

# Michelle D. MacGillivray

## Partner

### Toronto

#### OFFICE

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## Industries & Expertise

### INDUSTRIES

Technology | Hospitality | Manufacturing |  
Transportation & Logistics

### EXPERTISE

Labour & Employment | Mergers & Acquisitions

## Biography

### BAR ADMISSION

Ontario, 2005

### EDUCATION

- LL.B., University of Windsor, 2004
- B.A. (honours), Western University, 2001

### LANGUAGES SPOKEN

English

Michelle MacGillivray has built a reputation for creativity, excellence, and value generation. She provides strategic labour and employment advice to management, and frequently provides advice regarding the transfer of employees in corporate transactions including M&A transactions, reorganizations, insolvencies, and outsourcing transactions. Michelle's proficiency with complex commercial transactions includes executive restructuring and employee down-sizing, often in the context of challenging international employment strategies. Michelle's experience goes well into the business and strategic side of labour and employment law. She provides employers with advice on union organizing campaigns, collective bargaining, executive compensation and incentive entitlements, and cases involving fiduciary and confidentiality obligations. When disputes arise, Michelle acts for employers in various legal proceedings, including wrongful dismissal, human rights claims, grievance arbitrations, appearances before provincial and federal labour relations boards, and

claims enforcing post-employment obligations.

A frequent writer on human resources law developments, Michelle has authored, co-authored, and contributed to numerous articles, papers, and books. She is routinely asked to speak about human resources issues and to conduct workplace training for managers and supervisors.

Michelle is consistently recognized as a leading labour and employment lawyer by legal directories including Best Lawyers and the Canadian Legal Lexpert Directory, which recognized her as one of Canada's "Leading Lawyers under 40" in the 2017 edition of Lexpert's annual Rising Star awards.

## Industry involvement

### Recognition

- *The Best Lawyers in Canada* – Labour and Employment Law, 2016 – 2025
- *The Canadian Legal Lexpert Directory* – Employment Law, 2018, 2021-2023
- *Lexpert Rising Star, Canada's Leading Lawyers Under 40*, 2017

### Thought leadership

#### Presentations

- Speaker, "Managing Mental Illness in the Workplace", Academy Professionalism Series, April 30, 2014
- Speaker, "Essential Updates on the Duty to Accommodate", Ontario Bar Association's Institute 2014 Constitutional, Civil Liberties and Human Rights/Labour and Employment Program – "Effectively Navigating Injuries and Disabilities in the Workplace", February 6, 2014
- Speaker, "Managing Mental Health Issues in the Workplace", Managing the Workplace Seminar Series, May 30, 2013
- Speaker, "Social Media in the Workplace: New Rules of Engagement", Managing the Workplace Seminar Series, October 25, 2012
- Speaker, "2012 Federal Sector Update", Managing the Workplace Seminar Series, September 20, 2012
- Guest Lecturer, Employment Law Course, Queen's University, Faculty of Law, 2009 – 2012

#### Publications

- *Police Record Checks Reform Act, 2015: Potential Impact on Prospective Employers, Charities and Not-for-Profit* Newsletter, March 3, 2016
- *The New Police Record Checks Reform Act, 2015: What you need to know*, MTCondoLaw – Ontario, February 2016

- *Police Record Checks Reform Act, 2015: Potential Impact on School Boards*, Education Law Newsletter, February 2, 2016
- *Police Record Checks Reform Act, 2015: Potential Impact on Prospective Employers*, Labour and Employment Communiqué, February 1, 2016
- *Clear and Unambiguous Termination Provision Provides Protection for Employer*, Labour and Employment Communiqué, July 31, 2015
- Contributor to Douglas Gilbert, Brian Burkett, and Moira McKaskill, *2013 Annual Supplemental, Canadian Labour and Employment Law for the U.S. Practitioner*, 3rd ed., Arlington, VA: BNA Books, 2011
- Contributor to Douglas Gilbert, Brian Burkett, and Moira McKaskill, *Canadian Labour and Employment Law for the U.S. Practitioner*, 3rd ed. Arlington, VA: BNA Books, 2011
- Co-Author, "Record of Offences as a Ground for Human Rights Protection", The Canadian Bar Association, Labour and Employment Law Perspective, 2010

## **Notable matters**

- *Dahoui v. Ivanhoe Cambridge Inc.*, 2017 HRTO 641 (successfully argued for the dismissal of a human rights application on the basis that the applicant had not been discriminated against because of race or any other of the enumerated grounds in the Human Rights Code)
- Duluth Metals Limited in connection with the acquisition by Antofagasta PLC of all of the outstanding common shares of Duluth Metals Limited by way of a plan of arrangement for a total transaction value of approximately \$104.6 million
- EACOM Timber Corporation, as part of the deal team, on its acquisition of Domtar's Forest Product Business for approximately \$126.5 million
- Hubbell Incorporation, as part of the Canadian deal team, on its acquisition of FCI Americas, Inc. for approximately US\$360 million
- The Independent Committee of the Board of Trustees of Great Lakes Power Trust, the subsidiary of Brookfield Renewable Power Fund, as part of the deal team, with its acquisition of 15 operating hydroelectric facilities from Brookfield Renewable Power Inc. for approximately \$945 million
- Sapa AB, as part of the Canadian deal team, in its acquisition of Indalex Limited for approximately US\$150 million
- Jubilant Organosys Ltd., as part of the deal team, on its acquisition of Draxis Health for approximately US\$255 million
- IBM, as part of the Canadian deal team, on its acquisition of Cognos Incorporated for approximately US \$5 billion
- Dundee REIT, as part of the deal team, on its sale of its Eastern real estate portfolio and related assets to GE Real Estate for a total purchase price of over \$2.3 billion

## **Memberships & affiliations**

- Canadian Bar Association
- American Bar Association
- Human Resources Professionals Association of Ontario
- Law Society of Ontario
- Canadian Association of Counsel to Employers
- Society for Human Resources Management