



## Dave J.G. McKechnie

Co-Chair, Employment & Labour Relations  
Toronto

416.865.7051

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### education and year of call

- Called to the Ontario bar - 2004
- University of Toronto, LLB - 2003
- Swarthmore College, BA (*Hons.*) - 1997

### practice areas

employment and labour relations  
business immigration  
employment law  
employment litigation  
harassment and discrimination  
white collar defence and government  
investigations  
labour arbitration  
labour relations  
executive compensation  
construction

### industries

automotive manufacturers and  
distributors  
alternatives  
oil and gas  
transportation  
cannabis practice group

### profile

Dave practises in all areas of labour and employment law at both the provincial and federal level. He advises and represents employers with respect to employee hiring and dismissal, wrongful dismissal claims, disability management and benefit issues, workplace accommodation, harassment, employment standards, employment contracts, employment policies, human rights, grievance arbitration, negotiation and administration of collective agreements, workers' safety and insurance and Canada Labour Code unjust dismissal complaints. Dave also has experience in relation to employee and retiree benefits class action claims.

Dave represents clients in front of various labour tribunals, including the Human Rights Tribunal of Ontario, the Ontario Workplace Safety and Insurance Appeals Tribunal, employment insurance appeals, employment standards hearings and at arbitrations and mediations. Dave has also regularly appeared before the Ontario Superior Court and the Ontario Court of Appeal.

Dave is a member of the firm's business immigration practice, and advises clients on all aspects of business immigration, including labour market opinions, intra-company transfers, professional applications and permanent residence applications for economic class immigration and provincial nominees.

Dave is a graduate with honours of Swarthmore College in Pennsylvania. Prior to joining McMillan, he worked as a litigation clerk at Thompson Coburn LLP in Washington, D.C.

### directorships and professional associations

- Canadian Association of Counsel to Employers
- Canadian Bar Association

- Toronto Lawyers Association

## representative matters

- *Lawrence v. Norwood Industries Inc.*, 2016 ONSC 6072 (CanLII)
- *Ontario Nurses' Association v. Calea Homecare*, 2016 CanLII 44017 (ONLRB)
- *Ciszkowksi v. Canac Kitchens*, 2015 ONSC 73 (CanLII)
- *Reaume v. Total Security Management and Securitas Canada Limited* 2015 HRTO 504 (CanLII)
- *WSIAT Courier Services Decision*, 2013 ONWSIAT 958 (CanLII)
- *Nitta Gelatin Canada Inc. and UFCW-Can, Local 1000A (Katarzynski)*; 2013 CarswellOnt 2290
- *Klimaszewska v. ADESA Auctions Canada*, 2011 HRTO 74
- *Dart Aerospace Ltd. v. Duval*, 2010 FC 755 (Fed. Ct.)
- *Bautista v. NYK Line (Canada) Inc.*, 2008 CanLII 59551
- *Firatli v. Kohler Ltd.*, 2008 CanLII 35266 (ON SC)

## media mentions

- "Review of Five Good Ideas" by Sue Tardi, *The Philanthropist*, Volume 24
- "[Ruling Sends Shockwaves](#)" by Michael McKiernan, *Law Times*, May 16, 2010

## publications

### October 2018

Ontario Proposes Major Changes to the *Employment Standards Act, 2000*

Employment and Labour Relations Law Bulletin

### September 2018

Helping Your Workplace Navigate the Legalization of Marijuana

Employment and Labour Bulletin

### June 2018

Over (65) and Out in Benefit Plans is Unconstitutional HRTO Rules

Employment and Labour Bulletin

### May 2018

Through the Looking Glass (Ceiling): Ontario Passes New Act to Close Gender Wage Gap

Employment Law Bulletin

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## **January 2018**

Ontario Immigration Act, 2015 Now In Force  
Business Immigration Bulletin

## **December 2017**

Ontario Files Regulations to Clarify the Implementation of Bill  
148: Impacts for the Auto Sector, Construction Industry and  
Others  
Employment Law Bulletin

## **November 2017**

All Notice and No Work Makes "Working Notice" Null and Void  
Employment and Advocacy Bulletin

## **October 2017**

The Demise of NAFTA: Creating Uncertainty for Foreign  
Workers  
Employment and Labour Bulletin

## **June 2017**

"She Got a Break Today" - Court Refuses to Deduct Earnings  
During Notice Period  
Employment and Labour Bulletin

## **June 2017**

Ontario Proceeding with Important Amendments to the *Labour  
Relations Act, 1995*  
Employment and Labour Bulletin

## **May 2017**

Hiring Employees for Startups: the milestone that could turn into  
a stumbling block  
Employment and Labour Relations Bulletin

## **May 2017**

Changing Workplaces Review Recommends Significant  
Changes to Ontario's Labour and Employment Laws  
Employment and Labour Bulletin

## **February 2017**

Don't Let the Door Hit Your Bonus on the Way Out:  
Resignations and Bonus Payments  
Employment and Labour Bulletin

## **February 2017**

Tips for Supporting an Employee's Application for Provincial  
Nomination from Recent BC PNP Decision  
Immigration

## **January 2017**

Back in Styles: Controversial Incentive Compensation Decision  
Gets Overturned  
Employment and Labour Bulletin

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## **January 2017**

Indignation Not Resignation: an employee storming off does not mean she is quitting  
Employment and Labour Bulletin

## **January 2017**

The Employee Doth Protest the Right Amount: Implementing Changes To Employment Contracts  
Employment and Labour Bulletin

## **November 2016**

Human Rights Tribunal of Ontario Revisits Test for Family Status Discrimination  
Employment and Labour Bulletin

## **August 2016**

Mis(class)ified? First-of-its-Kind Class Action Gets the Green Light  
Employment and Labour Bulletin

## **July 2016**

The Cure for What Ails You: Court Rejects "Technical Objections" to Termination Provision  
Employment and Labour Bulletin

## **June 2016**

She's Lovin' It! Poor Use of Performance Plan Leads to Wrongful Dismissal  
LexisNexis Labour Notes

## **June 2016**

Not all Cannabis is Created Equal: Reimbursement for Medical Marijuana  
Employment and Labour Bulletin

## **May 2016**

She's Lovin' It! Poor Use of Performance Plan Leads to Wrongful Dismissal  
Employment & Labour Bulletin

## **April 2016**

The Ministry of Labour's Ballroom Blitz: Are You Ready?  
Employment and Labour

## **December 2015**

I'm Taking My Contract and Going to Court: Employers Must Consider Contractual Interests of Dismissed Employees  
Employment and Labour Bulletin

## **December 2015**

Take Control of Your Offers: The Cautionary Tale of *Buaron v AcuityAds Inc.*  
Employment and Labour Bulletin

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## **November 2015**

"The Risk of Red Herrings": Failing to provide evidence of misconduct leads to punitive damages  
Employment and Labour Bulletin

## **June 2015**

"Intern(al) Affairs": Managing Unpaid Internships in Ontario  
Employment and Labour Bulletin

## **January 2015**

It's a Two-Way Street: Employees are Required to Give Notice of Resignation  
Employment and Labour Bulletin

## **January 2015**

The Price to Entice: Three-Year Employee Awarded 14 Months of Notice  
Employment and Labour Bulletin

## **February 2014**

Making Canadian Citizenship More Canadian: Bill C-24 Proposes Major Reforms to the *Citizenship Act*  
Immigration Bulletin

## **November 2013**

"*Training Day*": The Ontario *Occupational Health and Safety Awareness and Training Regulation*  
Employment and Labour Bulletin

## **May 2010**

Construction Law in Canada  
Contributing Author, Book, published by LexisNexis

## **presentations**

### **February 2, 2016**

Privacy and the Workplace: The Scop and Limitations of Employee Privacy  
Ontario Bar Association's Institute, Toronto, Ontario