



# Labour + Employment

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## Overview

Field Law represents clients in labour, employment, immigration, privacy, human rights and occupational health and safety matters in Western Canada. Small to mid-sized companies, large public sector clients, post-secondary institutions and professional associations facing unionized and non-unionized workforce challenges have relied on Field Law for more than a century. We also serve federal sector employers with operations primarily in Alberta, throughout the western provinces and parts of Ontario.

Field Law develops tailored solutions for virtually every organizational, policy and dispute issue that will impact your workforce, with a strong emphasis on the following:

- Access to Information and Privacy
- Collective Agreements
- Employee Discipline and Termination
- Employment Agreements and Recruitment
- Executive Compensation
- Human Resource Policies
- Human Rights Claims
- Grievance Arbitrations
- Medical and Parental Leave
- Non-Competition / Non-Solicitation Agreements
- Occupational Health and Safety (OHS)
- Compensation and Overtime Issues
- Workers' Compensation Appeals
- Wrongful Dismissal Litigation
- Workplace Investigations

We have extensive experience in assisting clients across numerous industries in a broad range of labour relations matters, including negotiating fair collective bargaining terms, interpreting existing collective agreements, forecasting and managing potential workforce challenges and navigating complex arbitration disputes. Our primary goal is to foster cohesive labour-management relationships that enable organizations to reach their goals unimpeded by avoidable conflict and risk.

In the contemporary work environment, employers must manage through sophisticated obstacles – economic downturns, harassment, management of sick leave and accommodation issues, medical marijuana in the workplace plus many more – and they turn to Field Law to develop proactive and cost-effective strategies that enable them to maintain an effective workforce while also minimizing risk. We create value for clients through seminars and training sessions featuring custom presentations on emerging trends and best practices, as well as annual reviews of critical legal developments.

## Industries

- Cannabis
- Construction
- Education
- Energy + Environment
- Health
- Labour + Employment
- Manufacturing
- Northern Canada
- Professional Regulatory
- Technology

## Services

- Human Rights
- Sexual Misconduct + Harassment
- Business Immigration
- Employment
- Pensions + Benefits
- Occupational Health + Safety
- Privacy

Our clients often encounter legal and business challenges that extend beyond our core labour and employment practice. To ensure all their diverse needs are satisfied, we also provide the following focused services:

- **Business Immigration**  
Our business immigration team provides the full range of immigration and visa services for companies with international operations or global mobility programs, as well as families and individuals. We develop cost-effective solutions for business visitors, work permits, permanent residence and citizenship in Canada.
- **Education**  
Our education law practice group is one of the largest in Alberta with deep experience in resolving labour relations matters concerning academic and non-academic staff, including discipline, grievances, human rights, disability management, collective bargaining and interest arbitration.
- **Occupational Health and Safety (OHS)**  
Field Law is one of the only firms in Western Canada that provides the complete range of OHS solutions to companies, executives and safety professionals in high-risk industries. Our services include due diligence program development, 24-hour emergency response, OHS compliance and regulatory action defence.
- **Pensions and Benefits**  
Our entire legal team – employment, trusts, tax, contracts, human rights, plus many more – collaborates with a vast network of non-legal financial and actuarial professionals to develop effective pensions and benefits plans and resolve related disputes.
- **Police Law**  
We advise major municipal and regional police services and police oversight bodies on new developments in police law and law-enforcement policy. We also represent them in disputes before all levels of Court, as well as LERB panels, labour arbitration boards and human rights tribunals.
- **Privacy**  
Our privacy law practice group provides a broad range of services to protect clients' interests and strengthen customer relationships. Our services include privacy regulatory compliance in both the public and private sectors, developing employee and customer information management policies, auditing or assisting with Canada's Anti-Spam Legislation (CASL) compliance, resolving disputes before courts and administrative agencies and conducting client training seminars on privacy trends and best practices.
- **Professional Regulatory**  
We advise numerous professional regulatory colleges and organizations on a wide range of matters, including governance, legislative reform, registration, continuing competence, discipline, unauthorized practice, privacy, litigation and best practices training.

## Experience

Gordon v. Aklavik (Hamlet), 1995 CanLII 3412 (NWT SC)

1536466 Alberta Ltd v Prestigious Properties Inc, 2017 ABQB 176

Mutch v Edmonton (Police Service), 2018 ABLERB 4

Concordia University of Edmonton v Concordia University College of Alberta, 2018 CanLII 12260 (AB GAA)

The Municipal Corporation of the City of Yellowknife and A.B. and The Northwest Territories Human Rights Commission, 2018 NWTSC 50

Sunshine Village Corporation v Chevalier, 2018 ABQB 484

Alberta v Alberta Union of Provincial Employees, 2018 ABQB 221

Blackbird v. Maskwacis Health Services, 2018 FC 239

Unifor, Local 777 v Alberta Teachers' Association, 2017 CanLII 9154 (AB GAA)

Edmonton Police Association v Edmonton (City), 2017 ABCA 355

Ashraf v. SNC Lavalin ATP Inc., 2017 ABCA 95

IJ v. Alberta (Law Enforcement Review Board), 2016 ABCA 234, Alberta Court of Appeal

Alberta v. Suncor Energy Inc, 2016 ABQB 264

GH v. Edmonton (Police Service), 2016 ABLERB 006, Alberta Law Enforcement Review Board

Buffalo Trail Public Schools Regional Division No 28 v. Alberta Teachers' Association, 2016 CanLII 85245 (AB GAA)

Echavarria v. The Chief of Police of the Edmonton Police Service, 2016 AHRC 005, Alberta Human Rights Commission

Engel v. Edmonton (Police Service)

Board of Trustees Edmonton School District No. 7 v Alberta Teachers' Association, 2015 CanLII 93831 (AB GAA)

Plato v. Canada (National Revenue), 2015 FCA 217

McCready v. Canada (Revenue Agency), 2015 FC 887

Andrews v. Canada (Attorney General), 2015 FC 780

Plato v. Canada (National Revenue), 2014 FC 1230

MacDonald v. Camrose (Police Service), 2014 ABLERB 055, Alberta Law Enforcement Review Board

Heidebrecht v. M.N.R., 2013 TCC 113

Plato v Canada Revenue Agency, 2013 FC 348

MacDonald v. Chief of Police, 2013 CanLII 27265 (AB LERB)

Lakic v. Canada (Attorney General), 2013 FCA 4

Jayman Masterbuilt Inc. (Re), 2011 CanLII 97926 (AB ESU)

Summit Care Corporation (Calgary) Ltd. And Alberta Union of Provincial Employees, Health Care and Service Employees Union (CLAC), [2009] Alta L.R.B.R. LD-14, Alberta Labour Relations Board

All Seniors Care Living Centres and Pevancie Group Staffing Ltd., Alberta Union of Provincial Employees, [2008] Alta L.R.B.R. LD 53, Alberta Labour Relations Award

Bethany Care Society and Alberta Union of Provincial Employees (Clarke Grievance), (2008) 97 C.L.A.S. 20 (Francis), Alberta Grievance Arbitration Award

Calgary Islamic School and The Alberta Teachers' Association, [2008] Alta. L.R.B.R. LD-8, Alberta Labour Relations Board

David Thompson Health Region (Alberta Hospital Ponoka) and Alberta Union of Provincial Employees (Makus Grievance), [2007] A.G.A.A. No. 59 (Tettensor), Alberta Grievance Arbitration Award

School Boards Employer Bargaining Authority v. The Alberta Teachers' Association, [2007] Alta. L.R.B.R. 240, Alberta Labour Relations Board

Weston Bakeries Limited and Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 252, [2006] Alta. L.R.B.R. LD-30, Alberta Labour Relations Board

Weston Bakeries Limited and Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 2 (Interpretation of COLA Clause), [2004] A.G.A.A. No. 20 (Elliott), Alberta Grievance Arbitration Award

Woods Homes and Canadian Union of Public Employees (McQueen Grievance), [2003] A.G.A.A. No. 28 (Smith), Alberta Grievance Arbitration Award

Burnco Rock Products Ltd. and General Teamsters, Local 362 (Beaton Grievance), [2002] A.G.A.A. No. 99 (Moreau), Alberta Grievance Arbitration Award

Graham Construction and Engineering (1985) Ltd. And United Brotherhood of Carpenters and Joiners of America, Local No. 1325, [2001] Alta. L.R.B.R. 10, Alberta Labour Relations Board

Relizon Canada Inc. and Communications, Energy and Paper Workers Union of Canada, Local 746, [2001] Alta. L.R.B.R. LD-49, Alberta Labour Relations Board

Alberta Ballet Company and Canadian Actors' Equity Association, [2000] Alta. L.R.B.R. LD-23, Alberta Labour Relations Board

Alberta Teachers' Assn. v. Moreau, [1999] A.J. No. 435, ABCA 128, Alberta Court of Appeal

Avis Car Inc. and United Food and Commercial Workers, Local 401 (Villaverde Grievance), [1999] A.G.A.A. No. 59 (Jones), Alberta Grievance Arbitration Award

Calgary Roman Catholic Separate School District No. 1 and the Alberta Teachers' Association, [1999] Alta. L.R.B.R. LD-82, Alberta Labour Relations Board

Dynamex Canada Inc. and Miscellaneous Employees, Teamsters Local Union 987, [1999] Alta. L.R.B.R. LD-14, Alberta Labour Relations Board

Dynamex Canada Inc. and Miscellaneous Employees, Teamsters Local Union 987, [1998] Alta. L.R.B.R. LD-5, Alberta Labour Relations Board

Dynamex Canada Inc. and Miscellaneous Employees, Teamsters Local Union 987, [1998] Alta. L.R.B.R. LD-6, Alberta Labour Relations Board

Dynamex Canada Inc. and Miscellaneous Employees, Teamsters Local Union 987, [1998] Alta. L.R.B.R. LD-10, Alberta Labour Relations Board

Dynamex Canada Inc. and Miscellaneous Employees, Teamsters Local Union 987, [1998] Alta. L.R.B.R. LD-14, Alberta Labour Relations Board

Sturgeon School Division No. 24 v. Rear, 1998 ABCA 293, Alberta Court of Appeal

Alberta Teachers' Assn. v. Moreau, [1997] A.J. No. 540, Alberta Court of Queen's Bench

Landry v. Holy Spirit Roman Catholic Separate School Division No. 4, [1997] A.J. No. 1091, Alberta Court of Appeal

Alberta Teachers' Assn. v. Calgary School District No. 19, [1996] A.J. No. 867, Alberta Court of Queen's Bench

Hempel v. Canada (Attorney General), [1996] F.C.J. No. 652, Federal Court of Appeal

Master Mechanical Plumbing & Heating (1986) Ltd. And United Association of Journeymen and Apprentices of Plumbers and Pipefitting Industry of the United States and Canada, Local Union No. 496, [1997] Alta. L.R.B.R. LD-31, Alberta Labour Relations Board

R. v. Collins, [1996] A.J. No. 1045, Alberta Provincial Court

Re Calgary Roman Catholic Separate School District No. 1 (MacDonald Grievance), (1996) 68 L.A.C. (4th) 1 (Sims), Alberta Grievance Arbitration Award

Moore and Saddle Lake Education Authority, [1995] C.L.A.D. No. 547 (Anderson), Canada Labour Code Adjudicator

Re Board of Trustees of Calgary Board of Education (Insurance Policy Grievance), [1995] Alta. G.A.A. 95-091 (Hawco), Alberta Grievance Arbitration Award

Re Board of Trustees of Calgary Board of Education (Aizenman Grievance), (1994) 46 L.A.C. (4th) 353. (Moreau), Alberta Grievance Arbitration Award

Yagos v. Crowsnest Pass School Division No. 63, [1994] A.J. No. 379, 19 Alta. L.R. (3d) 287(Q.B. Bd of Ref), Alberta Court of Queen's Bench

Dant Industries Limited, [1988] OLRB Rep. November 1149, Ontario Labour Relations Board

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## News + Views + Events

### Winter 2019

#### 2018 A Year in Review Seminar Series

### February 2019

#### Squaring the Circle or Levelling the Playing Field? Alberta's New OHS Regime

### February 2019

#### The #metoo Movement and Interim Measures

### February 6, 2019

#### 2018 Year in Review for Northern Employers

January 2019

#metoo - What's an Employer To Do and Not To Do?

## Helpful Links

- [Alberta Human Rights and Citizenship Commission Confidential Inquiry Line](#)
- [Alberta Labour Relations Board](#)
- [Occupational Health and Safety](#)
- [Alberta Learning Information Service \(ALIS\)](#)
- [Office of the Information and Privacy Commissioner](#)
- [Workers Compensation Board](#)
- [Employment Standards](#)
- [Service Canada](#)
- [Canada Revenue Agency](#)
  - [Federal and Provincial Tax Deductions](#)

## Client Stories

**Our client:** A large, federally-regulated employer, with a major, national operation and a nonunion workforce.

- **Where we began:** The company purchased a unionized operation and needed help integrating the two operations. As Frank put it, *"Our client wanted to realize the efficiencies of merging into one, non-union location while recognizing the rights of the union employees. First, however, we needed to assess the legal issues and the scope of the unionized workers' rights."*
- **Our approach:** In collaboration with the client, we decided to keep the unionized group initially separate. *"This allowed the client time to sort out the complicated issues and scenarios involved including the impact on the client's national operations and to negotiate with the union."*
- **The result:** The client expects a settlement that includes removal of some union job categories, subject to the agreement's approval by the Canada Industrial Relations Board.

### Client focused results

An employee was terminated after 17 years of service and offered six months' severance. The client initially came to Taylor to review a severance package before signing anything.

In an attempt to resolve the issue quickly and without litigation, Taylor began by sending a demand letter to the employer outlining the client's proper entitlements in law. The client was dissatisfied by the employer's response to the letter and started a lawsuit against the employer. Taylor brought an application for summary judgment (meaning a determination of the merits of the case without need for a full trial).

Taylor's application was successful. The client was awarded double what was originally offered by the employer, 12 months of pay in lieu of notice, with a small deduction of two weeks of wages earned in his new job. The client was also reimbursed for 11.5 months of extended healthcare benefits and awarded legal costs.

The client was thrilled with the outcome and was particularly happy to avoid the need for and delay in waiting for a trial. By working closely with the client from the outset, Taylor was able to craft the case she argued and adapt the strategy to suit the client's appetite for litigation. Ultimately, Taylor effectively used the *Rules of Court* to provide a cost and time efficient resolution for the client.

### Assisting a client with a complex grievances case

An employer was facing numerous grievances in relation to a single employee. The case was very complicated because of the high number of grievances, documents and witnesses. The case proceeded to arbitration, however, due to the effectiveness of the way Leanne helped present the employer's case, the union ultimately withdrew the grievances. Leanne was successful because she advocated strongly on behalf of her client but maintained a respectful and collaborative relationship with the union throughout.

## Featured News

March 2018

[CIP Society Symposium 2018](#)