

Employment Law for Dentists



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HILL & McDOUGALL LLP/s.r.l.

Comply with the Employment Standards Act (Ontario) (“ESA”)

- Employee Records
- Payment of Wages
- Hours of Work
- Overtime Pay
- Vacation Leave and Pay
- Public Holiday Pay
- Leaves of Absence including Pregnancy & Parental Leave
- Notice of Termination & Severance Pay (where applicable)
- Investigations and Inspections

Avoid Constructive Dismissal

- Unilateral changes by the employer that are fundamental to the employment relationship (e.g. pay, hours of work, duties) may result in a constructive dismissal that entitles the employee to quit and claim damages for wrongful dismissal.

Avoid Wrongful Dismissal Actions

- Understand what is required for an employee to be terminated for cause and without notice.
- Understand that employees will normally be entitled to reasonable notice at common law for terminations without cause in amounts that greatly exceed the ESA minimums.
- Understand how to avoid the common law doctrine of reasonable notice by entering into a valid and enforceable written employment agreement.
- Seek the advice of a lawyer before hiring, firing, or changing your relationship with an employee.



Provide a Safe and Harassment Free Workplace

- Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Understand the Scope of the Duty to Accommodate

- An employee is entitled to equal treatment in employment unless
 - o the discrimination in employment is for reasons of age, sex, record of offences or marital status and such is a reasonable and bona fide qualification because of the nature of the employment; or
 - o the circumstances of the person cannot be accommodated without undue hardship, taking into account the cost and health and safety concerns of any required accommodation.

Familiarize Team with the Accessibility for Ontarians with Disabilities Act, 2005 (“AODA”)

- Provide training for employees on the Accessibility Standards for Customer Service.
- Know what is required under the Integrated Accessibility Standards Regulation (comprises standards on Information and Communications; Employment; Transportation; and Design of Public Spaces).



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Post Required Information in your Workplace

- “Health & Safety at Work: Prevention Starts Here”
- “What You Should Know About the Employment Standards Act, 2000”
- Occupational Health and Safety Act
- “In Case of Injury” (Form 82)

*These documents are available online or from ServiceOntario Publications.

Develop, Post, and Review Policies

- Health and Safety Policy
- Workplace Violence and Workplace Harassment Policies (exception for small workplaces with less than 6 workers)

Our Dental Law Team is available to answer any questions you have and to assist you in minimizing the risks identified above.



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