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Services

Employment and Labor
Employment Litigation
Human Resources Counseling
and Training
Labor Relations

Education

Queen's University, J.D., 2013
Western University, B.A. (with
honors), 2009

Bar Admissions

Canada/Province of Ontario

Jeffrey Patterson

Principal
Miller Canfield LLP (Ontario)
Practicing in association and not in
partnership with
Miller, Canfield, Paddock and Stone,
P.L.C.



Jeffrey Patterson is a labour and employment lawyer at Miller Canfield's Windsor office. He advises public and private sector clients on a wide range of labour and employment issues including labour disputes, grievance arbitrations, collective bargaining, interest arbitrations, wrongful dismissals, employment standards, workplace safety and insurance, employment contracts, human rights and accommodation and related court litigation.

In his labour and employment practice, Jeffrey has represented clients and appeared before the Human Rights Tribunal of Ontario, the Workplace Safety and Insurance Appeals Tribunal, the Ontario Labour Relations Board, and the Ontario Superior Court of Justice.

Jeffrey routinely provides training to clients on a variety of topics including human rights and accommodations, health and safety, workplace harassment and violence, and employment standards.

Prior to joining Miller Canfield, Jeffrey practiced in Toronto at Canada's largest labour and employment law firm, and served as in house counsel to one of Canada's largest banking institutions on a secondment. Jeffrey is active in the Windsor community and serves as a Director on the Downtown Windsor Business Improvement Association.

Representative Matters

[Employment Standards](#)

Jeffrey Patterson

As Miller Canfield LLP's primary labour and employment lawyer in Canada, Jeffrey represents and advises public and private sector clients across Canada on all employment standards matters. With a particular expertise on the application of the *Employment Standards Act, 2000*, Jeffrey counsels clients on their rights and obligations with respect to terminations, notice, severance, hours of work, layoffs, leaves of absence, public holiday pay, and special rules and exemptions for various industries including specifically the automobile industry. In addition to advising clients on their rights, Jeffrey has represented clients before the Ontario Labour Relations Board with respect to complaints filed with the Ministry of Labour over termination pay, wage disputes, overtime claims, and status/classification disputes.

Employment Agreements

His approach is to work with a client to tailor an optimized agreement and then assist with its successful deployment. There are numerous practical considerations that must be adhered to in drafting and implementing a valid employment agreement: from how it is drafted to how it is presented to the employee. Jeffrey counsels clients on the advantages of drafting a well thought out and comprehensive employment agreement, enabling clients and their employees to have a clear understanding of their rights and expectations from the beginning of their relationship. The resultant goals are to:

- Provide the parties with clarity with respect to their mutual rights, obligations, and entitlements
- Reduce liability in the event of a breakdown in the employment relationship
- Increase flexibility for the employer to make adjustments to the employment relationship
- Safeguard and preserve Intellectual Property Rights, competitive advantages, and confidential information

Wrongful Dismissals and Constructive Dismissals

When there has been a breakdown in the employment relationship, an individual employee's employment contract may be terminated with or without cause. Jeffrey advises clients with respect to their rights, entitlements, and obligations upon a breakdown in the employment relationship including whether such termination constitutes wrongful or constructive dismissal, what liabilities may exist as a result of the termination, and what steps can be taken to reduce or eliminate liability. While Jeffrey has had significant success resolving employment dismissal claims, he has frequently represented clients before the Superior Court of Justice and the Ontario Labour Relations Board on such matters.

Unjust Dismissals

The Unjust Dismissal process is unique to federal employees and employers. It provides a less formal hearing process than civil litigation, but has unique procedural rules and jurisprudence that apply to both the hearing and any potential settlement that may arise out of such process. With his background as in-house counsel for one of Canada's largest banks, Jeffrey has a wealth of experience resolving unjust dismissal complaints and acting on behalf of clients on complex unjust dismissal complaints before the Canada Industrial Relations Board, in adjudications before adjudicators, and in mediations.

Occupational Health and Safety

Jeffrey advises clients on their obligations with respect to ensuring a safe and respectful workplace, drafts and revises government mandated health and safety policies and programs, and counsels clients on what remedial steps are appropriate or required in the workplace. Specifically, he has extensive experience dealing with:

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- Provincial Offence Proceedings
- Work Refusal Investigations
- Ministry of Labour Investigations
- Reprisal Complaints

Jeffrey also works closely with clients who are conducting internal workplace investigations in order to ensure that they are conducted in a procedurally fair and thorough manner. In certain limited circumstances, Jeffrey represents executives who have been accused of workplace harassment and are in the midst of an ongoing workplace investigation.

Human Rights

Jeffrey has acted as both co-counsel and as lead counsel on a number of human rights matters before the Human Rights Tribunal of Ontario and in grievance arbitrations. As an effective communicator and advocate, Jeffrey has handled human rights matters from start to finish in the areas of employment, housing, and services as they relate to:

- Age
- Disability
- Race
- Gender and Sex
- Religion
- Sexual Orientation
- Ethnicity, Ancestry, and Place of Origin
- Marital and Family Status

Given the unique challenges with human rights litigation, Jeffrey strives to bring order and efficiency to difficult human rights cases by focusing on the core issues, bringing preliminary motions to eliminate frivolous claims, resolving matters where it makes economic and business sense to do so, and working strategically on behalf of his clients to achieve a successful result.

Workplace Safety and Insurance Claims

Jeffrey exclusively represents employers with respect to workplace injuries that are the subject matter of a claim before the Workplace Safety and Insurance Board (WSIB). Jeffrey has also represented clients on a number of occasions before the Workplace Safety and Insurance Appeal Tribunal (WSIAT) on a range of matters, including:

- Initial Entitlement Issues
- Non-Economic Loss (NEL) Awards
- Loss of Earnings (LOE) Claims

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- Psychotraumatic Disability
- Mental Stress Claims

Labour Law

Labour Law is the regime that applies to employees, unions, and employers in a workplace that has been unionized. Jeffrey acts primarily for private and public sector clients in Ontario with respect to complex labour matters. The primary areas that Jeffrey focuses on in his practice with respect to labour matters include:

- **Grievance Arbitrations** – Jeffrey has acted on behalf of employer clients before numerous arbitrators with respect to the interpretation and application of their collective agreements. These matters range from disputes over entitlements to leaves under the Collective Agreement to grievances related to the termination of a union member's employment.
- **Collective Bargaining** – Concluding a well drafted and well thought out Collective Agreement is vital to the success of a business – it is likely the single most employment contract that applies in the workplace. Jeffrey has negotiated collective agreements for large public sector clients across Ontario including, in particular, clients in the healthcare industry. He focuses on treating all parties with respect, providing rational and thoughtful proposals, and running a cost-effective and efficient process.
- **Interest Arbitration** – In certain industries, when a collective agreement cannot be concluded mutually by the parties, they resort to interest arbitration as opposed to strikes and lockouts. Interest Arbitration runs much like a regular arbitration, but has its own specific body of jurisprudence that applies. Having acted as co-counsel on multiple interest arbitrations, Jeffrey provides strategic advice to clients throughout the entire bargaining process and effective advocacy before the arbitrator.
- **Duty of Fair Representation** – When an employee believes that their union has failed to appropriately represent their interests, they may file a Duty of Fair Representation (DFR) complaint with the Ministry of Labour. Jeffrey has exclusively represented large public sector employers before the Ontario Labour Relations Board on DFR complaints.

Reported and Published Decisions

- *Bissonnette v. Windsor Police Services Board*, 2019 HRTO 282
- *Bissonnette v. Windsor Police Services Board*, 2018 HRTO 1701
- *Gan v. District School Board of Niagara*, 2017 HRTO 1664
- *Gan v. District School Board of Niagara*, 2016 HRTO 1050
- *Decision No. 982/18*, 2018 ONWSIAT 1270
- *Decision No. 880/17*, 2017 ONWSIAT 3347
- *Allied Construction Employees Local 1030 v Wayne Jeffery Limited*, 2014 CanLII 1194

Jeffrey Patterson

Professional Activities

Law Society of Ontario

Civic, Cultural & Social Activities

Director, Downtown Windsor Business Improvement Association

Speeches

"Basics of Employment Law," Co-Presenter with Jessica Paglia, Invest WindsorEssex Small Business & Entrepreneurship Centre, Jan. 15, 2024

Articles

Provincial Offences Under Ontario's OHS Act: Lessons from Technicore Underground

Recent Updates to Ontario's Employment Standards Act, 2000

Important Update on U.S. Tariffs Impacting Ontario Businesses

Key Takeaways from Ontario's Working for Workers Act Four, 2023

Fighting Against Forced Labour and Child Labour in Supply Chains

Asset Sale or Share Sale? Key Considerations About the Legal and Employment Implications

Time is Money: Addressing Time Theft in the Workplace

No Poaching – Upcoming Changes to Canada's Competition Act

Ontario Considering Requirement that Employers Disclose How They Are Monitoring Employees

Update on Ontario's Requirements for a "Disconnecting From Work Policy"

CANADA: Are Mandatory COVID-19 Vaccination Policies Enforceable? Maybe, Maybe Not.

Ontario Proposes Limiting "On-Call" Practice, Eliminating Non-Compete Agreements, and More

Global Payroll Now Applies to Severance Pay Calculations in Ontario

COVID-19: Government of Ontario Declares a Second State of Emergency

COVID-19: Developing a Safety Plan for Your Workplace

What Happens to an Employee's Seniority after an Asset Sale?

Significant Decision from the Ontario Court of Appeal Impacts Enforceability of Termination Clauses

COVID-19: Government of Ontario Extends Deemed Emergency Leave

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COVID-19: Government of Ontario Ends State of Emergency, Terminating Deemed Emergency Leaves

COVID-19: Government of Ontario's New Regulation Addresses Layoffs and Constructive Dismissals under the Employment Standards Act, 2000

COVID-19: Update on the Canadian Government's Programs Supporting Businesses

COVID-19: Details of the Canada Emergency Commercial Rent Assistance Program and Increases to Ontario's Minimum Wage for Eligible Front Line Workers

COVID-19: Government of Canada Announces Newly Proposed Canada Emergency Commercial Rent Assistance Program