

WORKPLACE LAW



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We are here to assist you with your employment law needs through this time of COVID-19 crisis.

Are you an employer faced with the challenge of needing to consider the reduction of their workforce due to the Covid-19 pandemic?

We have addressed the different options available to employers in our Blog. Click [here](#) for a quick summary of the questions we most frequently receive and our condensed/summary answers.

Did you know that Harper Grey publishes the Workplace Law Strategies Blog? Stay current with new case law and emerging issues – read more [here](#).

We help organizations and individuals resolve employment law issues in a way that minimizes risk to business operations and reputation.

The lawyers in this group all practice business litigation and are very experienced in matters relating to workplace law, such as corporate finance, white collar crime, human rights insurance and directors and officers liability.

Skilled in all aspects of workplace law, our group has experience in virtually every kind of issue that can arise in this broad area of legal practice.

We offer a broad range of services to employers of all sizes and types in a wide range of industries. Our clients are diverse and reflect major industries throughout BC including insurance, financial services, real estate, education, health care, technology, manufacturing, and retail, among others.

We have successfully represented clients in legal proceedings, negotiations, mediations, and arbitrations, before numerous workplace boards and tribunals and at all levels of court.

SERVICES

- Drafting employment agreements for new, promoted and temporary employees.
- Drafting employee policies and manuals.
- Reviews of existing policies to ensure that organizations are up-to-date with the latest issues, such as social media usage.
- Drafting warnings and disciplinary letters.
- Drafting termination letters, severance packages and temporary lay-off agreements.
- Reviewing and drafting retirement packages and agreements.
- Dispute resolution regarding breach of restrictive covenants, non-solicitation and other agreements.
- Determination of reasonable notice.
- Jurisdictional transfer of business operations and employees.

- Wrongful dismissal.
- Human rights matters, including allegations of harassment and discrimination.
- Assisting employers with reviewing and addressing allegations of sexual harassment and other misconduct in the workplace.

TYPICAL SITUATIONS

- A small software development company grows to the point where it needs an employee manual to document and guide human resource decisions.
- A successful account executive leaves her firm for a rival company, breaking a non-competition clause in her contract. Clients are calling her former employer to say that she is asking them to transfer their business.
- A multinational company buys a Canadian venture with locations throughout British Columbia. Contracts and layoff notices need to be drafted and transfers from head office in Texas need to be negotiated.

RECOGNITIONS

19 Harper Grey lawyers recognized for litigation expertise by Benchmark Canada®, 2019

Harper Grey receives highest firm ranking as a “Highly Recommended” local litigation law firm in British Columbia from Benchmark Canada®, 2014, 2015, 2016, 2017, 2018 , 2019

Harper Grey receives the TAGLaw Membership Award of Distinction acknowledging 15 years of outstanding service

18 Harper Grey lawyers recognized as “Leading Practitioners” by Canadian Legal Lexpert Directory®, 2017

Martindale Hubbell® recognizes 13 Harper Grey lawyers across 27 practice areas

24 Harper Grey lawyers recognized across 15 specialty areas by Best Lawyers® in Canada, 2017

Harper Grey recognized as a Top 10 Regional Firm in British Columbia, Alberta and the Territories by Canadian Lawyer Magazine, 2012 and 2014

COMMENTARIES

“Incredibly strong skill set, knowledge of litigation and strategic, and keen ability to solve problems.”

— *Benchmark Canada@ 2019*

“These lawyers are all subject matter experts, and leader in their field, whose knowledge and skill are matched by their excellent client service.”

— *Benchmark Canada@ 2019*

“This team has provided outstanding legal service. They are prompt, responsive, and communicative. They are strong strategists and provide well researched, experienced legal advice. We work with many firms, and Harper Grey stands out. One member of the team remembers every interaction, memo, pleading and document. They understand a very complicated file and address it with ease and candor. We very much appreciate their strong advocacy.”

— *Benchmark Canada@ 2019*

“The firm is top notch. They have many lawyers specialized in medical defense work who are highly skilled in their legal acumen and practice management, but who also recognize the importance of carrying out their work in a practical, results-oriented manner. They actively look for ways to more efficiently partner with their clients for effective management of the work, while at the same time not weakening their excellent service delivery, their responsiveness, or their effectiveness in the work.”

— *Benchmark Canada@ 2019*

“The firm’s lawyers are principled and have deep integrity. Their work is thorough and of consistent high quality.”

— *Benchmark Canada@ 2019*

“Every day it seems like I am dealing with someone at Harper Grey, and I always find them professional, courteous and effective.”

— *Benchmark Canada@ 2017*

“Harper Grey is one of the best firms in Vancouver. They have excellent service, knowledge and their cost structure is excellent.”

— *Benchmark Canada@ 2017*

“Harper Grey lawyers are ‘dedicated to their clients and focused on finding and implementing practical solutions for them. The lawyers are prompt, intelligent and insightful, and provide a high level of customer service’.”

— *2012 Canadian Lawyer Magazine@ Embracing Regionalism - Canadian Lawyer’s Top 10 firms from B.C., Alberta, and the Territories are in the Sweet Spot Right Now, October 1, 2012*

“A Vancouver staple, Harper Grey is perhaps the most BC-centric of the “highly recommended” firms, owing largely to the firm’s bench strength in several key areas.”

— *Benchmark Canada@ 2017*

“Harper Grey has niches, and in those niches they are the best of the best.”

— *Benchmark Canada@ 2017*

“Harper Grey is a trial lawyer’s firm, and they’ve got a big deep bench of well-trained litigators.”

— *Benchmark Canada@ 2017*

“One source enthused about John Sullivan ‘His service to the client was exceptional’.”

— *Chambers Canada@ 2017*

“Harper Grey has a stellar pedigree as a litigation firm, and they’ve put a ton of people on the bench, observes one peer.”

— *Benchmark Canada@ 2014*

“A lawyer who refers work to Harper Grey wrote it has ‘great service, a breadth of practice and I have never received a negative comment from referrals to the firm’.”

— *2014 Canadian Lawyer Magazine Stronger than Ever - Top Western & Northern Firms, September 1, 2014*

“There was insight and nuance in how John Sullivan handled the case. He did it masterfully.”

— *Chambers Canada@ 2016*

“The firm has real quality people, and they’ve put three people on the bench there in six years.”

— *Benchmark Canada@ 2015*

“They exceeded all my expectations. I am very satisfied with their work and very happy to recommend them.”

— *Chambers Canada*® 2017

“Clients are comforted by the firm’s long history in British Columbia. We’re steeped in the region. Our connection is such that we have knowledge of not only the issue itself, but the history of the issue in the province.” - Richard Bereti

— *2012 Canadian Lawyer Magazine Embracing Regionalism - Canadian Lawyer’s Top 10 firms from B.C., Alberta, and the Territories are in the Sweet Spot Right Now, October 1, 2012*

LAWYERS



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SELECT ARTICLES + PUBLICATIONS

Rose Keith, QC creates helpful Chart of available Provincial and Federal economic initiatives

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: WorkSafe BC Provides Guidance to Employers During the Pandemic

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: New Details About Federal Government Assistance

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Quick Summary of Options for Reducing Workforce During COVID-19

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: A Breakdown of Financial Support for Canadian Businesses

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: COVID-19 Government Support for Business

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: An Update on COVID-19 Essential Services

Published in: Workplace Law Strategies Blog

Written by: C. Ryan Chan

Workplace Law Strategies Blog: Understanding the Federal Government's COVID-19 Business Subsidy

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Federal Spending Bill Gets Royal Assent

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Changes Introduced to BC's Employment Standards Act Due to COVID-19 Pandemic

Published in: Workplace Law Strategies Blog

Written by: Deanna Froese

Workplace Law Strategies Blog: Update – BC's Economic Action Plan in Response to the Covid-19 Pandemic

Published in: Workplace Law Strategies Blog

Written by: C. Ryan Chan

Managing Workplace Reductions Due to COVID-19

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Key Points of the Financial Assistance Announced by the Government to Assist with the COVID-19 Pandemic

Published in: Workplace Law Strategies Blog

Written by: Deanna Froese

Employer Alert: Canadian Government Announces \$1 billion to Help Coronavirus Fight

The article is available on the Harper Grey Resource Hub.

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Workplaces Can and Should Be Leaders in Changing Behaviors to Help Control the Covid-19 Outbreak

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Employer Alert: Coronavirus Declared a Pandemic

Published to: Harper Grey Resource Hub

Written by: Rose Keith, QC*

Rose Keith, QC authors Guidelines for Managing the Novel Coronavirus (Covid-19) in the Workplace

Published to: Harper Grey Resource Hub

Written by: Rose Keith, QC*

Case Summary authored by Rose Keith, QC featured in Quickscribe Reporter

Published in: Quickscribe Reporter

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Employers at Risk When No Consideration is Given for Contractual Terms

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: A Final Release is Not a Final Release for Unjust Dismissal Claims

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: Coronavirus – Advice for Employers

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: Uber not Giving Up on Arbitration Clause Without a Fight

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: Having An Out For A Fixed Term Contract

Published in: Workplace Law Strategies

Written by: Rose Keith, QC*

Rose Keith, QC reviews three recent cases addressing the enforcement of employment agreements in her latest “Employment Update” column in The Verdict

Published in: The Verdict - Issue 163

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: ‘Tis the Season to be Careful – Employer Liability at Holiday Work Parties

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: 5 Ways to Reduce the Risk of Using Volunteers

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow, C. Ryan Chan

Workplace Law Strategies Blog: Workplace Romance – The Impact of Power Imbalance on Ability to Consent

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: What Employers Can Learn From the Firing of the CEO of McDonald's

Published in: Workplace Law Strategies Blog Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Ensuring a Discretionary Bonus Remains Discretionary

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: What NOT to Do When Terminating an Employee

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: 5 Tips for Using Employment Agreements in the Hiring Process

Published in: Workplace Law Strategies Blog

Written by: Scott J. Marcinkow

Workplace Law Strategies Blog: Supreme Court of Canada Upholds Family Status Discrimination Test Ending Criticism and Debate

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Can I Prevent Competition from Past Employees?

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: When is an Independent Contractor not so Independent?

Published in: Workplace Law Strategies Blog

Written by: Rose Keith, QC*

Rose Keith authors new "Employment Update" column in The Verdict

Published in: Issue 161 - The Verdict

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Can I Terminate an Employee for Incompetence?

Published in: Workplace Law Strategies Blog - 11.Jul.19

Written by: Rose Keith, QC*

Workplace Law Strategies Blog: Are your respectful workplace policies compliant with WorkSafe BC requirements?

Published in: Workplace Law Strategies Blog - 09.July.19

Written by: Rose Keith, QC*

Introducing Our Newest Publication: Workplace Law Strategies

Written by: Scott J. Marcinkow, Rose Keith, QC*

SELECT EVENTS + PRESENTATIONS

Rose Keith, QC speaks at 1st Annual Civil Litigation Dinner

Event date: 11.Feb.20

Presented by: Rose Keith, QC*

Rose Keith presented on Employment Law for Non-Employment Law Lawyers on October 8, 2019

Presented by: Rose Keith, QC*

Rose Keith to present at 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Rose Keith, QC*

Scott Marcinkow to speak at 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Scott J. Marcinkow

Scott Marcinkow, Rose Keith and Jackson Doyle to present at 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Scott J. Marcinkow, Rose Keith, QC*, Jackson C. Doyle

Scott Marcinkow to present “Key Issues for Chiropractor Agreements” webinar

Presentation date: 19.Jun.19

Presented by: Scott J. Marcinkow

Derek Mah, Scott Marcinkow and Michael Thomas to present at Bridging the Gap 2018 Fall Seminar

Presentation date: 22.Nov.18

Presented by: Derek Mah*, Scott J. Marcinkow, Michael G. Thomas*

Scott Marcinkow to present “Sometimes It Just Doesn’t Work Out: Ending The Employment Relationship” at Harper Grey Bridging the Gap Seminar Series

Event Date: 30.Nov.17

Presented by: Scott J. Marcinkow, Daniel J. Reid

Scott Marcinkow presents at 2017 British Columbia Chiropractic Association Conference and AGM

Presentation Date: 04. Nov. 17

Presented by: Scott J. Marcinkow

Michael Brown and Scott Marcinkow to present “Key Agreements And Considerations For The Creation And Maintenance Of Health Profession Corporations” at Harper Grey Bridging the Gap Seminar Series

Event Date: 24.Oct.17

Presented by: Michael Brown, Scott J. Marcinkow, Prentice Durbin*

Kara Hill and Scott Marcinkow to present “Avoiding And Responding To College Complaints” at Harper Grey Bridging the Gap Seminar Series

Event Date: 29.Sep.17

Presented by: Scott J. Marcinkow, Kara L. Hill

Scott Marcinkow presents on “Employment Law” at the BC Optometry Association Annual Education Conference

Presentation Date: 27.Feb.17

Presented by: Scott J. Marcinkow

Scott Marcinkow presents at BC Chiropractors Convention & AGM

Presentation Date: 03.Nov.16

Presented by: Scott J. Marcinkow

Barbara Norell to present “Women In Leadership: The Pink Elephant In The Room” at TAGLaw International Conference

Presentation Date: 24.Oct.16

Presented by: Barbara J. Norell, QC

Kim Jakeman and Scott Marcinkow to present “Employment Law for Health Care Professionals” at Harper Grey Bridging the Gap Seminar Series

Event Date: 20.Sept.16

Presented by: Kimberly J. Jakeman*, Scott J. Marcinkow

SELECT NEWS

COVID-19 Weekly Wrap Up – March 30 – April 3

Related to: Trudy Hopman*, Rose Keith, QC*, Michael Drouillard, Scott J. Marcinkow, C. Ryan Chan, Deanna Froese - 03.Apr.20

Rose Keith appointed Queen’s Counsel

Related to: Rose Keith, QC* - 19.Dec.19

Lexpert® 2019 Rising Stars Award video interview of Scott Marcinkow

Related to: Scott J. Marcinkow - 26.Nov.19

Scott Marcinkow receives prestigious Lexpert® 2019 Rising Stars – Leading Lawyers Under 40 award

Related to: Scott J. Marcinkow - 08.Nov.19

Rose Keith appointed to CBABC Legislation & Law Reform and Advisory to Judicial Council Committees

Related to: Rose Keith, QC* - 16.Aug.19

Harper Grey welcomes new associate Deanna Froese

Related to: Deanna Froese - 06.Jun.19

Harper Grey welcomes five new Associates

Related to: Mollie Clark, Jessica Wilson, Deanna Froese, Dominic Wan, Jaeda Lee - 05.Jun.19

Harper Grey expands Workplace Law Group with the addition of Rose Keith

Related to: Rose Keith, QC* - 01.Apr.19

Scott Marcinkow and Joel Morris join Harper Grey Partnership

Related to: Scott J. Marcinkow, Joel A. Morris - 23.Jan.19

Harper Grey sponsors 2018 PABC Physio Forum & Gala Dinner

Related to: Scott J. Marcinkow, Derek Mah*, Michael G. Thomas* - 26.Feb.18

Harper Grey welcomes new associate, Natalia Tzemis

Related to: Natalia V. Tzemis - 15.Feb.18

Harper Grey welcomes three new Associates – Kara Hill, Robin Bennett, and Kimberly Fenwick

Related to: Kara L. Hill - 13.Jun.13

SELECT NEWSLETTERS + UPDATES

Canada Labour Code Changes and What They Mean for You

Published in: Workplace Law Strategies - 27.Aug.2019

Written by: Rose Keith, QC*

Changes to the BC Employment Standards Act – Are you Compliant?

Published In: Workplace Law Strategies - 19.June.19

Written by: Rose Keith, QC*