



MCLENNAN ROSS LLP  
LEGAL COUNSEL

**BUSINESS LINK PRESENTATION  
TUESDAY, OCTOBER 5, 2004  
EMPLOYER RIGHTS**

presented by  
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McLennan Ross LLP

**1. Union v. Non-union**

- (a) Unionized workplace governed by the Labour Relations Code and the Collective Agreement
- (b) Non-unionized workplace governed by the Employment Standards Code and Common Law

**2. Hiring**

- (a) Questions you can ask
  - Necessary personal information
  - Must be related to the skills and abilities required in the job
- (b) Questions you cannot ask
  - Irrelevant personal information
  - Discriminatory information
  - PIPA

**3. Pre-employment Drug Testing**

- (a) Safety Issues

**4. Medical Information**

- (a) Pre-existing conditions

**5. Employment Contracts**

- (a) Term of a Contract
  - Definite v. term
- (b) Terms and Conditions
  - Remuneration

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- Hours of work
- Duties
- (c) Restrictive Covenants
  - Non-competition
  - Non-solicitation
  - Confidentiality
- (d) Termination Clause
  - Limiting Severance
- (e) Implementing Contracts With Existing Employees

**6. Discipline**

- (a) Immediate Discharge
- (b) Progressive Discipline
- (c) Culminating Incident

**7. Attendance Management**

- (a) Chronic Absenteeism
- (b) Duty to Accommodate
- (c) Obtaining Medical Information

**8. Termination**

- (a) Cause v. Without Cause
- (b) Notice Period
- (c) Severance
- (d) Manner of Termination