie at Dental Office Consulting Services
905.336.7624 | sandie@dentalofficeconsulting.com or visit www.dentalofficeconsulting.com to download a registration form

DOCS 2014 Create Your Dream Team Cruise



Make your family vacation an unforgettable adventure! Set sail on Allure of the Seas®, and explore awesome new features—like the first Starbucks® at sea, Broadway hit musical Chicago, and enjoy the Dreamworks® Experience with favourite characters from Kungfu Panda, Shrek, Madagascar & more.

February 16-23, 2014

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1/1/2011 to 12/31/2014.
Provider ID#309115.



Our family would love to learn and play with your family!



CDSPI New Dentist Forum

Are You Ready for What's Next? | An Evening of Expert Insights and Networking
Thursday, November 14th, 2013
Thompson Landry Gallery, Distillery District, Toronto, ON | www.cdspi.com/whatsnext



RBC Royal Bank

RBC Royal Bank

If You Haven't Signed Contracts, You've Signed a Blank Cheque | What Every Doctor Should Know About Putting Staff on Written Contracts and Policies
Thursday, November 21st, 2013 | By Invitation Only



Tax Matters for Dentists and the West Toronto Dental Study Club

What You Don't Know Can Really Hurt You | What Every Dentist Should Know About Tax Planning and Employment Law
Friday, February 28th, 2014



Meridian Banquet Hall, Toronto, ON | www.ddstaxes.com | www.murrayarlin.com

