

André R. Nowakowski

Partner

Toronto

OFFICE

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Industries & Expertise

INDUSTRIES

Health | Charity & Not-For-Profit | Hospitality |
Manufacturing

EXPERTISE

Labour & Employment

Biography

BAR ADMISSION

Ontario, 2000

EDUCATION

- LL.B., Queen's University, 1998
- B.A. (Hons) Political Studies and History, Queen's University, 1994

LANGUAGES SPOKEN

English

André Nowakowski is an experienced lawyer who provides seasoned advice to assist unionized and non-unionized organizations with their labour and employment needs. He is also one of Miller Thomson's leading sports and entertainment law experts. André provides practical, strategic, and proactive labour and

employment advice to employers in various industries and sectors. He has extensive experience in advising and representing private and broader public sector employers on a wide range of matters, including union organizing drives, collective bargaining, arbitrations, human rights, and employment standards.

André has presented and written on a wide range of topics such as labour relations, union organizing drives, collective bargaining, human rights, employment standards, pay equity, and workplace safety and insurance. In addition his labour and employment practice, André acts as counsel to National Hockey League clubs in salary arbitration disputes with their players. He has been recognized by esteemed industry directories and has various professional memberships.

Outside of the practice of law, André has enjoyed coaching minor sports (now just cheering as a proud parent) and is a Board member of a minor hockey association. He also participates in charitable events.

Industry involvement

Recognition

- *The Best Lawyers in Canada* – Labour and Employment Law, 2019 – 2025
- Canadian Legal Lexpert Directory, Labour Relations, 2022

Thought leadership

Presentations

- Panelist, Ontario Bar Association's "Emerging and Key Legal Issues in Sports" Panel, February 13, 2024
- Co-presenter, "Psychological Wellness and Diversity, Equity, and Inclusion (DEI) in the Municipal Workplace", Webinar for the Ontario Municipal Human Resources Association, November 21, 2023
- Co-presenter, "Swiss Roboclette & the Legal Implications of Artificial Intelligence", Swiss Canadian Chamber of Commerce, September 14, 2023
- Speaker, "Federal Pay Equity is Coming: What You Need to Know", Private Motor Truck Council of Canada, May 24, 2023
- Panelist, Queen's University Law School Sports and Entertainment Law Symposium, March 28, 2023
- Guest Arbitrator at the Annual Hockey Arbitration Competition of Canada hosted by the University of Toronto Sports and Entertainment Law Society (2012-2023)
- Co-presenter, "Looking After Your Employees' Physical Health: Update on occupational health and safety and workers' compensation issues, including vaccination policies", Miller Thomson Labour & Employment Client Conference, November 3, 2022
- Co-presenter, "Want to Join the Negotiating Table?", Ontario Municipal Human Resources Association Symposium, February 26, 2021

- Co-presenter, “Labour in the Time of Covid (with apologies to Gabriel Garcia Márquez): The Latest Labour Cases of Interest”, Miller Thomson Labour Relations and Employment Law Virtual Client Seminar, December 3, 2020
- Panelist Speaker, Osgoode Hall Entertainment and Sports Law Conference, March 9, 2020
- Presenter, “Up in Smoke: Marijuana in the Workplace”, Miller Thomson, Coffee Talk: A Health Seminar, March 21, 2018
- Presenter, “The Winds of Change: Amendments to the *Employment Standards Act, 2000* and the *Labour Relations Act*”, Miller Thomson Corporate Counsel Series 2017, Toronto, December 20, 2017
- Presenter, “The Winds of Change: Coming Changes to the *Employment Standards Act* and the *Labour Relations Act*”, Miller Thomson, Coffee Talk: A Health Seminar, September 13, 2017
- Presenter, “It’s About Time!: Drafting collective agreement language on scheduling, hours of work, and overtime”, Lancaster House audio conference, May 4, 2017
- Co-presenter, “Money Talks: Let’s Discuss Pensions and Executive Compensation”, Miller Thomson’s 2017 Labour Relations & Employment Law Conference, April 6, 2017
- Co-presenter, “Labour Pains?”, Miller Thomson’s 2017 Labour Relations & Employment Law Conference, April 6, 2017
- Presenter, “Reorganization & Integration – Labour and Employment Implications”, Miller Thomson, Coffee Talk: A Health Seminar, February 3, 2016
- Presenter, “Emerging Risks in Long-Term Care”, Miller Thomson and HUB International Limited co-hosted an invitational roundtable on January 27, 2016.
- Presenter, “Managing the Termination Process” at Industrial Relations, Trade Unions and the Law 2015, The Commons Institute, October 29, 2015
- Presenter, “How Do We Get There From Here?: A Practical Look at Collective Bargaining”, Applied Civil and Labour Law for Law Enforcement course, Conestoga College (2011-2015)
- Presenter, “Hiring and Firing – Best Practices/Do’s & Don’ts” and “*Employment Standards Act, 2000* Update on Bill 18?”, for the Excellence in Manufacturing Consortium Strategic Interest Group – Burlington/Oakville (February 17, 2015), Mississauga/Brampton (May 28, 2015), Barrie (June 4, 2015), and GTA/York (June 24, 2015)
- Presenter, “Social Media in the Workplace” at the Employment Law Conference for the Durham Chapter of the Human Resources Professionals Association on June 12, 2015
- Panelist on Plenary Panel, Third Annual Hockey Arbitration Competition of Canada at the University of Toronto Sports and Entertainment Law Society, Toronto, October 25, 2014
- “*Workplace Safety and Insurance Act*”, Toronto Construction Association, Toronto, October 22, 2014
- Co-presenter, “Labour Arbitration Trends”, Miller Thomson’s Labour Relations and Employment Law Conference, Toronto, April 24, 2014
- Presenter, “Duelling Regimes: Workplace Safety and Insurance Act vs. Human Rights Code? and Bill 168 Update”, Miller Thomson’s Labour Relations and Employment Law Conference, Toronto, April 24, 2014

- Co-presenter in a panel discussion on “What’s New in Legal?” at the Retail Council of Canada’s Human Resources Conference, Apr 1- 2, 2014
- Co-presenter, “Labour & Employment Due Diligence in Transactions”, Canadian Bar Association Skilled Lawyer Series III, Toronto, February 28, 2013
- “Strategies for Effectively Managing Employment Standards and Labour Relations in an Environment of Fiscal Restraint”, Canadian Institute’s 9th Annual Forum on Crown Corporate Governance, Ottawa, January 30, 2013
- “Juggling Act: Managing WSIB and Human Rights Simultaneously; and Update on Work Reintegration Process”, Miller Thomson’s Labour Relations & Employment Law Conference, Toronto, November 8, 2012
- “Managing the Absent Employee: Strategies for Implementing Enforceable Absenteeism Programmes”, Miller Thomson’s Labour Relations & Employment Law Conference, Toronto, November 8, 2012
- “Operating in an Age of Restraint”, presented with Laura Cassiani, Miller Thomson, Coffee Talk: A Health Seminar, September 19, 2012
- “An Economy in Flux: Layoffs, Terminations, and Mass Terminations”, Canadian Corporate Counsel Association, November 8, 2007

Editorial Contributions

- Quoted in “Ottawa launches consultations on use of replacement workers, maintenance of activities”, The Lawyer’s Daily, October 20, 2022
- Quoted in “*Without-cause provisions in peril after court decision*”, Canadian HR Reporter, October 12, 2020
- Quoted in “*Legal teamwork helps score \$30-million settlement in junior hockey class actions*”, The Lawyer’s Daily, May 26, 2020
- Mentioned in “*Third Annual Hockey Arbitration Competition of Canada a success*”, Canadian Lawyer, November 2014
- Quoted in “*He moots, he scores in hockey arbitration*”, The Lawyers Weekly, November 2014
- Quoted in “*What to expect when your employee’s expecting*”, Benefits Canada, March 2011
- Quoted in “*How to Legal Proof Labour Law in Recessionary Times*”, Canadian Lawyer, May 2009

Publications

- Author, “Respectful Work environments In The Evolving Digital Age”, Municipal World, March 2024
- Ontario Court of Appeal: Bill 124 unconstitutional for employees represented by unions; valid for non-represented employee, Labour and Employment Communiqué, February 13, 2024
- Workplace Restoration: A Proactive Approach, Ontario Municipal Human Resources Association Newsletter, December 2023
- Workplace Culture: The Importance of Addressing Bias and Toxic Employees in the Performance Evaluation Process, Ontario Municipal Human Resources Association Newsletter, September 2023

- Vaccinations in Elite Sports, Question and Answer section on Canada and North America, Multilaw, January 26, 2022
- Some good news for employers: Expanded and extended Canada Emergency Wage Subsidy, Labour and Employment Communiqué, July 21, 2020
- Startling new case on termination clauses: *Waksdale v. Swegon North America*, Labour and Employment Communiqué, July 7, 2020
- Significant Amendments to *Public Sector Labour Relations Transition Act, 1997* Receive Royal Assent with Ontario Budget, Labour and Employment Communiqué, May 30, 2019
- An Eye on the Taxpayer, Part VI: Public Purse Challenges Persist, Labour and Employment Blog, March 3, 2016
- Termination Clauses and Continuation of Benefits: A Warning and Reminder for Employers in Ontario, Labour and Employment Communiqué, August 18, 2015
- Key Changes to the *Employment Standards Act, 2000* and Other Employment Statutes, Charities and Not-for-Profit Newsletter, February 27, 2015
- A Review of Ontario Legislation that Expands Employer Accountability – Bill 18, *Stronger Workplace for a Stronger Economy Act, 2014*, Has Received Royal Assent, Labour and Employment Communiqué, January 16, 2015
- *Broader Public Sector Accountability* Bill Receives Royal Assent, Health Communiqué, January 16, 2015
- The Executive Compensation Act and Ombudsman Act are Coming to Education, Education Law Newsletter, December 2014
- Bill 8 Proposes to Limit Executive Compensation for Certain Broader Public Sector Organizations, Charities and Not-for-Profit Newsletter, November 2014
- Public Consultation Scheduled for Broader Public Sector Accountability Bill, Health Communiqué, November 21, 2014
- Broader Public Sector Accountability Bill Re-introduced, Labour and Employment Communiqué, July 31, 2014 and Health Communiqué, July 17, 2014
- Ontario Proposes Sweeping Changes for Broader Public Sector Accountability, Labour and Employment Communiqué and Health Communiqué, March 28, 2014
- Broader Public Sector Accountability Measures En Route, Miller Thomson Canadian Labour and Employment Communiqué Blog March 7, 2014; Health Communiqué and Education Law Newsletter, March 10, 2014
- “An Eye on Collective Bargaining and the Taxpayer, Part 3: An Update”, Miller Thomson Canadian Labour and Employment Blog on February 5, 2014
- Expanding Employer Accountability in Ontario – Bill 146, Labour and Employment Communiqué, December 2013
- Refresher on Bill 55 Amendments to the *Broader Public Sector Accountability Act, 2010*, Labour and Employment Communiqué and Health Communiqué, October 10, 2012

- More Freezes Coming in the Public Sector: Province Issues Draft *Protecting Public Services Act*, 2012, Labour and Employment Communiqué, September 27, 2012 and Health Communiqué, September 28, 2012
- An Eye on Collective Bargaining and the Taxpayer, Part 2: Back to School?, Canadian Labour & Employment Law Blog, 2012
- An Eye on Collective Bargaining and the Taxpayer, Canadian Labour & Employment Law Blog, 2012
- Do Employees Have Privacy Rights on Their Employers' Computers?, Labour and Employment Communiqué, March 29, 2011 and Charities and Not-for-Profit Newsletter, May 2011
- Turbulent Times: Managing Employee Layoffs, Terminations, and Other Cost Reduction Strategies, Charities and Not-for-Profit Newsletter, August 2009
- New Laws For "Elect To Work" Employees and Proposed Changes For Temporary Employees, Labour and Employment Communiqué, December 18, 2008
- What If An Employment Standards Officer Came Knocking?, Charities and Not-for-Profit Newsletter, December 2008
- Hours of Work and Other ESA Amendments Still Not Law, Labour and Employment Communiqué, November 10, 2004

Corporate directorships

- Member, Board of Directors, North Toronto Hockey Association
- Past Member, Board of Directors of a Not-For-Profit agency

Memberships & affiliations

- Law Society of Ontario
- Canadian Bar Association, Labour Law Section
- Swiss Canadian Chamber of Commerce
- Sports Lawyers Association