



GROSMAN, GROSMAN & GALE LLP  
BARRISTERS & SOLICITORS

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Comprehensive Advice - Fair Solutions - Innovative Results

# THE FIRM



Over 25 years of trusted results.

## The Firm

**Over 25 Years** - Grosman, Grosman & Gale LLP, has been at the forefront of significant employment and labour law negotiations, settlements and developments.

Brian and Norman Grosman were the successful counsel on the leading case of *Pilon v. Peugeot* (1980), a case that fundamentally altered employment law principles in Canada. The firm has remained on the cutting edge of positive change as the law quickly adjusts to the realities and challenges of the present day workplace. The firm advises and represents corporations and their senior executives on the employment challenges stemming from corporate change.

**Major Restructurings and Downsizing** - Brian A. Grosman, Q.C. is the founding partner of the firm. His extensive multi-disciplined background includes academic, government, private and public participation at very senior levels. The firm has represented the Canadian Imperial Bank of Commerce for 25 years and was actively engaged in a number of key developments within the Bank including the merger with Wood Gundy Securities. The law firm has advised international oil producers such as Shell Canada and Suncor on major restructurings and downsizings. In addition to a very active corporate and governmental practice, the firm has represented hundreds of executives and CEOs from both the private and public sector that were facing employment issues.

**One of Ontario's Most Recommended** - Over the years as the firm has grown, so has its client base. The law firm now represents a number of key financial and institutional clients as well as major manufacturers, pharmaceutical companies and high-tech organizations. In a recent issue of the Lexis Ontario Directory, the firm is listed as one of the 'most recommended law firms in Ontario'.

**Tribunals, Mediations and Arbitrations** - Lawyers at the firm have successfully argued significant cases before all levels of court and administrative tribunals, including the Supreme Court of Canada. In addition, members of the firm conduct mediations and arbitrations, aimed at resolving difficulties before they reach the courtroom.

**Prevention, Planning and Advice** - In recent years the firm has been involved in advising clients involved in human rights and discrimination issues across Canada. In addition, the firm provides policy guidelines, internal discipline processes and preventive planning advice to its wide-ranging corporate clientele.

## Our Approach

**Personal Boutique Service** - Grosman, Grosman & Gale LLP is a boutique employment and labour law firm that is well positioned to avoid conflicts of interest regularly experienced by large multi-national firms. Because the firm specializes in employment and labour law, there is a depth of experience at the firm, which is not easily found in larger multi-departmental law firms.

**Fair Solutions** - The firm stresses a close relationship with its clients, so that together, we achieve extraordinary results. It is the firm's emphasis on teamwork and a willingness to resolve issues, when it is in the client's interest, that results in fair solutions and innovative resolutions that our clients depend upon.

**Trust and Teamwork** - The firm's strengths are based on our philosophy of remaining a small but experienced, specialized professional practice, that is able to deliver superior success based on a relationship of trust and teamwork with our clients.

**The touchstones of Our Core Values** - are based upon discretion, confidentiality, fairness, collaboration, and trust.



# SERVICES



Specializing in employment  
and labour law.

## **Prevention**

With 25 years of experience in all aspects of workplace related issues, GG&G is uniquely positioned to offer proactive advice designed to minimize disruption and cost in employment matters. We offer strategic counsel on a wide variety of challenges including mergers, acquisitions, downsizing, employment contracts, restrictive covenants, workplace discipline issues, performance management and policy manual matters, union certification, grievance and labour related matters as well as providing sexual harassment investigations and reports. Our experience and approach is designed to help you solve your workplace challenges before they develop into costly workplace problems. Strategic advice is available to both employers and employees.

## **Mediation and Negotiation**

The firm's senior counsel are regularly sought out by other members of the employment law bar to offer mediation services for both litigious and non-litigious workplace disputes. Our measured approach blends experience, creative solutions and strong negotiation skills to yield a framework for solving even the most difficult employment problems. Our success rate speaks for itself.

## **Litigation and Enforcement**

Historically, GG&G's experience is deeply rooted in employment litigation with particular emphasis on wrongful dismissal litigation, for which we are known nationally. The firm has a proven track record of appearances before all levels of administrative tribunals and courts, including the Supreme Court of Canada, in all facets of employment law. It is the firm's unique blend of well regarded negotiation skills and the willingness to take matters forward to court, when necessary, which provides you with "the edge". The invaluable respect we have earned amongst our peers and judges comes in large measure from the tough, but fair approach we demonstrate in a courtroom. Whether it is wrongful dismissal litigation, a contractual dispute, an injunction, an employment standards hearing, a labour arbitration, a human rights issue or stock option litigation, you can rely on GG&G for sound advice and strong litigation skills.

## **Consultation and Strategy**

Our lawyers consult with (literally) thousands of individuals and corporations each year, on a diverse cross-section of employment issues. We deal with workplace issues ranging from how to address conflict with one's boss to major corporate downsizings, and offer perspective and advice which is second to none. We consult with individuals on termination packages, constructive dismissal, drafting employment contracts, discipline and a variety of related issues. We are consulted by major corporations on how they can best achieve shareholder and workplace objectives without causing harm or disruption to the workforce, including union issues, terminations and general employment practices. We are often retained to provide strategic coaching to corporate leadership facing reorganization or employment disruption.

## **Conferences and Training**

As an adjunct to our traditional legal services, GG&G offers conferences and training programs which can be custom designed to meet your workplace needs. We are regularly called upon to prepare and present training sessions to managers on progressive discipline in the workplace, human rights, including harassment and sexual harassment, how to minimize the likelihood of unions, employment contracts and how to handle terminations in a cost efficient and humane manner. We also are available to provide individual coaching sessions to provide executives with strategic input designed to assist them in becoming more effective. Just ask us how we can help you, through conference sessions or training workshops, to enable your work environment to run more smoothly and productively.



# PROFESSIONALS



Balance and perspective,  
the advantage of insight.

## The Principals



**Brian A. Grosman, Q.C., B.A., LL.B., LL.M.**, is the founding partner of the firm. Brian pioneered the field of employment law by successfully litigating a number of ground breaking employment and labour law cases. He has appeared at all court levels in Ontario as well as in the Supreme Court of Canada.

Brian was Professor of Law at McGill University and the College of Law of the University of Saskatchewan. He is the founding Chairman of the Law Reform Commission of Saskatchewan.

Brian is the author of seven books on employment, labour law, and the administration of justice.



**Norman Grosman, B.Sc., LL.B.**, is the firm's Managing Partner and has achieved an impressive record of providing strategic advice, litigating, writing and speaking on employment law topics over a period spanning 25 years.

Norm is the author of *Federal Employment Law in Canada* and *A Practical Guide to the Law of Hiring in Ontario*. In addition,

he writes exclusively on employment law for *Workopolis.com*, appears regularly on *Report on Business T.V.*, and is a columnist for *The Toronto Star*. He is an assistant editor of the *Canadian cases on employment law*.



**William R. Gale, Mus. Bac., LL.B.**, has been a partner of the firm since 1989. Since joining Grosman, Grosman & Gale LLP as an associate in 1984, Bill's practice involves negotiating and drafting executive contracts. Referred to in the *Business Magazine of the National Post* as "an executive agent", Bill reduces the increasingly complex nature of executive compensation to concise

written documents on behalf of his executive clients.

In addition, his background in music has led to a clientele which includes several well-known arts organizations which rely upon him for employment advice, and when required, legal representation and advocacy.

## The Team



**John R. Martin, LL.B.**, has been practicing employment law with Grosman, Grosman & Gale LLP for twenty years. Wrongful dismissal litigation accounts for a large part of John's practice. He has appeared at all court levels in Ontario as well as in the Supreme Court of Canada. He represents both employers and employees before administrative tribunals and in all aspects of human rights related issues. John is the author of two books on employment law and discrimination in the workplace, *Employment Law in Ontario* and *Discrimination in Employment in Ontario*.



**Natalie C. MacDonald, B.A., Honours, LL.B.**, advises and represents employers and employees in all aspects of employment law including hiring, terminations, restrictive covenants, contracts, employment standard issues, human rights, and sexual harassment. Ms. MacDonald has successfully argued cases in the Ontario Superior Court of Justice, as well as various tribunals. She writes regularly for the *Employment Bulletin*, *Canadian HR Reporter*, and *Canadian Employment Law Today*. She is also a frequent speaker at various employment related conferences.



**Jeff C. Hopkins, B.A., Honours, LL.B.**, advises employers and employees on a full range of labour and employment law matters, focusing on wrongful dismissal litigation, employment and consulting agreements, and representing management on union certification campaigns, collective bargaining and grievance arbitration. Jeff also assists employers with the preparation of employee handbooks and workplace policies.

Jeff has represented clients before the Ontario Superior Court of Justice, Ontario Court of Appeal, and various administrative tribunals.



**Sheryl L. Johnson, B.A., Honours, LL.B.**, represents employers in all aspects of employment, human resource, and labour law advising on effective measures to manage and proactively address workplace issues, avoiding exposure and limiting liability, conducting workplace investigations, preparing and implementing employment contracts and policies, responding to labour board applications, and conducting collective bargaining. Sheryl is very active in conducting harassment investigations and providing training and education workshops on such topics as progressive discipline, harassment, and respect in the workplace.



**R. Mark Fletcher, B.A., Honours, LL.B.**, provides practical and effective advice and representation in employment matters to employers and employees with a particular emphasis on wrongful dismissal litigation, human rights issues, and employee investigations. Mark has appeared before the Ontario Superior Court of Justice, the Ontario Court of Appeal and the Federal Court of Canada.

Mark also writes articles on employment law issues for a variety of publications including the *Employment Bulletin*, *lawyers.com*, and *jobexperts.com*.



# CLIENTS



Employment solutions for  
corporate change.

# Clients, Experience & Sectors

**Balanced Perspective** - In its 25 years of practice dedicated to employment and labour law, Grosman, Grosman & Gale LLP has gained a balanced perspective as a result of its representation of both employers and employees. The firm’s clients in its labour practice are, however, limited to management-side representation.

**Advice, Advocacy and Representation** - As Grosman, Grosman & Gale LLP has grown, the size and number of its corporate clientele has increased. From the early employment work the firm undertook for Canadian Imperial Bank of Commerce, including drafting of employment contracts and personnel policies and procedures, the range of employment law services now includes advising on merger issues as well as preventive planning. Over the years, the firm has provided a wide range of advice, advocacy and representation involved in employment litigation to Canadian Imperial Bank of Commerce and other financial institutions.

**Depth and Diversity** - Grosman, Grosman & Gale LLP represents major, mid-size and family run corporations, as well as partnerships. Most of our clients utilize the firm’s services in a wide variety of employment and labour issues. They are long-term clients with whom the firm develops a positive relationship based on teamwork, and an ever growing knowledge of the clients’ specific needs and approach to human resource issues.

**Multi-Sector Experience** - Key clients are found in the pharmaceutical, petro-chemical, packaged goods, high tech and manufacturing industries and in professional practices. Some of the employment issues which are more common in certain industries, eg. confidentiality or fiduciary duties of departing employees, and restrictive covenants are all areas where Grosman, Grosman & Gale LLP has substantial in-depth experience.



# PROOF CASE HISTORIES



Our peers respect us,  
our colleagues refer clients to us.

## **Pilon v. Peugeot**

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Until Brian and Norman Grosman successfully argued this case on behalf of Mr. Pilon, case law consistently denied damages for mental distress to employees whose employment had been terminated. The seminal decision of the court in *Pilon v. Peugeot* created new law. Faced with a case in which their client had completely mitigated all of the damages that a dismissed executive might recover under the then existing case precedents, Brian and Norman Grosman moved to a creative legal argument. As a result, the court awarded damages for mental distress to Mr. Pilon. This case virtually changed the face of employment law in Canada.

At Grosman, Grosman & Gale LLP, each case is approached with the level of creativity that led to the award made to Mr. Pilon.

## **Delcan Corporation**

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As the number of international assignments undertaken by Delcan Corporation, a Canadian-based consulting engineering firm, increased, its employment law firm Grosman, Grosman & Gale LLP, developed written employment contracts to deal with the various issues that are unique to international assignments of its personnel. One of the Delcan engineers assigned to a project in Venezuela was dismissed pursuant to the terms of one of the international employment contracts drafted by Grosman, Grosman & Gale LLP. He sued Delcan in Ontario, alleging that he was entitled to substantial damages pursuant to Venezuelan law. Bill Gale, of Grosman, Grosman & Gale LLP, successfully defended Delcan in court. In a reported decision of the Ontario Superior Court of Justice, *Vasquez v. Delcan Corporation*, the Court dismissed the claims of Mr. Vasquez and affirmed the enforceability of the terms of the contract which Mr. Vasquez had signed.

The firm's experience and ability to draft the necessary employment contracts to protect its corporate client's interests in an international employment context and to then advocate successfully in court in support of that contract provided the client with the legal advocacy required to successfully enforce the contracts drafted by Grosman, Grosman & Gale LLP.

## **Shell Canada Ltd.**

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When business realities dictated that its head office needed to be relocated from Toronto to Calgary, this Grosman, Grosman & Gale LLP client worked with the firm to prepare severance packages for those employees who were not making the move, and the relocation packages of those heading west. The objective was to cut approximately 1,000 jobs while implementing the relocation to Calgary, with as little disruption as possible. Ultimately, through offers of enhanced early retirement, relocation packages and severance payments to the 1,800 employees affected, Shell achieved its objective.

The combination of experienced employment counsel and a client sensitive to the needs of its employees, enabled Shell to avoid both the costs of litigation and the negative message that litigation could have conveyed to remaining employees.

## **Antidormi v. Blue Pumpkin Software Inc.**

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Under normal circumstances, an employee who has only been employed for five months at the point of dismissal would only expect a severance payment of a few months' compensation. In a reported 2004 decision of the Ontario Superior Court of Justice, Grosman, Grosman & Gale LLP client, Melissa Antidormi, was awarded a severance payment equivalent to one year's total compensation in excess of \$300,000. Notwithstanding Ms. Antidormi's brief five months with her new employer, Natalie MacDonald of Grosman, Grosman & Gale LLP was able to successfully argue that the enticements of Blue Pumpkin Software that caused Ms. Antidormi to leave secure employment elsewhere and the bad faith it manifested following its dismissal warranted this extraordinary remedy.

Grosman, Grosman & Gale LLP reinforced its reputation of taking a tough stand in deserving cases that set new standards in the employment law field.



# PUBLISHED



Employment law,  
we wrote the book.

## Books



### Fire Power - *Brian Grosman*

The positive approach to the dilemma faced by every employer and employee. How to terminate employment in a cost efficient and humane manner.



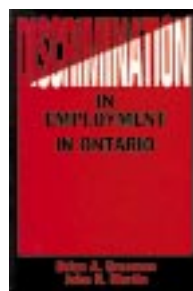
### Firing Line - *Brian Grosman*

The law and the termination process from the perspective of the corporation and the senior management employee.



### Corporate Loyalty - *Brian Grosman*

This book explores the nature of loyalty in the corporate environment, looking at the issues through the lens of actual case studies.



### Discrimination

- *Brian Grosman, John R. Martin*

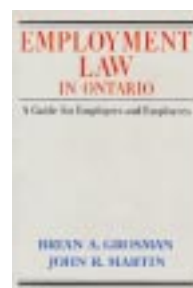
The law of discrimination in employment in Ontario. A guide to the legal issues in employment discrimination.



### Fire Proofing

- *Brian Grosman*

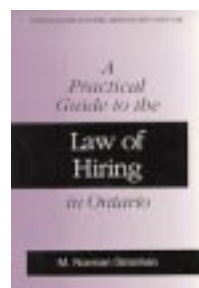
Positive steps that an employee can take to protect his or her own interests, from job offer to termination of employment.



### Employment Law in Ontario

- *Brian Grosman, John R. Martin*

This is a publication that attempts to encourage employers and employees to live within the law by assisting them to understand it.



### Law of Hiring in Ontario

- *Norman Grosman*

Hiring a new employee today is a serious challenge and a responsibility that involves a structured hiring process. That process is clearly described and the legal implications outlined.



### Federal Employment Law

- *Norman Grosman*

Describes the unique employment law requirements which apply to federally regulated employers.



# WHY GROSMAN, GROSMAN & GALE LLP



The firm is small,  
our results are huge.

## Our Advantage

With over 25 years of successfully negotiating, mediating and litigating extraordinary results, we are a small firm that moves quickly and gets to the heart of the matter at a reasonable cost.

We pride ourselves in our successful and highly advanced negotiating skills, court room savvy, aggressive litigation and trial abilities, as well as our industry-wide advisory, teaching and public media accomplishments.

We provide proactive planning and strategic advice on a timely basis. The firm's reputation is based on its comprehensive advice, as well as compassionate service to its clientele.

Grosman, Grosman & Gale LLP is the law firm other lawyers recommend to their clients for employment and labour law advice.

We regularly hear from our clients that the GG&G name is highly respected, amongst employers and their legal counsel, and having us on your side immediately and effectively says:

- you have retained solid experienced employment counsel
- the advice you are getting is second to none
- you have engaged counsel that are highly respected amongst their peers and well known for bringing about effective solutions
- you have counsel who, when required, know their way around a courtroom

Whether it's wrongful dismissal, mergers and acquisitions, downsizing, discipline, termination guidelines, employment agreements, employment standards, human rights issues, management and employee policies, strategic labour law advice for executives and employers, corporate institutional and government employment issues or litigation, Grosman, Grosman & Gale LLP is relied upon for fair solutions and extraordinary results by knowledgeable employers and executive employees.





**GROSMAN, GROSMAN & GALE LLP**  
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111 Richmond Street West, Suite 400

Toronto, Canada M5H 2G4

Telephone: 416-364-9599

Fax: 416-364-2490

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[www.grosman.com](http://www.grosman.com)