

Barry Kuretzky

Partner

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Overview

An acknowledged resource on Canadian employment law, Barry Kuretzky brings creative solutions to business-critical decisions. His distinctive legal knowledge and clarifying common sense guide clients across the employment spectrum, from hiring to termination.

During a career spanning four decades, Barry has gained particular experience counseling clients in the labour relations area, which includes collective bargaining, union organizing drives, certification and decertification of unions, grievances and arbitrations.

Additionally, Barry advises marquee companies across Canada who face a myriad workplace challenges, including:

- Wrongful dismissal litigation
- Unjust dismissals pursuant to the Canada Labour Code
- Employment standards adjudications
- Human rights, including disability and accommodation matters
- Sexual harassment
- Breach of fiduciary duty
- Workers' compensation
- On-the-job health and safety
- Injunctions restraining competition and information distribution
- Wrongful hiring
- Negligent misrepresentation in the employment context
- Employment issues related to the sale or restructuring of businesses
- Negotiation and drafting of employment contracts and workplace policies.

Sought-after for his knowledge of workplace law, Barry wrote two industry-related books: *Mediating Employment Law Disputes* and *Human Resources Guide to Workplace Harassment*. He has been quoted significantly in the press on

Canadian labour and employment issues, and has been consistently recognized by *The Best Lawyers* in Canada and the *Canadian Legal Lexpert Directory* as one of the country's top lawyers.

Professional and Community Affiliations

- Member, Canadian Bar Association

Recognition

- Named, The Best Lawyers in Canada®, 2017-2021
- Recipient, Continuing Legal Education Long-Term Achievement Award, *Law Society of Upper Canada*
- Named, Leading Practitioners, *Canadian Legal Lexpert® Directory*, 1997-2021 (25 consecutive years)

Education

LL.B., Queen's University, 1978

B.A., University of Toronto, 1973

Bar Admissions

Ontario, Canada

Courts

Court of Appeal for Ontario

Ontario Superior Court

Publications & Press

Ontario, Canada Temporarily Reverts to Step Two of Roadmap to Reopen with Modifications

Littler ASAP

January 4, 2022

24 Key Developments in Canadian Labour and Employment Law in 2021

Littler Insight

December 16, 2021

Ontario, Canada: Bill 27, Working for Workers Act, 2021 Receives Royal Assent

Littler Insight

December 3, 2021

Arbitrator upholds mandatory COVID-19 vaccination policy

Human Resources Director Canada

November 26, 2021

Ontario, Canada: Arbitration Award Considers Issues Pertaining to “Vaccinate or Test” Policies

Littler Insight

November 18, 2021

Ontario, Canada Arbitrator Deems Employer’s Mandatory COVID-19 Vaccination Policy Unreasonable

Littler Insight

November 16, 2021

Ontario, Canada: Arbitrator Upholds Mandatory COVID-19 Vaccination Policy

Littler Insight

November 12, 2021

Ontario, Canada Court Ends Injunction Staying Termination of Unvaccinated Employees under Mandatory COVID-19 Vaccination Policy on Jurisdictional Grounds

Littler Insight

November 10, 2021

Ontario, Canada Announces Phased Plan to Lift Remaining Public Health and Workplace Safety Measures by March 2022

Littler ASAP

October 25, 2021

With-cause dismissal of long-term fiduciary employee justified

Human Resources Director Canada

October 12, 2021

Ontario, Canada Court Finds With-Cause Dismissal of Long-term Fiduciary Employee Justified

Littler Insight

October 6, 2021

Court overturns decision on Workplace Safety and Insurance Act

Human Resources Director Canada

September 29, 2021

Ontario issues guidance on proof of vaccination status for organizations

Human Resources Director Canada

September 24, 2021

Ontario, Canada: Divisional Court Overturns Decision Holding That Workplace Safety and Insurance Act Barred Constructive Dismissal Claim

Littler ASAP

September 22, 2021

Ontario, Canada Issues Guidance on Proof of Vaccination Status for Patrons of Restaurants and Other Select Businesses and Organizations

Littler Insight

September 20, 2021

Littler Attorneys Named to 2022 Best Lawyers™ Lists in Canada and Puerto Rico

Littler Press Release

August 26, 2021

Canada Announces COVID-19 Vaccination Requirement for Employees in Federal Public Service and Federally Regulated Transportation Sector

Littler ASAP

August 24, 2021

Ontario, Canada: New COVID-19 Guidelines Released for Fully Immunized and Previously Positive Individuals

Littler Insight

August 18, 2021

Canada's Federal Pay Equity Act Takes Effect on August 31, 2021

Human Resources Director Canada

August 6, 2021

New “Roadmap Exit Step” Added to Step 3 of Ontario, Canada’s Reopening Plan

Littler ASAP

August 6, 2021

Canada’s Federal Pay Equity Act Takes Effect on August 31, 2021

Littler Insight

August 4, 2021

Hearing upholds compulsory COVID testing policy

Human Resources Director Canada

July 21, 2021

Ontario, Canada Arbitrator Upholds Employer's Compulsory Rapid COVID-19 Testing Policy

Littler Insight

July 14, 2021

Liability for Severance Pay Depends on Company Payroll Size

Human Resources Director Canada

July 9, 2021

Ontario, Canada Court of Appeal Clarifies Relationship Between Common Employer Doctrine and Concept of Corporate Separateness

Littler Insight

July 8, 2021

Ontario, Canada Court Reduces Reasonable Notice Period Due to the Employee's Failure to Take Reasonable Steps to Mitigate Damages

Littler Insight

June 28, 2021

Ontario, Canada Court Decides Employer's Liability for Severance Depends on Size of its Global Payroll

Littler ASAP

June 28, 2021

Alberta Court of Appeal Confirms Complainants Need Not Prove Reasonable Efforts to Self-accommodate to Establish Family Status Discrimination

Littler Insight

June 24, 2021

British Columbia, Canada Court Deducts CERB From Employee's Damages for Wrongful Dismissal

Littler ASAP

June 9, 2021

Ontario, Canada Releases Three-Step Roadmap to Reopen

Littler ASAP

May 21, 2021

Court Finds Worker 'Repudiated' Role When She Walked Out

Human Resources Director Canada

May 20, 2021

Ontario, Canada Court Reminds Employers it is Important to Adhere to Their Contracts' Termination Provisions

Littler Insight

May 17, 2021

Ontario, Canada Court Finds Employee Repudiated Her Employment Contract When She Refused to Work Unless New Conditions Were Met

Littler Insight

May 13, 2021

Ontario, Canada: New Business Requirement Regarding Temporary Mask Removal to Eat or Drink at Work

Littler ASAP

April 27, 2021

Ontario, Canada Imposes Additional COVID-19 Restrictions

Littler ASAP

April 20, 2021

Ontario, Canada Exploring Possibility of Allowing Employer-Operated Onsite Vaccination Clinics in "Hot Spot" Communities

Littler ASAP

April 15, 2021

Ontario, Canada Court Decides Exceptional Circumstances Exist to Justify Notice Period Exceeding 24 Months for a Long-term Employee

Littler ASAP

April 14, 2021

Human Rights Tribunal of Ontario, Canada Provides Employers with Roadmap for Responding to Requests for Exemptions from Mask-Wearing Policies

Littler Insight

April 8, 2021

Canada: Ontario Superior Court Holds Labour Arbitrator Has Exclusive Jurisdiction to Resolve Dispute Relating to Workplace Violence and Harassment

Littler Insight

March 29, 2021

Ontario, Canada Superior Court Deems Employee's Pregnancy an Important Factor in Assessing Reasonable Notice Period for Dismissal

Littler ASAP

March 25, 2021

14 Key Developments in 2020

Canadian HR Reporter

March 9, 2021

Ontario, Canada: Court of Appeal Upholds \$1.27 Million Damage Award for Constructive Dismissal

Littler Insight

February 8, 2021

Ontario, Canada: Workplace Blitzes Announced and Expanded

SHRM Online

February 1, 2021

Ontario, Canada: Workplace Blitzes Announced and then Expanded

Littler ASAP

January 21, 2021

Ontario, Canada Declares Provincial Emergency and Imposes Stay-at-Home Order

Littler ASAP

January 13, 2021

14 Key Developments in Canadian Labour & Employment Law in 2020

Littler Insight

January 7, 2021

British Columbia, Canada: Recent Human Rights Tribunal Decisions Apply Stringent Test for Family Status Discrimination

Littler Insight

January 5, 2021

Ontario, Canada: Arbitrator Upholds For-Cause Dismissal of Employee with COVID-19 Who Put Colleagues and Others at Risk

Littler ASAP

January 5, 2021

Canada Emergency Wage Subsidy Program Revised and Extended

Littler ASAP

December 3, 2020

Canada: British Columbia Human Rights Tribunal Recommends Employers Faced with Family Status Discrimination Complaints Confer with Employees to Determine if Mutually Satisfactory Solution Available

Littler ASAP

November 16, 2020

Masks must be worn in indoor area of businesses premises and in vehicles

Human Resources Director

October 13, 2020

Ontario, Canada: Masks Must be Worn in Indoor Area of Business Premises and in Vehicles Operating as Part of Business

Littler ASAP

October 8, 2020

Employers must screen workers and essential visitors for COVID-19

Human Resources Director

October 5, 2020

Ontario, Canada: Employers Must Screen Workers and Essential Visitors for COVID-19

Littler ASAP

September 30, 2020

Saskatchewan, Canada: Court of Appeal Affirms Moral Damages Award Due to Untruthful Employee Termination

Littler Insight

September 30, 2020

Ontario, Canada: What are an Employer's Rights When an Employee Asks to Delay Their Vacation Due to COVID-19?

Littler Insight

September 24, 2020

New 'false light' privacy tort and how it might impact employers

Canadian Employment Law Today

September 22, 2020

Ontario, Canada: Court Considers Employee's Entitlement to Commissions "Booked and Billed" after Termination but During Reasonable Notice Period

Littler Insight

September 21, 2020

Two Littler LLP Partners Named to 2021 Best Lawyers™ List

Littler Press Release

August 28, 2020

Canada: How Should Employers Respond to Employees Who Have Childcare Obligations During COVID-19?

Littler Insight

August 20, 2020

Bill 195 and the End of COVID-19 Declared Emergency Leave in Ontario, Canada: What it Means for Temporary Layoffs and Deemed Leave

Littler ASAP

August 18, 2020

Canadian Federal Government Announces Proposed Changes to the Canada Emergency Wage Subsidy (CEWS)

Littler ASAP

July 22, 2020

Canada's Safe Restart Program Will Provide Workers 10 Job-protected Paid Sick Days Related to COVID-19

Littler ASAP

July 20, 2020

Toronto, Canada Requires Masks Within Enclosed Public Spaces

Littler ASAP

July 16, 2020

Federal government releases regulations on harassment and violence training

Canadian Lawyer

July 7, 2020

Canada: New Work Place Harassment and Violence Prevention Regulations for Federally-Regulated Work Places Come into Force January 1, 2021

Littler ASAP

June 29, 2020

Bill C-17 Proposes Changes to the Canada Emergency Wage Subsidy (CEWS) and the Canada Emergency Response Benefit (CERB)

Littler ASAP

June 11, 2020

COVID-19 and Work Refusals as Canada Reopens: Legal and Practical Considerations

Littler Insight

June 10, 2020

Government of Ontario, Canada Issues New Regulation Favourable to Employers During the COVID-19 Pandemic

Littler ASAP

June 2, 2020

Canada: COVID-19 and Recalling Employees Back to Work from a Temporary Layoff

Littler Insight

April 27, 2020

Canada: Eligibility for the Canada Emergency Response Benefit (CERB) Expanded

Littler ASAP

April 16, 2020

Canada: Temporary Changes Made to Canada Summer Jobs program in Response to COVID-19 Pandemic

Littler ASAP

April 15, 2020

Ontario, Canada: At Critical Moment in Fight to Stop Spread of COVID-19, Government Narrows List of Essential Businesses

Littler ASAP

April 4, 2020

Canada: Federal Government to Provide 75% Wage Subsidy to Employers

Littler ASAP

April 2, 2020

A patchwork of family status accommodation, continued

Canadian Employment Law Today

March 25, 2020

Ontario, Canada: Government Orders Mandatory Closure of Non-essential Services

Littler ASAP

March 24, 2020

Ontario, Canada: Government Enacts Job-Protected Leave in Response to COVID-19 Crisis

Littler ASAP

March 22, 2020

A patchwork of family status accommodation requirements

Canadian Employment Law Today

March 11, 2020

Canada: Federal Court of Appeal Affirms Federally Regulated Employees Can Make Unjust Dismissal Complaints after Signing Releases

Littler Insight

February 25, 2020

Canadian Employers and the Coronavirus

Littler Insight

February 19, 2020

Ontario, Canada: New “False Light” Privacy Tort and How It Might Impact Employers

Littler Insight

February 13, 2020

15 Key Developments in Canadian Labour & Employment Law in 2019

Littler Insight

January 8, 2020

Deal or no Deal? Ontario, Canada Court Determines Employer and Employees Agreed to Settlement Absent Written Contract

Littler ASAP

December 19, 2019

CANADA: How Can Employers Mitigate Liability for Incidents Related to Alcohol or Cannabis Consumption at Holiday Parties?

Littler ASAP

December 2, 2019

Canadian Employers Must Navigate a Patchwork of Family Status Accommodation Requirements

Littler Insight

October 18, 2019

The Legal Landscape for Canadian Employers One Year after Legalization of Cannabis

Littler Insight

October 2, 2019

Canada: Federally Regulated Employees Can Make Unjust Dismissal Complaints Even After Signing Releases and Settlement Agreements

Littler Insight

September 6, 2019

Employment: North America - Canada (Ontario)

Littler Report

August 29, 2019

Littler Attorneys in Canada and Puerto Rico Named to 2020 Best Lawyers™ List

Littler Press Release

August 21, 2019

Ontario, Canada: Enforcing Noncompetition and Nonsolicitation Clauses

Littler Insight

August 12, 2019

Ontario: Enforcing Noncompetition and Nonsolicitation Clauses

SHRM Online

August 9, 2019

Ontario, Canada Companies Beware: Class Action Lawsuits Alleging Worker Misclassification Are on the Rise

Littler Insight

March 4, 2019

Ontario, Canada: Legislative Changes in Bill 36 Seek to Make Cannabis a Public Issue

Littler Insight

October 1, 2018

Littler Attorneys in Canada and Puerto Rico Named to 2019 Best Lawyers™ List

Littler Press Release

August 21, 2018

Littler LLP Partners Recognized in the 2018 Canadian Legal Lexpert® Directory

Littler Press Release

August 15, 2018

Littler Partners Earn 12-Year Recognition in The Best Lawyers in Canada© 2018

Littler Press Release

August 24, 2017

Littler LLP Lawyers Named ‘Leading Practitioners’ in 2017 Canadian Legal Lexpert Directory

Littler Press Release

June 8, 2017

Ontario Court of Appeal Upholds Moral Damages, Human Rights Damages, and High Legal Cost Award in Wrongful Dismissal Case

Littler ASAP

February 21, 2017

Littler Lawyers Recognized in The Best Lawyers in Canada 2017

Littler Press Release

August 26, 2016

Littler LLP Lawyers Recognized in the 2016 Canadian Legal Lexpert Directory

Littler Press Release

July 6, 2016

Littler Opens Toronto Office

Littler Press Release

August 4, 2015

Speaker's Corner: Employee or independent contractor?

Law Times

March 8, 2010

Imposing Fiduciary Duties on Departing Executives

The Canadian Institute's Advanced Forum on Managing Legal Risks in Employing Executives

June 16 and 17, 2008

The Impact of Privacy Rights on the Workplace

Ontario Bar Association, 7th Annual Current Issues in Employment Law, 2008

March 6, 2008

Privacy in the Workplace

The Law Society of Upper Canada, Special Lectures, 2007 – Employment Law: From Resume to Pink Slip

April 23 and 24, 2007

Speaking Engagements

The Coronavirus: What Should Employers Be Doing Now

Toronto, ON

February 6, 2020

2019 Canada Conference

Toronto, ON

November 21, 2019

When the Smoke Clears: Preparing the Workplace for the Legalization of Cannabis in North America

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2019

Transgender Rights in the Workplace: An International Perspective

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2019

Transgender Rights in the Workplace

2018 Canada Conference, Toronto

November 16, 2018

Good-bye 2017, Hello 2018: The Canadian Legal Landscape is Changing

Toronto, ON

February 20, 2018

Second Annual Canada Conference

Toronto, ON

November 1, 2017

Inaugural Canada Conference

Toronto, ON

November 21, 2016

New England's Neighbor to the North: What Makes Canadian Employment Law Uniquely Canadian?

2016 New England Employer Conference, Burlington, MA

October 13, 2016

Inaugural Brazil Conference - São Paulo

Pinheiro Neto Advogados Rua Hungria, 1100 São Paulo, Brazil

September 14, 2016

Canadian v. U.S. Employment Law: Six Minutes at a Time

The 2016 Executive Employer Conference

May 5, 2016

Conducting Lawful Investigations: An Interactive Program for Internal Investigators

Toronto, ON

November 24, 2015

Developing a Workplace Violence Policy

Federated Press Publications Inc. 8th Annual Preventing Violence & Harassment in the Workplace

October 7-8, 2015

Legal Risk Course

Federated Press Publications Inc. 9th Annual HR Conference
September 24, 2015

Workplace Accommodation

Federated Press Publications Inc. 3rd Annual Disability Claims Management Conference
September 18, 2015

Ageism in Termination

5th Edition Workplace Discipline & Terminations Conference
June 9, 2015

Navigating the Employment Standards Act

Osgoode Professional Development
March 3, 2015

Employment Law/Nonprofit and Charities

Charity Law Seminar
March 2, 2015

Workplace Accommodations

Federated Press Publications Inc. 2nd Disability Claims Management Course
September 19, 2014

Disability

Federated Press Publications Inc. Conference
September 18, 2014

Co-Lecturer

Federated Press Publications Inc. 8th Annual HR Legal Risks Conference
September 12, 2014

Navigating the Employment Standards Act

Osgoode Professional Development
April 9, 2014

Litigating Claims in the Municipal Workplace

The Commons Institute
February 26, 2014

Mediating Terminations, Opening Remarks and Workshop

3rd Discipline and Employment Termination Course

February 14, 2014

Examining Recent Landmark Cases Under A Microscope

8th Edition Disability Management in the Workplace Conference

January 30, 2014

Unusual Cases in Law of Accommodation

Federated Press Publications Inc. 8th Annual Employer's Duty to Accommodate Course

December 13, 2013

Workplace Accommodation

Federated Press Publications Inc. Disability Claims Management Course

September 27, 2013

Latest Legal Developments Impacting HR Practices: Emerging of Noncompliance

6th HR Legal Risks Course, Co-chair, welcome and opening remarks

September 10, 2013

Navigating the Employment Standards Act

Osgoode Professional Development

July 8, 2013

Books & Book Chapters

- *Mediating Employment Law Disputes*, (second edition) co-author, 2013
- *Human Resources Guide to Workplace Harassment*, co-author, 2003