

## M.J. (Peggy) O'Brien

Peggy has a specialized practice in employment, human rights, labour and occupational health and safety law primarily for employers. She offers practical advice to her human resources clients based in part on her prior experience as a Personnel Manager and Director of Employee and Labour Relations in BC hospitals.

Peggy represents employers in employment related actions in the BC Supreme Court and Court of Appeal and before Federal and Provincial tribunals including the BC Human Rights Tribunal, Employment Standards Tribunal, Labour Relations Board and Workers' Compensation Appeal Tribunal. In addition, she represents employers in private labour arbitrations.

### Recognition And Ranking

- *Martindale-Hubbell International Law Directory*: BV Peer Review rated

### Professional Activities

- BC Human Resources Management Association, Current Director
- Employment Law, Labour Law and Human Rights Subsections of the Canadian Bar Association, Member
- Canadian Association of Council to Employers, Member

### Bar Admissions

- British Columbia (1986)

### Education

- University of Victoria (LL.B., 1985)

### Personal Interests

Peggy and her spouse own the beautiful Euphemia II, a 1928 classic cruiser and are active members in the Classic Yacht Association.

### Experience

- Successfully defended an employer in a wrongful dismissal action where the court agreed that the employer had cause for dismissal of the employee (*Knowlan v. Trailmobile Parts & Service Canada Ltd.*, 2006 BCSC 337)
- Advised an employer on the legal liabilities to union and non-union employees on closure of a mill in BC, including notice and severance requirements
- Advised an employer on the successful introduction of a drug and alcohol testing policy and procedure in a BC mine
- Assisted a mining company with the closure of its mine in BC on completion of its ore reserves
- Regularly advises corporate employers on their obligations to disabled employees, including duty to accommodate



### M.J. (Peggy) O'Brien

Partner

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#### Practices

- Labour and Employment
- Litigation & Dispute Resolution

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- Represented employer in the transportation industry relating to the certification, negotiations towards a first collective agreement and ultimately decertification of the bargaining unit
- Successfully negotiated the settlement of hundreds of wrongful dismissal claims against corporate employers
- Represented a major forest industry client to successfully defend claims of discrimination under the occupational health and safety regulations
- Represented a large construction company during the WorkSafe investigation following a fatality, successfully avoided penalty assessments or regulatory prosecution and assisted the client in reviewing and revising its work practices
- Acted as a third party independent investigator for a complaint of sexual harassment for a large employer in the forest industry
- Represented a client in the retail sector in successfully defending a claim of discriminatory treatment based on disability

#### Conferences

- "Employment Law Update", (June 14, 2011)
- "Dismissing", (June 2, 2010)
- "Damages after Honda / Keays – Too Soon for a Funeral for Wallace!", (January 21, 2010)
- "Damages after Keays v. Honda - What Now? Consideration by Canadian Appellate Courts", (September 10, 2009)
- "Employment Law Update", (October 30, 2008)
- "Employment Related Class Action Disputes", (June 25, 2008)
- "Hiring Temporary Foreign Workers", (June 17, 2008)
- "Personal and Psychological Harassment in the Workplace: recent critical cases", (April 9, 2008)
- "Benefits for Disabled Workers; Navigating the Maze", (November 28, 2007)
- "Recent Legal Decision in Employee Benefits, Labour and Employment Law", (September 18, 2007)
- "Human Rights and Privacy Issues", (June 21, 2007)
- "Accommodating Religious Practices", (February 22, 2007)
- "Complying with your Duty to Accommodate Employees with Addictions", (February 1, 2007)
- Lancaster House Workers' Compensation Conference, (November 1-2, 2006)
- "Foreign Workers: Work Permits & Confirmations of Employment", (October 31, 2006)
- "Employer's Right to Suspend Post McKinley", (September 28-30, 2006)
- "Employment Law Update", (June 21, 2006)
- "Psychological Harassment: modern Solutions to a Pressing Problem", (June 15, 2006)
- "Occupational Health & Safety: Obligations & Liabilities", (May 24-25, 2006)
- "Recent Developments in Employment Law", (April 21, 2006)

#### News / Publications

- Labour & Employment Law Bulletin, (November 8, 2011)
- Labour & Employment Bulletin: Federal Elections – Employee Voting Time Entitlement and Company Computers and the Employee's Expectation of Privacy", (April 29, 2011)
- Labour & Employment Bulletin: Minimum Wage Increase and Changes to Temporary Foreign Worker Regulations, (March 18, 2011)



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- Labour & Employment Law Bulletin: Court of Appeal finds Attendance Management Program Discriminatory, (October 20, 2010)
- Changes to the Labour Market Opinion (LMO) Program, (May 11, 2009)
- “Recent Legal Decision in Employee Benefits, Labour and Employment Law”
- “Complying with your Duty to Accommodate Employees with Addictions”
- “Recent Developments in Employment Law”
- “Occupational Health & Safety: Obligations & Liabilities” (May 24-25, 2006)
- “Foreign Workers: Work Permits & Confirmations of Employment” (October 31, 2006)
- “Employer’s Right to Suspend Post McKinley”
- Mandatory Retirement, (October 5, 2005)

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