

# Is Canada Taking White Collar Crime Seriously?

White Collar Crime Group Seminar

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# Is Canada Taking White Collar Crime Seriously?



Norm Keith, LL.M.  
Partner



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## Outline of Presentation



- “White Collar” crime enforcement growing globally
- Is the White Collar “Trend Your Friend”?
- The “Problem” with Proof in criminal law
- Recent examples of White Collar convictions
- How a Mining Disaster effects corporate liability
- Limitations of the Criminal Justice Model of Ethics
- Towards a rationale model of corporate offences



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## New White Collar Crimes in Canada: Rational Policy or Moral Panic?



- Examples of new crimes reacting to “moral panic” and not being enforced:
  - *Westray Mine Disaster* led to Bill C-45, new crime of OHS Criminal Negligence;
  - *Enron/Wall St.* insider trading scandals led to Bill C-13, new crime of Insider Trading and Tipping;
  - OECD/U.S. pressure results in Bill S-14, amends *CFPOA* and “books & records” crime.



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## Will More Criminal Prosecutions make Businesses More “Ethical”?



- Businesses driven by growth, profits and “ROI” of shareholders, hard to prove criminal intent
- Executives may be prosecuted, harder to prove *mens rea* (e.g. *R. v. Wallace* – wiretap quashed)
- Typical “plea deals” result in individuals being let of, if their corporation pleads guilty
- Business executives, like everyone, have stronger motivators than fear of criminal accountability



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## “Problem of Proof” in White Collar Crimes Prosecutions



The standard of proof: beyond a reasonable doubt, did not catch these “big fish”:

- *R. v. Frank Dunn* (Nortel CEO):
  - Two counts of fraud in relation to financial statements
  - Long trial: Jan. 12/12 to Jan.14/14; 1188 para. reasons for Judgement, resounding acquittal on all counts
- *R. v. Mike Duffy* (Conservative Senator)
  - 31 charges: breach of trust, fraud and accepting a bribe
  - Breach of Senate expense rules and public trust – acquitted on all counts



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## Recent Examples of White Collar Convictions (Karigar & Kazenelson)



Prosecutions & convictions of “little fish” ... but both cases under appeal:

- *R. v. Karigar* (3<sup>rd</sup> party agent):
  - No evidence of a “bribe”; convicted for “conspiracy”
  - One count of violating the CFPOA (3 years in jail)
- *R. v. Kazenelson* (project manager)
  - 5 convictions of OHS criminal negligence (5 x 3.5 years)
  - President of company, Metron, pleaded out to an OHS regulatory charges and fined, criminal charges withdrawn



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## How a Mining Disaster Effected on Corporate Crime in Canada



- May 9, 1992 Westray Mine disaster killing 26 workers in a coal mine ... resulted in ...
- March 31, 2004, Bill C-45 changes how the *Criminal Code* holds entities help accountable
- Lowers threshold of who binds a corporation – all employees and contractors are “*representatives*”
- Increases responsibility for legal compliance by all “*senior officers*” of corporations
- Makes it easier to prosecute/convict corporations



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## If More/Easier Prosecutions are the Answer for Better Business Ethics



...

- Hire more investigators, both police and specialized regulatory investigators, to investigate
- Hire more prosecutors and judges, the *Jordon* SCC decision has currently strained the CJS
- Charge more corporate executives, officers and directors of corporations with crimes
- Taxing the “middle class” for more “judicial infrastructure” rather than “social infrastructure”?



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## But Will More Prosecutions make Businesses more “Ethical”?



- When corporations pay fines, the cost gets passed on to shareholders, customers, & public
- Can business ethics be promoted by “brand” protection, & sustainable profits, not “revenge”?
- Corporate Social Responsibility expands “shareholder” interests to “stakeholder interests”
- Is there a place for “stakeholder” influence in the criminal justice system through ADR?



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## ADR in White Collar Crime: Is it Time for NPAs and DPAs and Monitors?



- We have diversion programs for street criminals, why not for white collar criminal offenders?
- NPAs and DPAs can be negotiated with monetary penalties and documented compliance programs
- Monitorships are corporation probation, paid for by the offender to ensure improved compliance
- Criminal prosecution option must always be available for deterrents and the rare/hard cases



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## Towards a Rational Model of Corporate Accountability ...



- Set legal standards for business that are clear, compelling and enforceable
- Expand criminal justice tools (i.e. broaden Part VI of the *Criminal Code*: wiretaps) ... “just ask Preet”
- Give all Business Regulators OSC tools: fines, whistleblower bounties, civil fines, trading bans, cost orders and disgorgement powers
- Incentivize white collar criminals to quickly resolve investigations without trial: AMPs, NPA, DPAs and compliance monitors



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## Questions & Answers



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# Biography

# Norm Keith



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Norm Keith is a senior partner practicing in the areas of regulatory, employment and white collar defence advisory, compliance and litigation in the Toronto office.

Mr. Keith advises, represents and defends corporations, directors, officers, senior managers, individuals and governments in a wide variety of matters including workplace health & safety, white collar crime, corporate investigations, anti-trust competition, wrongful terminations, securities fraud, fiduciary duties, constitutional and human rights litigation, environmental enforcement, anti-bribery and corruption and corporate social responsibility.

Mr. Keith is an accomplished trial and appellate lawyer. During his career he has appeared at all levels of courts up to and including the Supreme Court of Canada. He has successfully defended over 1,000 regulatory and criminal charges. He is counsel and trusted advisor to clients in the mining, construction, energy, health care, forestry, aviation, high tech, manufacturing, oil and gas, infrastructure, clean tech, and transportation industries. He has advised and represented public emergency services and all levels of government, from Municipalities to the Government of Canada.

Mr. Keith is a co-founder of Fasken Martineau's White Collar Defence and Investigations practice group. He is the Canadian representative on the White Collar Crime Committee of the American Bar Association. He has written the leading text on corporate crime in Canada, *Corporate Crime, Accountability and Social Responsibility in Canada (2nd Edition)*. He is the author of *Insider Trading in Canada* and *Canadian Anti-Corruption Law and Compliance*. Mr. Keith advises and represents clients throughout Canada and internationally on anti-bribery, anti-trust, securities

## Areas of Practice

- White Collar Defence and Investigations
- Occupational Health and Safety & Workers Compensation
- Anti-Bribery and Corruption
- Employment Law Advice
- Corporate Social Responsibility Law
- Labour, Employment & Human Rights
- Litigation & Dispute Resolution
- Mining
- Construction
- Infrastructure & Public-Private Partnerships (PPP/P3)
- Energy
- Oil & Gas
- Transportation
- Cartels & Other Competition Criminal Matters
- Corporate Governance
- Anti Money Laundering and Anti-Terrorist Financing

## Education

- L.L.M., 2010, Osgoode Hall Law School
- JD, 1981, Osgoode Hall Law School
- B.A., 1978, York University

## Year of Call/Admission

- Ontario, 1983

## Languages

fraud, corporate ethics and governance investigations. He teaches a course on Corporate Governance, Ethics and Social Responsibility at the University of Toronto School of Continuing Studies. Mr. Keith is the Editor-in-Chief of Fasken Martineau's blog on white collar crime, *White Collar Post*.

Mr. Keith teaches a course at the University of Toronto titled, "Corporate Governance, Ethics and Social Responsibility", using one of his books as the text. He has a growing practice in corporate governance, risk management, corporate compliance and CSR. The course is part of a broader certificate in Enterprise Risk Management. With his team of Consultants at Fasken Martineau, he provides ERM training, advisory and compliance services .

Mr. Keith is the leading occupational health and safety defence lawyer in Canada. He has authored numerous books on the subject including, Canadian Health and Safety Law (Canada Law Book), Canadian Emergency Management and Response Manual, Practical Guide to OHS Compliance in Ontario (4th Ed.), and Workplace Health and Safety Crimes, the leading book on the Bill C-45 amendments to the Criminal Code.

Mr. Keith is a Canadian Registered Safety Professional (CRSP) the first practising lawyer in Canada to earn the CRSP designation. Norm is a highly sought after instructor and speaker at business associations, bar associations, universities, and corporate risk management conferences. He is an instructor in the American Society of Safety Engineers (ASSE) Global Safety Management Certificate course. He has authored *Human Resources Guide to Preventing Violence, Alcohol and Drugs in the Canadian Workplace, Preventing and Managing Workplace Violence* and over 200 articles in professional journals and trade publications. He was voted Safety Professional of the year by the ASSE in 2010. He has lectured at the University of Western Ontario, University of British Columbia and Osgoode Hall Law School.

Norm recently completed Ironman Mont Tremblant (August 2016), his fifth ironman distance triathlon. He has worked as a hard rock miner, a bus boy, a career counsellor, a construction labourer, and a management trainee at a major Canadian bank. He was a judge for Canada's Safest Employer Awards for 2014 and 2015 and is a judge for the upcoming 2016 Canada's Safest Employer Awards.

## Experience

- R. v. Black and McDonald Ltd., [2016] O.J. No. 3107
- Consbec Inc. v. Walker, [2015] B.C.J. No. 501  
*Advised Consbec Inc.*
- Ontario (Ministry of Labour) v. Dufferin Construction Co., [2014] O.J. No. 5866  
*Advised Dufferin Construction Co.*
- Consbec Inc. v. Walker, [2014] B.C.J. No. 2712 43  
*Advised Consbec Inc.*
- Ontario (Ministry of Labour) v. Bay Grenville Properties Ltd., [2014] O.J. No. 3474  
*Advised Bay Grenville Properties Ltd*
- R. v. Strabag Inc., [2013] O.J. No. 6032

*Advised Strabag Inc.*

- Ontario (Ministry of Labour) v. Aecon Construction Group Inc., [2013] O.J. No. 3237  
*Counsel to Aecon Construction Group Inc.*,
- Structform International Ltd. v. Ontario (Ministry of Labour), [2013] O.J. No. 1522  
*Advised Structform International Ltd.*
- Ontario (Ministry of Labour) v. Guelph (City), 2013 ONCJ 244  
*Counsel to the City of Guelph*
- Ontario (Ministry of Labour) v. The Meaford and District Fire Department, 2012 ONCJ 573  
*Counsel to The Meaford and District Fire Department*
- R. v. Strabag Inc., [2012] O.J. No. 6580  
*Counsel to Strabag Inc.*
- R. v. Strabag Inc., [2012] O.J. No. 6463  
*Counsel to Strabag Inc*
- Ministry of Labour v. Guelph (City), 110 O.R. (3d) 517  
*Advised Guelph (City)*
- R. v. Corporation (City of Guelph), 2012 ONCJ 251  
*Counsel to City of Guelph*
- Ontario (Ministry of Labour) v. Deep Foundations Contractors Inc., [2012] O.J. No. 5331
- R. v. B. Gottardo Site Servicing Ltd., [2010] O.J. No. 2701
- Ontario (Ministry of Labour) v. The Meaford and District Fire Department, 2012 ONCJ 113  
*Counsel to The Meaford and District Fire Department*
- Ontario (Labour) v. Black & McDonald Limited, 2011 ONCA 440  
*Counsel to Black & McDonald Limited*
- R. v. Murray Group Ltd., [2011] O.J. No. 6568
- R. v. Aecon Utilities, 2009 ONCJ 706  
*Counsel to Aecon Utilities*
- R. v. Lonkar Well Testing Limited, 2009 ABQB 345  
*Counsel to Lonkar Well Testing*
- Ontario (Ministry of Labour) v. Bartram, 2009 ONCJ 29  
*Counsel to Warren Bartram*
- R. v. Di Franco, 2008 CanLII 8785 (ON SC)  
*Counsel to Pasquale DiFranco*

## Presentations

- "Disability and Absenteeism Management", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, June 15, 2017
- "Managing the Risk of Alcohol & Drugs in the Workplace", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group (Fasken Martineau Institute), Toronto, Ontario, May 3, 2017
- "Building a World Class Safety Management System", Fasken Martineau's PDAC 2017 Seminar Series, Toronto, Ontario, March 6, 2017
- "7th Annual PDAC Primer", Fasken Martineau's PDAC 2017 Seminar Series, March 1, 2017
- "OHS Update", Labour, Employment and Human Rights Group Seminar (Fasken Martineau Institute), Toronto, Ontario, February 7, 2017
- "Environmental, Health and Safety 2016 Year In Review", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers' Compensation Group, Toronto, Ontario, November 22, 2016
- "Disability and Absenteeism Management", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, November 1, 2016
- "Responding to Suspected Bribery and Corruption Concerns", Toronto, Ontario, June 10, 2016
- "New Era of Business Integrity & White Collar Crime Enforcement", Toronto, Ontario, June 2, 2016
- "Managing OHS Risk in the Health Care Sector", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, May 20, 2016
- "Disability and Absenteeism Management", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, May 19, 2016
- "Criminal Investigations into Mining Operations: How Proactive Should a Company Be?", Fasken Martineau's PDAC 2016 Seminar Series, Toronto, Ontario, March 7, 2016
- "Disability and Absenteeism Management", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, February 25, 2016
- "Preventing and Managing Workplace Violence and Harassment", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, December 2, 2015

- "Environmental, Health and Safety 2015 Year In Review", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Course, Toronto, Ontario, November 24, 2015
- "Disability and Absenteeism Management", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, November 11, 2015
- "What to do When the OHS Inspector Arrives", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, October 20, 2015
- "Preventing and Managing Workplace Violence and Harassment", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, May 29, 2015
- "Employer's Guide to Managing and Mitigating the Risk of Bill C-45", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, April 28, 2015
- "What to do When the OHS Inspector Arrives", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group (Fasken Martineau Institute), Toronto, Ontario, April 14, 2015
- "Environmental, Health and Safety 2014 Year In Review", Labour, Employment and Human Rights and Environment Health and Safety Groups Workshop (Fasken Martineau Institute), Toronto, Ontario, November 27, 2014
- "Navigating Hot CSR Issues - what should you be aware of to operate responsibly?", Calgary, Alberta, November 19, 2014
- "Criminal Negligence at Work: Chilling Liabilities and Practical Strategies", Labour, Employment and Human Rights Group Seminar (Fasken Martineau Institute), Toronto, Ontario, November 11, 2014
- "Northern Exposure: Contrasting Canada's Corruption of Foreign Officials Act with Anti-Corruption Legislation in the USA and the UK", Mining Law Short Course, Rocky Mountain Mineral Foundation, Westminster, Colorado, November 3-7, 2014
- "Toronto Fasken Martineau Symposium (4th Edition)", Fasken Martineau Institute, Toronto, Ontario, June 5, 2014
- "29th Annual Fasken Forum - Labour, Employment, Human Rights, Pensions & Benefits Conference", Labour, Employment and Human Rights Group Seminar (Fasken Martineau Institute), Toronto, Ontario, April 25, 2014
- "The Business Case for Safety", SafetyDriven BiteSized Conference, April 11, 2014



- "Employer's Guide to Bill C-45: 10 Years Later", Labour, Employment and Human Rights Group Seminar, Vancouver, British Columbia, April 10, 2014
- "White Collar Crime – Key Issues for Mining Companies", Global Mining Group Seminar – Lunch (FMD at the PDAC), Toronto, Ontario, March 4, 2014
- "How to Reduce Your WSIB Costs in 2014", Labour, Employment Human Rights Group Conference (Fasken Martineau Institute), Toronto, Ontario, January 23, 2014
- "Environmental, Health and Safety 2013 Year In Review", Labour, Employment & Human Rights Group Conference (Fasken Martineau Institute), Toronto, Ontario, November 27, 2013
- "Drug and Alcohol Testing of Employees - What's the Latest", Partners in Prevention 2013 York Region Conference, Workplace Safety and Prevention Services, Thornhill, Ontario, November 26, 2013
- "Hot Topics in OHS Law", Partners in Prevention 2013 - South Western Ontario Health and Safety Conference & Trade Show, Workplace Safety and Prevention Services, Kitchener, Ontario, October 29, 2013
- "Dangerous Goods", 2013 Annual Conference, Canadian Transport Lawyers Association, Québec City, Quebec, September 20, 2013
- "Construction Accidents/Injuries and the Ministry of Labour", Labour and Employment Conference, Ontario Bar Association Institute, Toronto, Ontario, February 2013
- "A Passion for Prevention: Safety Leadership in an Education Setting", CEHSO Meetings, OCAD University, Toronto, Ontario, January 2013
- "The Impact of Standards in OHS and C-45 Prosecutions", Bongarde OHS Summit, Toronto, Ontario, October 2012
- "Prevention and Managing Workplace Violence: A Canadian Perspective", Annual Professional Development Conference, American Society of Safety Engineers, Denver, Colorado, June 2012
- "Positive Initiatives Canadian Employers are Taking to Reduce Accidents in the Workplace", North American Occupational Safety and Health Week, Toronto, Ontario, May 2012
- "Responding to Emergencies: Best Practices for an Effective Emergency Response Plan", Canadian Institute Conference, Calgary, Alberta, November 2008
- "Confronting Increasing Liability for Occupational Health and Safety: Are Your Policies in Place?", Canadian Institute, Toronto, Ontario, October 2008
- "What Should You Know When There's Been an Accident in the Workplace?", Labour & Employment Section, Ontario Bar Association, Toronto, Ontario, October 2008

- "Update on Due Diligence: What An Employer Needs to Show", Canadian Association of Counsel to Employers, Montebello, Quebec, September 2008
- "Preventing & Managing Workplace Violence: An International Perspective", American Society of Safety Engineers PDC, Las Vegas, Nevada, June 2008
- "Best Practices to Reduce and Manage Occupational Health and Safety Risks and Liability", Canadian Institute, Vancouver, British Columbia, June 2008
- "An Overview of Key Legal Issues in Emergencies", Emergency Preparedness: Best Practices and Critical Legal Issues, Ontario Bar Association, Toronto, Ontario, June 2008
- "OHS & The WSIA: The Statutory Framework of Employment Law", Ontario Bar Association (YLD), Toronto, Ontario, May 2008
- "Legal Risk Management: Motivating Senior Managers", American Society of Safety Engineers, Baltimore, Maryland, March 2008
- "Best Practices to Reduce OHS Risks", Canadian Institute Shutdowns Super-Conference, Calgary, Alberta, December 2007
- "Partners in Safety", Greater Toronto Sewer and Waterman Contractors Association, Toronto, Ontario, October 2007
- "Legal and Practical Perspectives of a Pandemic to Boost Your Business Disaster Preparedness", Canadian Institute Conference, Toronto, Ontario, October 2007
- "What Every Employer Needs to Know About Emergency Response Planning", Canadian Industrial Emergency Conference, London, Ontario, September 2007
- "When Health & Safety Intersects with WSIB Law and Practice", 4th Annual Current Issues WSIB Conference, Ontario Bar Association, Toronto, Ontario, May 2007
- "Recent Developments in OHS Law", Canadian Society of Safety Engineers, Toronto Chapter, Toronto, Ontario, April 2007
- "How to Reduce and Manage Your Occupational Health & Safety Risks", Shutdowns and Maintenance Conference, Canadian Institute, Toronto, Ontario, March 2007
- "OHS Risk Management in Alberta", Shutdown Super Conference, Insight Conference, Calgary, Alberta, December 2006
- "Enterprise Risk Management", Annual Safety Conference, Ontario Mine Contractors Association, Sudbury, Ontario, December 2006
- "Liability of Fire Services & Fire Chiefs", Midterm Meeting, Association of Fire Chiefs, Markham, Ontario, November 2006

- "Bill C-45: Incorporating Procedures to Minimize Long Term Risk of Criminal Liability", Risk Mitigation in the Public Sector Conference, Insight Information, Toronto, Ontario, October 2006
- "Accountability for Safety: Your Legal Obligations & Requirements", Joint CSA/IAPA Conference on Electrical Hazards, Toronto, Ontario, October 2006
- "Fundamentals of OHS and Environmental Law", Canadian Society of Safety Engineers Annual PDC, Ottawa, Ontario, September 2006
- "Bill C-45 & Maintenance: Good Business Practices to Avoid Criminal Liability", Federal Press Conference, Toronto, Ontario, September 2006
- "The Risks and Responsibilities of Employers in the Post Bill C-45 Era", Canadian Bar Association Canadian Legal Conference, St. John's, Newfoundland, August 2006
- "OHSAS 18001: The Emerging International Standard in Health & Safety", American Society of Safety Engineers Annual PDC, Seattle, Washington, June 2006
- "Bill C-45 and its Application to the Fire Services", Institution of Fire Engineers Canada Branch, Toronto Fire Academy, Toronto, Ontario, June 2006
- "Abuse of Process and the Charter", Ontario Bar Association Continuing Legal Education, Toronto, Ontario, May 2006
- "Managing Workers' Compensation Across Canada", Bongarde National Audio Seminar, Toronto, Ontario, March 2006
- "Mock Trial Demonstration for Farm Safety Association", FSA Annual Conference, Niagara Falls, Ontario, March 2006
- "Bill C-45 and OHS Law Enforcement in Ontario", Ontario Sewer & Water Main Contractors Association Annual Conference, Mayan Riviera, February 2006
- "Establishing a Safer Work Environment to Further Reduce Employee Risk and Today's New Organizational Liability", Canadian Institute, Calgary, Alberta, December 2005
- "Update on Canadian Occupational Health and Safety Law", Organization of Resource Counsellors, Toronto, Ontario, November 2005
- "OHS and TSSA Regulatory Enforcement", Ontario Energy Association Conference, Toronto, Ontario, June 2005
- "Criminal Enforcement of OHS Laws: An International Perspective", ASSE 2005 Professional Development Conference, New Orleans, Louisiana, June 2005
- "Preventing Workplace Violence & Harassment", Toronto Chapter of the Canadian Society of Safety Engineering, Toronto, Ontario, May 2005

- "Bill C-45 and its Effects on Farms in Ontario", Annual Conference of the Farm Safety Association, Niagara Falls, Ontario, March 2005
- "Recent Trends in OHS and Workers' Compensation Enforcement", HRP AO Annual Conference & Trade Show, Toronto, Ontario, February 2005
- "Risk and Responsibility: Bill C-45 and Beyond", Annual Operations and Health & Safety Conference, Toronto, Ontario, January 2005
- "Bill C-45: Employer Risks and Responsibilities", Employment Law Symposium, Hamilton Law Association, Hamilton, Ontario, January 2005
- "Bill C-45 and Industrial Shutdowns", Canadian Institute Shutdowns Super Conference, Calgary, Alberta, December 2004
- "Bill C-45: The New Occupational Health & Safety Crime", Canadian Society of Safety Engineering, Annual Professional Development Conference & Trade Show, Halifax, Nova Scotia, September 2004
- "Understanding New Duties and Risks Under Bill C-45", Law Society of Upper Canada, Toronto, Ontario, June 2004
- "Bill C-45 and the Petroleum Industry", Oil and Gas Law Foundation, Jasper, Alberta, June 2004
- "Bill C-45 and OHS Liability", Education Law Section, Ontario Bar Association, Toronto, Ontario, June 2004
- "Bill C-45 and OHS Law Due Diligence", Saskatchewan Mining Association, Saskatoon, Saskatchewan, April 2004
- "Navigating Bill C-45: Potential Criminal Liability for Workplace Safety", Canadian Corporate Counsel Association, Halifax, Nova Scotia, April 2004
- "Bill C-45 and the Mining Industry in Ontario", MASHA Annual Mining Health & Safety Conference, Sudbury, Ontario, April 2004
- "Corporate Responsibility: Bill C-45 and the New OHS Crime", AGM Aggregate Producers Association of Ontario, Toronto, Ontario, February 2004
- "Legal Rights & Responsibilities During an Accident Investigation", CSSE Professional Development Conference, Saskatoon, Saskatchewan, November 2003
- "Recent Trends in Canadian Health & Safety Law & Due Diligence and Privacy Law for Health & Safety Professionals", Toronto, Ontario, November 2003
- "Bill C-45: The New Criminal Code OHS Duty", CSSE Professional Development Conference, Saskatoon, Saskatchewan, November 2003
- "Health and Safety and Human Rights Trends in the Workplace", Lancaster House Conference, Toronto, Ontario, October 2003

- "Health and Safety Management Systems", Occupational Health and Safety & Return to Work Strategies Conference, Ottawa, Ontario, September 2003
- "Multi-Jurisdictional Benchmarking of Occupational Health & Safety Best Practices & Preventing Workplace Violence", Insight Conference, Edmonton, Alberta, May 2003
- "OHS Due Diligence for Managers & Supervisors", Environmental Management Compliance & Engineering Conference, Toronto, Ontario, May 2003
- "Universities Managing Workplace Risk", Council of Ontario Universities, Toronto, Ontario, May 2003
- "Employment Standards and Health and Safety in the Federal Sector", Annual Employment Law Conference, Lancaster House, Toronto, Ontario, May 2002
- "Health & Safety and the Competent Supervisor", Environment Management Compliance & Engineering 2002 Conference, Toronto, Ontario, April 2002
- "Preventing & Managing Workplace Violence", I.A.P.A. Annual Conference and Trade Show, Toronto, Ontario, April 2002
- "Outplacement Services: The Law and Legal Principles", Workforce Restructuring 2002, Canadian Institute Conference, Toronto, Ontario, February 2002
- "Workplace Training for Managers and Supervisors: Legal & Regulatory Requirements", Worksafe, Canadian Institute Conference, Toronto, Ontario, November 2001
- "Recent Trends in OHS Legislation, Court Decisions and Due Diligence", Canadian Society of Safety Engineers Annual Conference, Vancouver, British Columbia, November 2001
- "How Ontario OHS Affects Your Construction Project", Construction Summit, 4th Annual Infonex Conference, Toronto, Ontario, October 2001
- "Bill 57 Amendments to the OHS Act and Other Recent Trends", I.A.P.A., London and Windsor, Toronto, Ontario, September 2001
- "The Employer Obligations to Accommodate the Disabled Employee", Managing Stress & Mental Health Claims, Canadian Institute Conference, Toronto, Ontario, September 2001
- "Health and Safety: Assessing the Effects of Bill C-12", Lancaster House Publishing Labour and Employment Conference, University of Toronto, Toronto, Ontario, April 2001
- "Health and Safety Management Systems and Due Diligence", Measuring and Managing Occupational Health and Safety Conference, IQPC, Toronto, Ontario, March 2001
- "Health and Safety Awareness for RCMP Senior Officers", RCMP Health and Safety Awareness Campaign, Toronto, Ontario, March 2001
- "Recent Trends in OHS Law and Due Diligence", Nova Scotia Safety Council Annual Health and Safety Conference, Halifax, Nova Scotia, February 2001

- "Occupational Health and Safety Management on Construction Projects", OSWCA Gold Seal Program, Toronto, Ontario, January 2001
- "Regulation of Occupational Health and Safety", Osgoode Hall Law School Professional Development Program, Toronto, Ontario, January 2001
- "Bill C-12: An Overview of the Changes to Part II of the Canada Labour Code", Infonex Conference, Toronto, Ontario, December 2000
- "Implementation Strategies for Bill C-12", Occupational Health and Safety Management Systems, Bill C-12, Centrum Conferences, Ottawa, Ontario, November 2000
- "OHS, WSIA & OHRC Rights and Responsibilities Regarding Independent Contractors", Canadian Institute Conference on Employment Law, Toronto, Ontario, November 2000
- "Recent Trends in OHS Law, Prosecution and Due Diligence", CSSE Annual Conference, Calgary, Alberta, October 2000
- "Recent Trends in Wrongful Dismissal", Employment Law Seminar, Keith Bagg Group, Toronto, Ontario, October 2000
- "Preventing Workplace Violence and Conflict", I.A.P.A. Metro Toronto East Group, Toronto, Ontario, October 2000
- "Bill C-12: Preparing for New Employers Responsibilities", Canadian Institute Conference on Labour and Employment for Federally Regulated Employer, Toronto, Ontario, June 2000
- "Preventing and Managing Workplace Violence: An International Perspective", Annual ASSE Professional Development Conference, Orlando, Florida, June 2000
- "Recent Trends in OHS Law and Due Diligence", I.A.P.A Annual Conference and Trade Show, Toronto, Ontario, April 2000
- "Preparing For Increased Employer Responsibility in Health and Safety", Infonex Conferences, Toronto, Ontario, April 2000
- "Preventing and Managing Conflict in the Workplace & Legal Responsibilities for Managing Conflict", Canadian Institute, Toronto, Ontario, April 2000
- "Recent Trends in Legislation, Regulations and Courts Decision in Western Canada", Canadian Institute, Calgary, Alberta, March 2000
- "Health and Safety Liability of Supervisors", Brampton Assembly Plant, Daimler Chrysler, Brampton, Ontario, February 2000
- "Health and Safety Risk Management and Liability Course", OSWCA/ORBA, Toronto, Ontario, January 2000

- "Pro-Active Health and Safety Due Diligence", Mining Contractors Health and Safety Association, Annual Conference, Sudbury, Ontario, December 1999
- "Recent Trends in Wrongful Dismissal", Keith Bagg Group, Toronto Board of Trade, Toronto, Ontario, November 1999
- "Law and Ethics for OHS Professionals: The New Domain", I.A.P.A. Conference, Advanced Learning Forum for Career H&S Professionals, Toronto, Ontario, November 1999
- "Mock Trial Leader", Resource Environmental Associates, Toronto, Ontario, November 1999
- "Recent Trends in Work Refusals and Reprisal Litigation", Canada Law Book, Canadian Law Employment Law Congress, Toronto, Ontario, November 1999
- "Human Factors in OHS Due Diligence", Major Industrial Accidents Council of Canada, Safer Communities '99 Workshop, Toronto, Ontario, October 1999
- "Recent Trends in Canadian Health and Safety Law", Petroleum Society of CIM, Third Annual Petroleum Technical Seminars, Halifax, Nova Scotia, October 1999
- "Worksafe 99 Conference", 9th Annual Canadian Institute Occupational Health and Safety Conference, Toronto, Ontario, September 1999
- "Best Practices in Preventing Workplace Violence", 4th Annual Conference for the Alliance of Manufacturers and Exporters Canada, Toronto, Ontario, September 1999
- "Integrating Occupational Health and Safety Risk and Loss Management", Enterprise Wide Risk Management, I.Q.P.C. Conference, Toronto, Ontario, September 1999
- "Integrating the Legal Defence of Due Diligence with Your OHS Management System", CSSE National Convention, Hamilton, Ontario, August 1999
- "Trends in OHS Due Diligence", London District Heavy Construction Association, Toronto, Ontario, May 1999
- "Statutory Regulation of Health and Safety Programs", 27th Intensive Workshop in Industrial Hygiene and Ergonomics, University of Toronto, Toronto, Ontario, May 1999
- "Preventing Workplace Violence", Canadian Society of Safety Engineering, Toronto Chapter, Toronto, Ontario, April 1999
- "Preventing Violence in the Workplace", Infonex Seminars, Toronto, Ontario, March 1999
- "Manager and Supervisors OHS Due Diligence", Credit River Division, I.A.P.A, Orangeville, Ontario, March 1999
- "Recent Trends in OHS Prosecution & Due Diligence", OSWCA Annual Conference, Niagara Falls, Ontario, February 1999

- "OHS Liability for "Service Contractors"", Ontario Chapter, I.A.P.A., Brampton, Ontario, February 1999
- "How to Defuse Explosive OHS Issues", Canadian Employment Law Super Conference, Canada Law Book, Toronto, Ontario, October 1998
- "What to do When the OHS Inspector Arrives", Labour, Employment Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety Workers Compensation Group (Fasken Martineau Institute), Toronto, Ontario
- "Employer's Guide to Managing and Mitigating the Risk of Bill C-45", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario
- "Global Trends in EHS & Industrial Hygiene Risk Management", Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario
- "Employer's Guide to Managing and Mitigating the Risk of Bill C-45", Labour, Employment & Human Rights Group, Environmental, Health and Safety Prevention Services, Occupational Health and Safety & Workers Compensation Group, Toronto, Ontario, June 25, 2015

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- "Lessons Learned from the Metron Construction Saga", *"Do" Diligence: OHS/WSIB Newsletter*, August 29, 2016
- "What happens in Vegas — SEC investigates Sands Hotel and Casino", *White Collar Post*, May 9, 2016
- "Building a Safer Workplace", April 29, 2016
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- "Convicted Project Manager Awaits Sentencing in Five Criminal Negligence Charges", *EHS Law Update*, republished in *Advocate Daily*, October 5, 2015
- "New era of White Collar Crime enforcement in Canada", *White Collar Post*, September 17, 2015
- "Enforcement activity by U.S. FCPA Regulators", *White Collar Post*, September 1, 2015
- "Drones causing safety concerns", *Canadian Occupational Safety*, Thomson Reuters Canada Ltd., August 28, 2015
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- "Will The Threat of Jail Really Improve Workplace Safety? | OHS Law Report", *Occupational Health and Safety Bulletin*, January 30, 2015
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- "Determining A Workers Status of Employee or Independent Contractor and Understanding OHSA and WSIB Implications", October 1, 1999
- "Beware of Health and Safety Liability if Y2K Computer Bug Not Fixed", August 1, 1999
- "Stakes Increase in WSIB Crackdown", August 1, 1999
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- "Cross-Country Legal Check-Up", May 1, 1999
- "Courts Levy Another Heavy OHSA Fine", May 1, 1999
- "Landmark Case Restricts Definition of "Supplier" Under the OHSA", February 1, 1999

- "Cases Test Supervisor Competency Requirements", December 1, 1998

## Rankings and Awards

- Recognized as an *Acritas Star™ Lawyer* 2016
- *Legal 500 Canada* for Labour and Employment (2015)
- *International Who's Who of Business Lawyers* (2013, 2014)
- *International Who's Who of Management Labour & Employment Lawyers* (2012)
- *Who's Who Legal: Canada* (2012, 2014)
- *Canadian Legal Lexpert Directory* (2002-2012, 2014-2016)
- *The Best Lawyers in Canada* (2006-2014)

## Memberships and Affiliations

- Member, Ontario Bar Association
- Member, The Advocates' Society
- Member, Canadian Bar Association
- Member, Law Society of Upper Canada
- Member, American Society of Safety Engineers
- Member, Institute of Corporate Directors - Ontario Chapter
- Member, Canadian Society of Safety Engineering
- Member, Canadian Association of Counsel to Employers
- Member, American Bar Association - White Collar Crime Committee
- Member, Board of Canadian Registered Safety Professionals
- Member, Transparency International - Legal Committee
- Member, Human Resources Professionals Association of Ontario

