

## Adrian D. Jakibchuk

Partner

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## Focus Areas

Labor Management Relations

Hiring, Performance Management and Termination

Discrimination and Harassment

Leaves of Absence and Disability Accommodation

Arbitration

## Overview

Adrian D. Jakibchuk focuses his practice on the representation of management across a broad spectrum of employment and labour law matters. He regularly advises and represents clients in matters concerning:

- Wrongful and constructive dismissal litigation
- Human rights
- Employment standards
- Drafting employment contracts, handbooks, policies and procedures
- Grievance and interest arbitration
- Collective agreement negotiation and administration
- Labor board applications, such as certification and decertification, sale of business, unfair labor practices
- Union avoidance

Adrian frequently appears before the Ontario Labour Relations Board, the Ontario Human Rights Tribunal, the Ontario Superior Court of Justice and labor arbitrators and mediators. He has written several articles published in leading employment law publications and has presented on various topics in the fields of labor and employment law, including a 10-week course on "Managing Risk in Construction" for the Construction Institute of Canada.

Prior to joining Littler, Adrian practiced law at a large, full-service law firm in Toronto as chair of the Employment and Labour Group.

## Professional and Community Affiliations

- Member, Canadian Bar Association
- Member, Ontario Bar Association
- Member, Ukrainian Canadian Bar Association
- Member, Ukrainian Canadian Professional and Business Association of Toronto

## Recognition

- Dean's List, *Ivey School of Business*
- Recipient, Ivey Faculty Association Scholarship, *Ivey Business School*

## Education

J.D., University of Toronto, 2005

H.B.A., Ivey Business School, 2002, *With Distinction*

## Bar Admissions

Ontario, Canada

## Courts

Ontario Divisional Court

Ontario Superior Court

## Languages

English

French

Ukrainian

## Publications & Press

**Manitoba's anti-scab law: Is it unconstitutional?**

*Canadian HR Reporter*

January 28, 2025

**Canada: Two Bills Amend Newfoundland and Labrador's Labour Standards Act**

*Little ASAP*

December 18, 2024

**Ontario, Canada Court Finds Termination Provisions Unenforceable and Awards Employee Punitive Damages**

*Little Insight*

December 2, 2024

**Manitoba bans use of replacement workers during strike**

*Canadian HR Reporter*

November 18, 2024

**Canada: Manitoba Amends its Labour Relations Act and Employment Standards Code**

*Little Insight*

November 13, 2024

**Ontario, Canada Human Rights Tribunal Determines Volunteer Asked to Remove Rainbow Sticker Did Not Experience Discrimination**

*Little Insight*

October 9, 2024

**Ontario, Canada Court Affirms City Lacked Control of Workplace and Exercised Due Diligence, Upholding Acquittal of OHSA Charges**

*Little ASAP*

September 18, 2024

**Problem employees: discipline or termination?**

*Canadian HR Reporter*

June 18, 2024

**'It's problematic': Ottawa's push for return to office met with concern**

*Canadian HR Reporter*

May 7, 2024

**Employers can count sick leave credits as paid medical leave days under CLC: arbitrator**

*Human Resources Director Canada*

March 6, 2024

**Arbitrator Considers Interaction Between Canada Labour Code Paid Medical Leave Days and Other Employer-Paid Benefits**

*Littler ASAP*

March 4, 2024

**20 Key Developments in Canadian Labour and Employment Law in 2023**

*Littler Insight*

January 2, 2024

**Ontario, Canada Appellate Court Finds National Day of Mourning to Honour Memory of Queen Elizabeth II Not a Paid Holiday under Relevant Collective Agreements**

*Littler ASAP*

December 13, 2023

**Canada: Federal Bill Proposes Prohibition on Use of Temporary Replacement Workers During Strike or Lockout**

*Littler ASAP*

November 16, 2023

**Alberta, Canada Arbitrator Finds Grievor's "Off-Duty" Sexual Assault of Co-Worker is Just Cause for Employment Termination**

*Littler ASAP*

May 8, 2023

**Ontario, Canada Arbitrator Finds Employer Did Not Violate Collective Agreements by Not Recognizing National Day of Mourning as a Paid Holiday**

*Littler Insight*

March 7, 2023

**Partner Adrian Jakibchuk Rejoins Littler in Toronto**

*Littler Press Release*

October 3, 2022

**Termination Clauses Revisited – ESA 'Failsafe' Language May Not Be as Failsafe as You Think**

*Employment and Labour Law Reporter*

November 2019

**Separating the 'Apples' from the 'Oranges' – When Can Paid Time Off Benefits Replace Personal Emergency Leave?**

*Canadian HR Reporter*

September 11, 2018

**Littler Global Guide - Canada - Q4 2017**

*Littler Global Guide Quarterly*

January 19, 2018

**Bill 148 is Now the Law in Ontario, Canada**

*Littler Insight*

November 29, 2017

**Safety Changes Ahead in Ontario**

*Canadian Safety Reporter*

February 14, 2017

**Ontario Court Sentences Project Manager to 3.5 Years in Jail for Fatal Workplace Accident**

*Littler ASAP*

February 16, 2016

**Littler Opens Toronto Office**

*Littler Press Release*

August 4, 2015

**Update on Labour and Employment Law Considerations in Commercial Transactions**

*The Six-Minute Business Lawyer 2015*

June 10, 2015

**Tracking the law on GPS surveillance**

*Canadian Employment Law Today*

August 21, 2013

**Random alcohol testing fails Supreme Court's test**

*Canadian Employment Law Today*

July 24, 2013

**No (Reinstatement) Means No (Reinstatement) – Court Reverses Arbitrator's 'Dangerous Step Backwards' and Upholds Termination of Sexual Harasser**

*FEI Canada*

July 2013

**Crossing the line with off-duty online posts**

*Canadian Employment Law Today*

March 20, 2013

**Bill 168 creates 'ammunition' for employers in cases of workplace threats**

*Canadian Occupational Safety Magazine*

June 27, 2012

**Whose hard drive is it anyway?**

*Canadian Employment Law Today*

June 15, 2011

## **Speaking Engagements**

**Unique Human Resources Issues in Mining Operations**

The Osgoode Certificate in Mining Law – Program Faculty Member

April 27, 2022

**Occupational Health and Safety Legal Issues in Mining**

The Osgoode Certificate in Mining Law – Program Faculty Member

June 4, 2020

**Ontario Employment and Labour Update - Bill 148: Compliance for Now, the New Year and Beyond**

Toronto, ON

January 10, 2018

**Ontario Employment and Labour Update - Bill 148: Compliance for Now, the New Year and Beyond**

Toronto, ON

December 15, 2017

**Second Annual Canada Conference**

Toronto, ON

November 1, 2017

**Employment Law Update 2017**

Toronto, ON

September 18, 2017

**Canada: Ontario Government's Proposed Legislation to "Create Fairer and Better Workplaces" Includes \$15 Minimum Wage and Equal Pay for Part-Time and Full-Time Workers**

June 6, 2017

**Notable Cases in the Law of Accommodation**

Toronto, ON

March 22, 2017

**Inaugural Canada Conference**

Toronto, ON

November 21, 2016

**You Asked, We'll Answer: Canadian HR/Employment Law Hot Topic FAQs**

December 11, 2015

**Never Can Say Goodbye: Managing the Older Worker**

Client Seminar, Vaughan, Ontario, Canada

January 2012

**Managing Employee Terminations**

Canadian HR Reporter Webinar

2012

**Discipline, Discharge and Layoffs: When is a Layoff a Real Layoff?**

5th Bi-Annual Construction Labour Relations Conference Paper

April 2011

**Books & Book Chapters**

- Just Cause Dismissals in Canadian Employment Law: Recent Developments, *New Perspectives on Canadian Employment Law*, LexisNexis, Chapter 3, chapter co-authors: G. Vassos and R. Ai, 2014