



Seann D. McAleese

Partner | Toronto

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Biography

Seann McAleese's specialty is management side labour and employment law, both public and private sector.

Seann has extensive experience in a variety of industries in both union and non-union settings. Areas of expertise and advice relate to guiding clients on labour relations, union organizing, employment law, executive contracts, restrictive covenants, business transactions, privacy, occupational health and safety and human rights. Seann couples timely and accurate legal answers with business focused, strategic advice tailored to manage the risks and challenges presented by the legal context in order to facilitate corporate objectives.

Seann has developed a particular expertise assisting in the hospital, police, insurance and waste services sectors. He has attended as counsel before the courts, including at the appellate level, at arbitration and a variety of statutory tribunals governed by the *Employment Standards Act*, *2000 Labour Relations Act*, *Occupational Health and Safety Act* and the *Human Rights Code*.

Seann has also served as an instructor for post-secondary human resources programs, presented at numerous client and industry specific conferences as well as delivering client training seminars on a variety of topics.

Professional achievements & leadership

- *The Best Lawyers in Canada* – Labour and Employment Law, 2020
- *The Canadian Legal Expert Directory*, Labour Relations, 2018 – 2019

Notable matters

- Counsel to an industrial manufacturing employer in proceedings before the Ontario Superior Court of Justice, which upheld the cause dismissal of a manager who engaged in and concealed an intimate relationship with a subordinate employee.
- Counsel to insurance industry client successfully arguing for dismissal of a motion for certification of a class action before the Ontario Superior Court of Justice alleging constructive dismissal of a group of sales agents. The Divisional Court unanimously upheld the Class Proceedings Judge's decision. Leave to appeal from the Divisional Court's unanimous decision was dismissed by the Court of Appeal for Ontario.
- Counsel to a municipal police services board in proceedings before the Human Rights Tribunal of Ontario, successfully obtaining the dismissal of a *Human Rights Code* complaint involving a former constable who alleged discrimination due to disability and failure to accommodate following his resignation from employment to evade consequences for on-duty narcotics use.
- Counsel to a waste collections industry employer in proceedings before an Arbitrator appointed under the *Labour Relations Act* successfully arguing against any liability for the employer where it was compelled to layoff and terminate employees who had been banned from the client site.
- Counsel to an insurance industry employer in proceedings before a private arbitrator appointed under the *Arbitrations Act* successfully defending against a wrongful dismissal suit where cause asserted and upheld for breach of confidential and proprietary

information.

- Counsel to a waste collections industry employer in proceedings before an Arbitrator appointed under the *Labour Relations Act* upholding the dismissal of a long service employee for breach of trust and dishonesty.
- Counsel to a hospital employer in proceedings brought before an Arbitrator appointed under the *Labour Relations Act* upholding the dismissal of a long service Registered Nurse for theft of narcotics and rejecting the addiction disability defence.

Thought leadership

Presentations

- “Personal Identity and Employee Privacy at Arbitration”, The Six-Minute Labour Lawyer, Law Society of Ontario, 2018
- “Use of Force, Accommodation, and Undue Hardship” Twenty-Sixth Annual Police Employment Conference – Emerging Issues and Legal Developments, February 27-28, 2017
- “Annual HR Professionals Legal Update” Grand Valley Human Resources Professional Association, 2007 – 2017
- “2014 Fall Labour Seminar” Ontario Association of Police Services Boards, November 20-21, 2014
- “Occupational Health and Safety Update” Police Association of Ontario, March 3-4, 2014

Publications

- “Personal Identity and Employee Privacy at Arbitration” (co-authored by Greg Bush), The Six-Minute Labour Lawyer, Law Society of Ontario, 2018
- “Contracting Out in Policing”, *HQ Magazine*, Ontario Association of Chiefs of Police, 2015
- “Policing and the *Occupational Health and Safety Act*” *HQ Magazine*, Ontario Association of Chiefs of Police, 2014
- “Case shows individual nature of constructive dismissal”, *The Lawyers Weekly*, 2013
- “Accommodation Issues Impacting Policing”, *HQ Magazine*, Ontario Association of Chiefs of Police, 2009

Community involvement

- Ayr Minor Hockey Association, Discipline Director
- Canadian Pension Plan Appeals Tribunal, pro bono representation of applicant for permanent disability benefit

Corporate directorships

- Board Member, YMCA, 2019 – Present
- Member and Former President of Governing Board, Human resources Professionals Association of Ontario, Grand Valley Chapter

Professional memberships

- Canadian Association of Counsel to Employers
- Ontario Bar Association – Labour & Employment Law Section
- Ontario Association of Chiefs of Police

Bar admissions & education

- Ontario Bar, 2001
- LL.B., Osgoode Hall Law School
- B.A., (Hons.) History and Labour Studies, York University

RELATED SERVICES

Human Rights
Labour & Employment
Privacy & Information Protection

RELATED INDUSTRIES

Automotive
Banking

Education

Hospitality

Insurance & Risk Management

Mining

Retail

Social Impact