

SETTLEMENT OF EMPLOYMENT DISPUTES: ISSUES AND SOLUTIONS

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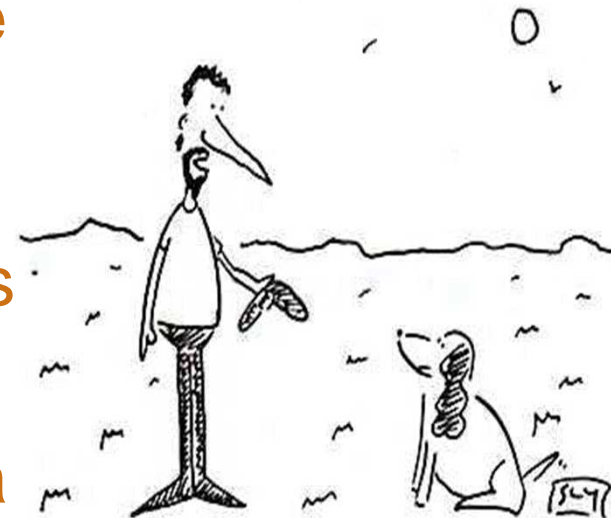
Topics Covered

1. Negotiation Strategies
2. Litigation Resolution
3. Statutory Claims
4. Releases
5. Statutory Deductions
6. Structuring Payments
7. Employment Contracts
8. Other Considerations



Negotiation Strategies

- Consistency and Messaging
- Initial Proposal
- Termination Letter vs. Severance Package
- Non-Monetary Benefits
- Uncommon and Intangible Issues
- Avoid the “Auction Sale”
- “A bad settlement is better than a good law suit” – but be prepared
- Group Dismissals



"I'm sorry, Rex, but since getting this new stick I have no further need for you."

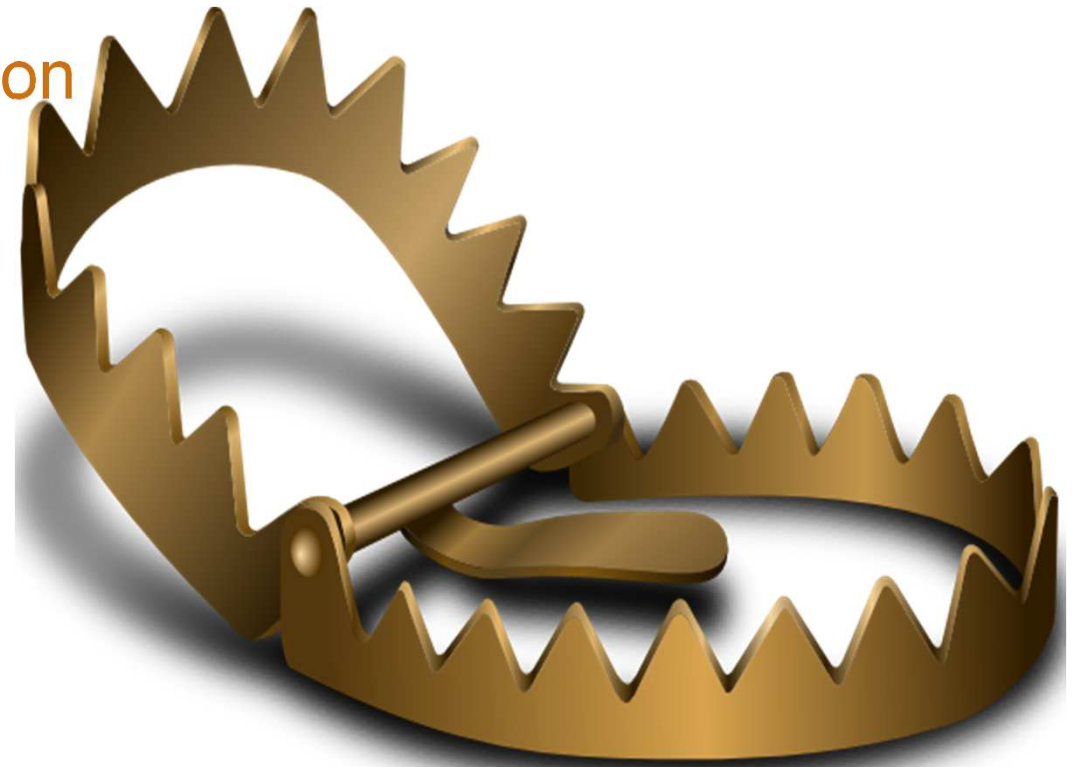
Litigation Resolution

- Formal Offers and Costs
- Judicial Dispute Resolution
- Difference between a “Discontinuance” and a “Dismissal Order”
- Multiple Proceedings
- Future Assistance



Statutory Claims

- Human Rights
- Employment Standards
- Workers Compensation and Occupational Health and Safety
- Privacy



Releases

- Only applies to matters relating to the dispute
- Contract – Must be Valid
- Comprehensive
 - Claim and 3rd Party Claims
 - Benefits
 - Statutory Claims
 - Employment Insurance
 - Future Litigation
 - Non-Disclosure and Confidentiality



Releases (cont.)

- Legal Advice
- Competence
- Affidavit of Execution
- Enforcement
 - Future Lawsuits
 - Human Rights
- Mutual Release and Settlement Agreements



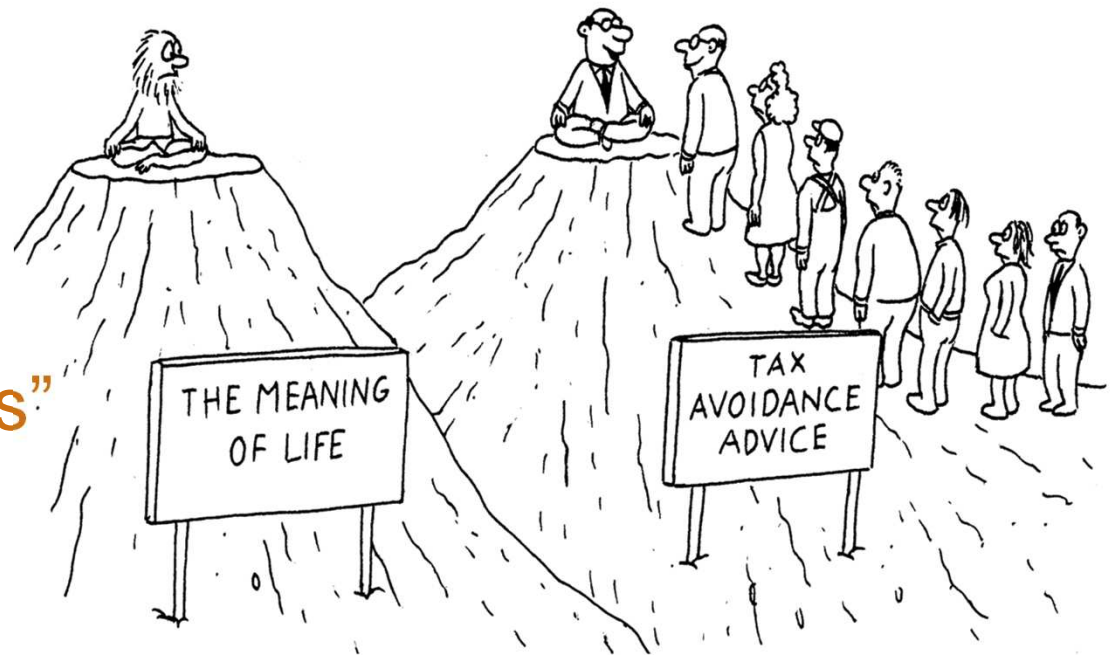
Statutory Deductions

- Income Taxes - 10% up to and including \$5000
 - 20% over \$5000 up to and including \$15,000
 - 30% over \$15,000
- Employment Insurance and Canada Pension Plan Premiums
- Employment Insurance Repayment Obligation



Structuring Payments

- Retiring Allowance RRSP Rollover
- RRSP Contribution
- Series Payments
- Payment of Legal Fees
- “General Damages”



Employment Contracts

- Create certainty
- Reduce dispute and litigation
- Must be valid
- Must be properly introduced
- May Require a Release
 - is there consideration?



Other Issues

- Bad Faith Dismissal
- Just Cause
- Sometime it just does not settle – be prepared

QUESTIONS



Thank you!

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