



Kristen Pennington

Toronto

416.865.7943

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education and year of call

- Called to the Ontario bar - 2015
- York University, Honours Bachelor of Arts, Canadian Studies - 2011
- University of Toronto, Doctor of Law (J.D.) - 2014
- York University, Osgoode Hall Law School, Intensive Trial Advocacy Program - 2019

practice areas

arbitration
cybersecurity
employment and labour relations
employment law
employment litigation
harassment and discrimination
mediation
workplace privacy
privacy and data protection
privacy and data protection
compliance

industries

banking, finance and insurance
cannabis practice group
healthcare
media, communications and entertainment
rail
service industries

profile

Kristen Pennington is an associate lawyer in the Advocacy and Employment Group of McMillan LLP. She practises in all areas of employment law, including advising and representing employers with respect to hiring and dismissal, employment contracts, performance management and discipline, employment policies, human rights laws, unjust dismissal complaints, and grievances.

Kristen has a strong advocacy background, appearing regularly before the Superior Court, the Court of Appeal, the Human Rights Tribunal, the Ontario Labour Relations Board and the Canadian Railway Office of Arbitration and Dispute Resolution, as well as in a variety of arbitrations and mediations.

Kristen is particularly passionate about discrimination, workplace violence and sexual harassment advocacy. She regularly assists employers with assessing, revising and implementing effective discrimination, violence and harassment policies and programs. Kristen provides training for management and human resources professionals with respect to conducting workplace investigations, handling employee accommodation, and the prevention and elimination of conflict in the workplace.

Kristen regularly provides advice and assistance to vendors and purchasers with respect to the employment implications of corporate transactions, including evaluating risks and providing advice regarding the retention or termination of employees post-transaction. She also enjoys assisting international companies as they enter the Canadian market and begin to learn about Canada's often very different labour and employment laws.

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In addition to her varied employment practice, Kristen is developing a practice in privacy and cybersecurity law. Kristen advises organizations with respect to legal requirements related to data security and workplace privacy issues, including employee background checks, cross-border transfers of personal information and data breaches. She assists clients with developing practical, up-to-date privacy compliance programs and drafts privacy policies, consent forms, acceptable use policies, and commercial terms with third-party service providers, among others. Kristen also has a growing privacy litigation practice wherein she assists organizations facing investigations or claims as a result of cyber incidents and alleged misuse or mishandling of personal information.

Kristen summered and articulated with McMillan LLP. She went on to practice at a leading boutique Toronto labour and employment firm, acting for both management and employee clients in all aspects of employment and workplace human rights law before returning to McMillan LLP in 2018.

directorships and professional associations

- Ontario Bar Association
- The Advocates' Society

representative matters

- Provided employment and privacy law advice to an international consulting firm in connection with its entry into the Canadian market through the acquisition of a leading health consulting company
- Provided employment advice to a publicly-traded payment company in connection with its acquisition of a Canadian fintech firm
- Assisted an international software company with its entry into the Canadian market, including establishing template employment agreements and compensation plans, implementing mandatory employment policies, and managing the immigration of key employees
- Acted for a transportation company with respect to the termination of an employee involved in a high-profile incident resulting in third party fatalities

awards and rankings

- Kristen is the past recipient of the Borden Ladner Gervais Award for Professional Excellence.
- In 2015, she was nominated for a Notable Award as an up-and-coming millennial in her field.

community involvement

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- Mentor – Taste Program, York University - Mentoring young aspiring lawyers over lunch

media mentions

- Kristen is a regular contributor to Employment Law Today and Thomson Reuters' Employment Law Bulletin
- Kristen has also been interviewed and quoted by a variety of news sources nationwide, including The Globe and Mail, Metro News, CTV, Global News, Yahoo and CBC's The National.

publications

October 2019

International Comparative Legal Guide to: Cybersecurity 2020

August 2019

Top of the Class: New Cybersecurity Program to Certify Privacy-Minded Businesses
Privacy Bulletin

May 2019

Proposed Digital Charter Could Bring Sweeping Changes to Canadian Privacy Laws
Privacy Law Bulletin

November 2018

Trick or...Breach? PIPEDA's Breach Reporting Requirements Come Into Force on November 1, 2018
Privacy Law Bulletin