

# Lisa Goodfellow

## Partner

**Toronto**

**OFFICE**

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## Industries & Expertise

**INDUSTRIES**

Mining | Transportation & Logistics | Social Impact | Retail | Hospitality | Health | Energy & Natural Resources | Agribusiness & Food Production

**EXPERTISE**

Pensions, Benefits & Executive Compensation | Human Rights

## Biography

**BAR ADMISSION**

Ontario, 1993

**EDUCATION**

- LL.B., Western University, 1991
- B.A. (Honours), University of Toronto, 1988

**LANGUAGES SPOKEN**

English

Lisa Goodfellow is a trusted adviser to employers on a wide range of human resources matters, including wrongful dismissal actions, human rights and accommodation issues, attendance management, employment

standards, employment aspects of mergers and acquisitions, certification applications, collective bargaining, unfair labour practice complaints, grievance arbitrations, management training, non-competition and non-solicitation obligations, injunctions, and protection of proprietary information. She also conducts and advises on workplace investigations.

## Industry involvement

### Recognition

- *The Best Lawyers in Canada* – Labour and Employment Law, 2021-2024
- *Chambers Canada*, Employment and Labour, 2021-2024
- *The Canadian Legal Expert Directory* – Employment Law, 2020 – 2024
- Benchmark Canada, Litigation Star, 2024
- Instructor, Osgoode Hall Law School, Professional Development, Certificate in HR Law for HR Professionals
- Instructor, University of Guelph, Negotiations and Contract Administration
- Frequent author and lecturer on labour and employment topics in Canada and the United States

### Thought leadership

#### Presentations

- Moderator, “Understanding the legal implications of mental wellbeing in the workplace”, Employment Law Masterclass, September 7, 2023
- Presenter, “Breaking the Silence: Addressing the men’s mental health crisis at work”, Lancaster House’s 2023 Summer Webinar Series, July 4, 2023
- Presenter, “Canadian Lawyer’s Employment Law Masterclass”, April 25, 2023
- Presenter, “how to create effective employment contracts that protect your company’s resources and future business prospects”, September 29, 2021
- Presenter, “Work from Home – Doing it Right: Policies and Legal Considerations for the New Normal”, West Toronto Chapter of the HRP, May 12, 2021
- Co-presenter, “Employee Benefits in the New Era”, HRP Peel Chapter webinar, March 24, 2021
- Presenter, “Issues with IC and employment issues in Canada which impact the transportation industry”, Transportation Lawyers’ Association Chicago Regional Seminar and Bootcamp, January 24, 2020
- Presenter, “Coping with Crisis: Responding to mental health emergencies in the workplace”, Lancaster House Conference, October 24, 2019
- Presenter, “Independent Contractors: the Shifting Legal Landscape”, Association of Transportation Law Professionals 90th Annual Meeting, June 10, 2019

- Co-presenter, “OHSA and Workplace Investigations: What You Need to Know”, Miller Thomson’s 2017 Labour Relations & Employment Law Conference, April 6, 2017
- “Terminating the Employment Relationship: Minimizing Your Legal Exposure,” Osgoode Certificate in HR Law for HR Professionals, Toronto, 2011, 2012, 2013, 2014, 2015, 2016
- Presenter, “Canada’s Aging Workforce: Issues and Approaches for Dealing with Aging Employees,” Portfolio Managers Association of Canada, Toronto, February 17, 2015
- Senior Practitioners Panel, HRPALaw Conference, Toronto, October 22, 2014
- Presenter, “Managing the Absent Employee,” Miller Thomson’s Labour Relations and Employment Law Conference, Toronto, April 24, 2014
- Co-presenter, “Top Ten Employment Cases,” Miller Thomson’s Labour Relations and Employment Law Conference, Toronto, April 24, 2014
- Co-presenter, panel discussion, “What’s New in Legal?” Retail Council of Canada’s HR Conference, Apr 1- 2, 2014
- “The Six-Minute Employment Lawyer 2014,” hosted by The Law Society of Ontario
- “Drug and Alcohol Testing in the Workplace,” Chatham-Kent, HRPALaw, 2013
- “Managing employees in the twitter era,” Miller Thomson Labour Relations and Employment Law Conference, 2011
- “Conducting Workplace Investigations,” HR/Legal Professional Development 2012
- “Changes to Court Procedures: Will You be Facing More Litigation?” FMC Employment & Labour Law Update, Toronto, October 20, 2009
- “Employment Agreements,” 2009 Negotiating and Drafting Major Business Agreements Conference, Toronto, February 2-3, 2009
- “Get your Shots: How to Immunize Yourself Against Liability Using Employment Contracts,” FMC Employment & Labour Law Update, Toronto, October 15, 2008
- “Facing up to Facebook in the Workplace,” The Law Society of Ontario, Six Minute Labour Lawyer Conference, June 19, 2008
- “Canadian Employment Law,” Doing Business in Canada, Lorman Business Seminars, Buffalo NY, 2008 and 2009
- Moderator, “Social Networking Websites—Challenges for the Workplace,” The Law Society of Ontario, CLE Teleseminar, 2008 and 2009
- “Termination of Employment and Innocent Absenteeism,” HRPALaw, Chatham-Kent Chapter
- Commentary in “Marketing Tool or Time Waster?” by Heather Campannelli, *Canadian Lawyer*, November/December 2007
- “Preparing for a Workplace Pandemic: Have the Disaster Plan in Place Before the Disaster Happens,” FMC Client Seminar
- “Social Host Liability: The Zoe Childs Decision,” CTV Newsnet Evening News

- “Overtime Rules Exemptions,” Lorman Business Seminars
- “Bill 211: Eliminating Mandatory Retirement,” Osgoode Hall Law School CLE Program
- “Labour Law 101,” Doing Business in Canada: Issues Across the Border, Lorman Business Seminars
- “Employee Terminations: Minimizing the Risk of Wrongful and Unjust Dismissal Claims,” Absenteeism Management, Infonex
- “Canadian Employment Law: Obligations on Termination of Employment,” Doing Business in Canada: Issues Across the Border, Lorman Business Seminars
- “NAFTA Business Immigration,” Doing Business in Canada: Issues Across the Border, Lorman Business Seminars
- “A Canadian Human Rights Law Primer,” Doing Business in Canada: Issues Across the Border, Lorman Business Seminars
- “Independent Contractors: Statutory Duties and the Employment Trap,” Minimizing Liability with Independent Contractors, Infonex
- “Employee Terminations: The Employer’s Rights and Responsibilities,” Infonex
- “When Termination is Unavoidable: Most Effective Ways to Discipline or Terminate Employees,” Human Resources Law for Aboriginal Employers, Infonex
- “Cabotage and Immigration Issues for Drivers,” 2nd Annual Transportation Safety and Regulatory Compliance Seminar, Infonex
- “Determining Which Jurisdictional Standards take Precedence, and When,” Critical Issues for First Nation Employers, Infonex
- “The Latest on Just Cause and Reasonable Notice,” Keeping Your Edge: Current Issues for Managing People, FMC Client Seminar
- “Drug and Alcohol Testing,” Workplace Privacy Issues, FMC Client Seminar
- “The Canada Labour Code: Key Areas of Interest for Federally-Regulated Employers,” FMC National Client Seminar
- “The Duty to Accommodate and Undue Hardship: Where is the Limit?” FMC National Client Seminar

## **Publications**

- “Federal Government implements increase to maximum subsidy rate under Canada Emergency Wage Subsidy (CEWS),” Labour and Employment Communiqué, December 22, 2020
- “Ontario extends temporary layoff provisions and IDEL to July 3, 2021”, Labour and Employment Communiqué, December 18, 2020
- “Drivers Inc: Classification issues in transportation”, Transportation & Logistics Communiqué, December 8, 2020
- “COVID-19 restrictions reinstated or implemented across the country”, Labour and Employment Communiqué, November 27, 2020

- “Ontario introduces new bill to insulate against COVID-19 liability”, Labour and Employment Communiqué, October 22, 2020
- “Supreme Court of Canada’s latest word on bonus entitlements on termination: *Matthews v. Ocean Nutrition Canada Ltd.*”, Labour and Employment Communiqué, October 19, 2020
- “Canada Emergency Wage Subsidy extended”, Labour and Employment Communiqué, September 29, 2020
- “Ontario implements mandatory screening at workplaces”, Labour and Employment Communiqué, September 29, 2020
- “The end of CERB: New recovery benefits proposed for workers not eligible for EI”, Labour and Employment Communiqué, September 24, 2020
- “Ontario extends temporary layoff provisions”, Labour and Employment Communiqué, September 3, 2020
- “Key considerations when re-opening your business”, Labour and Employment Communiqué, May 6, 2020
- “Workplace safety guidelines”, Labour and Employment Communiqué, May 1, 2020
- “The Canada Emergency Wage Subsidy at your fingertips”, Labour and Employment Communiqué, April 21, 2020
- “COVID-19: A relief resource for commercial tenants and landlords across Canada”, Real Estate Report, April 9, 2020
- “Statutory temporary layoffs across Canada (current to April 3, 2020)”, Labour and Employment Communiqué, April 3, 2020
- “New details on Canada emergency wage subsidy – Real help for employers”, Labour and Employment Communiqué, April 2, 2020
- “Labour & Employment Issues in the Mining Sector”, Labour and Employment Communiqué, March 31, 2020
- “Can a Non-Compete Protect Your Business?,” *Canadian Consulting Engineer Magazine*, February 2018
- “Exceptional Notice Period Assessed for Dependent Contractors,” *Labour and Employment Communiqué*, March 17, 2016
- Co-Author, *Employment Litigation Manual*, Lexis Nexis Butterworths, 2nd edition, 2014
- “Supreme Court Overturns B.C. Court of Appeal’s Ruling on Competition by Ex-Employee,” *Lexology*, 2009
- “Social Networking Issues in the Workplace,” *Focus on Technology/IP*, Volume 1, Issue 2, 2008
- “Employment Litigation: Has Overtime Class Action Fever Hit Canada?” *Lexpert Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada*, 2007
- “Legal Challenges to Rolling Out the Latest in Biometric Identification Systems,” 2007
- “Recent Developments in Employment Law,” 2007
- “Handle with Care: A Clear Relocation Policy will Prevent Employee Relations from Getting Hurt in a Move,” *Workplace News*, 2006

## **Notable matters**

- Defended Transline Resource Group in an injunction motion brought by Randstad seeking injunctive relief to restrict its client from competing
- Defended a global real estate enterprise in successor employer applications and grievances at the OLRB brought by the Carpenters Union and LIUNA
- Defended CIT Financial Canada in an action for constructive dismissal by its former president
- Represented Ontario Graphite and successfully obtained an injunction against Great Lakes Graphite and two former employees to restrain them from competing and using confidential and proprietary information and contacts to springboard ahead of them
- Employment counsel to Service Experts and Lennox International in their sale to American Capital
- Employment counsel to Rakuten Inc. in their acquisition of Kobo Inc.
- Employment counsel to i2 Technologies Inc. in their acquisition by JDA Software
- Successfully defended against injunction proceedings in *Spar Roofing v. Tuttle*
- Employment counsel to Goldbelt Resources on its \$118 million acquisition of Wega Mining
- Successfully defended buyer/employer at trial and on appeal in *Kennedy v. Suburban Distributors Ltd.* [2006] O.J. No. 117, Can LII 712 (Ont. C.A.)
- Successfully defended wrongful dismissal and related claims in *Gardiner v. i2 Technologies Inc.* [2004] O.J. No. 3288, 34 CCEL (3d) 13 (SCJ)
- Successfully defended MBNA Canada Bank in *Perkins-Aboagye v. Chadwick and MBNA Canada Bank* [2002] O.J. No. 1248 (SCJ) and *Perkins-Aboagye v. MBNA Canada Bank* [2001] O.J. No. 3267 (SCJ)
- Successfully defended all claims in *Matcom Industrial Installations Inc. v. Canadian Machinery Movers* [2001] O.J. No. 3063 (SCJ)
- Successful on appeal to Ontario Court of Appeal in *Oulahen v. Lyn Parks Inns Ltd.* [1994] O.J. No. 3381 (Ont. C.A.)
- Defeated successor and related employer applications by LIUNA against Zancor Homes and Oxville Homes Ltd. [2000] O.L.R.B. Rep. May 1067
- Acted for Alliance Homes in *Alliance Homes Inc.* [2001] O.L.R.B. Rep. December 1341

## **Memberships & affiliations**

- North American Transportation Industrial Relations Association
- Canadian Bar Association, Labour and Employment Law Section
- Advocate's Society, Employment section