

& means advantage

&> The ampersand has become a very important symbol for us at Harris & Company. Among many things, it embodies collaboration, value and balance. In the case of litigation services, it stands for advantage. Whether it's designing strategy, navigating through complex negotiations, or creating effective and decisive action in litigation, we deliver inspired, results-oriented solutions.



consider fully, act decisively

We are about action, not reaction. We take a wide view and consider all eventualities. Once we fully understand all aspects of the challenge, we commit to bringing swift resolution.

LITIGATION SERVICES

ADVICE AND REPRESENTATION WHEN THINGS DON'T WORK

The litigation group at Harris & Company is made up of partners, associate lawyers and experienced legal assistants. Our team has an excellent blend of experience, expertise and enthusiasm.

We understand that litigation is often the last step and we will help each client examine possible preventive and cost-effective alternatives such as negotiation, mediation and arbitration.

When litigation is necessary, we provide strong and decisive advocacy.

WE HAVE REPRESENTED CLIENTS IN MANY DIVERSE AREAS:

→ **WRONGFUL DISMISSAL** prosecuting and defending contract and tort claims, such as matters involving reasonable notice, just cause and damage assessments

→ **POST-EMPLOYMENT COMPETITION DISPUTES** enforcing fiduciary and good faith duties, and litigating restrictive covenants and confidentiality agreements

→ **INJUNCTIONS** unlawful picketing activity, recovering intellectual and physical property, and contempt applications

→ **JUDICIAL REVIEW OF TRIBUNAL DECISIONS** including arbitration awards, Labour Relations Board decisions, human rights decisions, employment standards decisions, Workers Compensation Board decisions, privacy decisions and professional tribunal decisions (school boards, colleges, societies, self-regulating bodies)

→ **APPELLATE WORK** appeals of Supreme Court and Court of Appeal decisions, arbitration awards, constitutional and Charter cases

→ **PENSION ADMINISTRATION** disputes involving shortages and surpluses, failure to remit, and breach of fiduciary duty

→ **DISABILITY PLAN ADMINISTRATION** disputes regarding overpayment of benefits, coverage and denial of claims

LITIGATION SOLUTIONS

1.

tactical

We were retained to defend a wrongful dismissal action involving a claim for over \$1 million in damages. We were successful in having the action dismissed based both on the plaintiff's ultimatum to his employer (which amounted to a resignation) and his professional misconduct. The Court also awarded our client judgment for \$30,000 on its counterclaim due to the plaintiff's breach of his post-employment obligations to the employer. In the reasons for judgment, the Court noted that the judge did not believe the plaintiff's evidence, due in part to our effective cross-examination of the plaintiff during trial.

2.

pre-emptive

A Director was terminated by his employer for using company resources to operate another business for personal profit without fully disclosing his involvement in the business to the employer. Before both the Supreme Court and Court of Appeal, we were successful in having the employee's lawsuit against the employer dismissed.

3.

swift

A large public sector union disobeyed back to work legislation. Within 24 hours, we obtained a Court Order requiring the union members to return to work. The union refused to comply with the Court Order and within 48 hours and over a weekend, we had a hearing before a judge who found the union in contempt of Court.

4.

disarming

An international public company was in the midst of a reorganization and had prepared a list of employees to be dismissed. The list was acquired by an employee who distributed it without authorization. In less than one day, we went to court and obtained an Anton Pillar Order which authorized a search of the employee's home and computer. By recovering and preventing the wider release of the confidential list, the company avoided an employee relations crisis as well as a potential public relations nightmare.

5.

committed

A union appealed an Arbitrator's decision which had found that requiring a teacher to undergo a psychiatric assessment before allowing her to continue employment was not a breach of the *Charter of Rights*. Our litigation team was successful in having the union's appeal dismissed when the Court of Appeal accepted our argument that the *Charter of Rights* was not applicable to employment situations. The union sought leave to appeal to the Supreme Court of Canada and we were successful in having the Supreme Court of Canada dismiss the union's application for leave for appeal.

A black and white photograph of a person sitting in a meditative pose on a large rock in a river. The person is wearing a white long-sleeved shirt and pants, with their back to the camera. The river is calm, reflecting the surrounding rocky banks. The scene is serene and contemplative.

mind like water

We are nimble and flexible. We adapt quickly to the unexpected and to changing circumstances. Clear of all distractions, we will navigate the smoothest and most efficient path around obstacles to reach your goal.

EMPLOYMENT LAW SERVICES

We do more than just respond to discrete litigation issues faced by our clients. An integral part of our role is to assist our clients in avoiding litigation where possible. This can help our clients be pro-active rather than simply reactive. Thus, in addition to litigation, we also offer a broad range of employment law services, including:

- **EMPLOYMENT POLICIES** preparing and advising on policies in such areas as conflict of interest, privacy, confidentiality, email communication and harassment

- **PRE-TERMINATION ISSUES** advising employers on each step in the process of preparing for and conducting an employee dismissal

- **SEVERANCE PACKAGES** advising on the amount of severance or reasonable notice and assistance in preparing letters of termination and designing severance packages

- **EXECUTIVE COMPENSATION** negotiating and interpreting employment contracts between employers and senior executives

- **DISABILITY PLAN ADMINISTRATION** including disputes regarding overpayment of benefits, coverage and denial of claims

→ **WHISTLE-BLOWER ACTIVITIES** including employer rights and responses to whistle-blower incidents and developing policies governing employee conduct and disclosure of confidential information

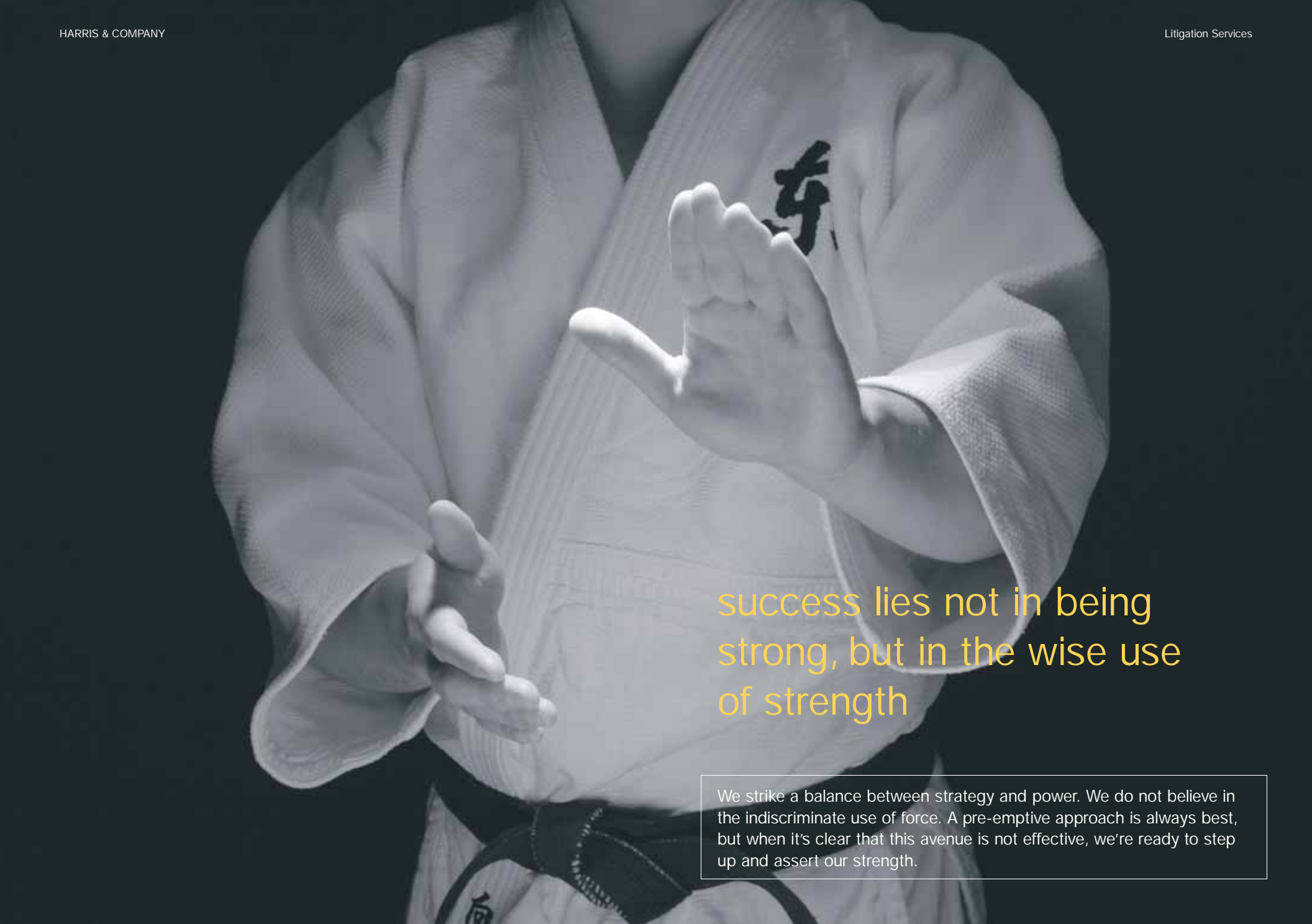
→ **BUSINESS IMMIGRATION** involving securing employee entry into Canada to work at Canadian operations of multi-national public and private companies

→ **EMPLOYMENT CONTRACTS** preparing, advising on, negotiating and implementing employment contracts and assisting with the interpretation and monitoring of employment contracts

→ **OUTSOURCING ISSUES** involving the transfer of employees from employer responsibility to the outsourcing contractor

→ **INVESTIGATION OF EMPLOYEE CONDUCT** policy enforcement involving and investigating employee misconduct, substance abuse, fraudulent activities, workplace violence, and misuse of company property and equipment

→ **MERGERS AND ACQUISITIONS** advising purchasers and vendors on all employment issues in the context of purchases and sales of businesses, including employment standards legislation, common law rights and human rights issues

A person wearing a white martial arts gi (karate uniform) with a black belt. The gi has a black Japanese character on the chest. The person's hands are in a specific gesture, with the right hand open and palm facing forward, and the left hand partially visible. The background is dark.

success lies not in being
strong, but in the wise use
of strength

We strike a balance between strategy and power. We do not believe in the indiscriminate use of force. A pre-emptive approach is always best, but when it's clear that this avenue is not effective, we're ready to step up and assert our strength.

DUALITY OF APPROACH, ONE FIRM

Strategic & Creative. Both are powerful, both provide advantage. If you find them together in one firm, you can turn advantage into success.

At Harris & Company, we've got it and we get it. We've got that enviable combination of knowledge and ingenuity, blending the power of left and right brain thinking for our clients' benefit. We also know labour and employment law. The subtleties, the navigation, the persuasion. We just get it.

We're not "jacks of all trades". We practise labour and employment law. Harris & Company brings a passion and vigour to these disciplines which further enhances your advantage, whether in or out of Court. Supporting our lawyers is a research and technological framework which provides cutting-edge information on a daily basis. Our website harrisco.com offers our clients the benefit of our rich information base and can be accessed for up-to-date summaries and case studies.

We are Western Canada's largest employment and labour law group. Our clients range from large international companies with multiple locations, to independent local businesses, to public sector organizations. Our reputation has been built on a deep understanding of employment, administrative and labour law issues, across a sweeping spectrum of organizations and industries. This depth of experience empowers our legal team to think outside of the box, finding sound, thoughtful and innovative ways to achieve success and satisfaction for our clients. Our culture has evolved organically through respect, collaboration and hard work. The warmth and regard we share with each other creates the genuine, collegial atmosphere experienced by our clients. In the practice of litigation, nothing is achieved alone; success requires teamwork and partnership. Here is where we find inspired solutions. Here is where we find our advantage.



inspired solutions

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