



Kyle Lambert

Ottawa

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education and year of call

- Called to the Ontario bar - 2013
- Queen's University, JD - 2012
- University of Ottawa, Bachelor of Social Sciences (Hons) - 2006

practice areas

employment law
harassment and discrimination
administrative law
business litigation
arbitration
product liability
government procurement
construction

profile

Kyle Lambert is an associate in the advocacy and litigation group in the firm's Ottawa office.

Kyle's practice includes a wide range of advocacy topics, with a particular emphasis on commercial litigation and employment law. Kyle assists clients involved in a range of issues, including shareholder disputes, complex contractual disputes, product liability, public and administrative law matters, and government procurement challenges. In his employment law practice, Kyle regularly acts for businesses in wrongful dismissal and human rights claims, while also providing employment-related advice and analysis on large business transactions. Kyle has appeared before all levels of Ontario's civil courts, as well as before the Federal Court and Canadian International Trade Tribunal.

Prior to joining McMillan, Kyle worked with Commission Counsel on the Elliot Lake Commission of Inquiry, which was established to investigate the cause and response to the 2012 shopping mall collapse.

awards and rankings

- Law Society of Upper Canada Award and Osgoode Society Award of Excellence for achieving academic standing among the top 10% of his law school class.

media mentions

"Stop Finding Ambiguity Where There Is None — Ontario Court of Appeal Adds to the Law of Termination Clauses", *Employment and Labour Law Reporter*, August 2018

publications

August 2019

Sweeping Changes to Federal Employment Standards Set to Take Effect

Employment and Labour Bulletin

July 2019

Employees' Duty to Mitigate: Comparable Employment Does Not Mean Any Employment
Employment and Labour Relations Law Bulletin

June 2019

24-Hour Rule: Court Confirms Limits of Medically Prescribed Cannabis Use in the Workplace
Employment and Labour

April 2019

Ontario Passes Amendments to the *Labour Relations Act, 1995* and *Employment Standards Act, 2000*
Employment and Labour Relations Law Bulletin

February 2019

Supreme Court of Canada Likely to Consider Post-Termination Bonus Entitlements
Employment and Labour Relations Law Bulletin

January 2019

Uber Drivers Given a Low-Arb Diet: Ontario Court of Appeal Invalidates Arbitration Clauses
Employment and Labour Relations Bulletin

December 2018

Ontario Proceeding with Further Substantial Amendments to Workplace Legislation
Employment and Labour Relations Law Bulletin

November 2018

What's Old is New Again in Ontario Workplaces as Bill 47 Receives Royal Assent
Employment and Labour Relations Law Bulletin

November 2018

Government of Canada Proposes Substantial Changes to Federal Employment Standards
Employment and Labour Relations Law Bulletin

October 2018

Ontario Proposes Major Changes to the *Employment Standards Act, 2000*
Employment and Labour Relations Law Bulletin

October 2018

Ontario to Make Major Changes to Employment and Labour Standards through the *Making Ontario Open for Business Act*
Employment and Labour Relations Law Bulletin

October 2018

To What Extent Must Employers Accommodate Medical Marijuana in the Workplace?

Employment and Labour Bulletin

July 2018

Stop Finding Ambiguity Where There Is None – Ontario Court of Appeal Adds to the Law of Termination Clauses
Employment Law Bulletin

June 2018

"Don't Worry, We All Know What That Clause Means" – Court Reaffirms The Importance of Carefully Drafting Fixed-Term Employment Agreements
Employment and Labour Bulletin

May 2018

Ontario Government Walks Back Changes to Public Holiday Pay Calculation
Employment Law Bulletin

April 2018

'Tis the Season - Ontario Government Introduces Bill Setting Minimum Pay Rates for Private-Sector Contractors on Government Contracts
Employment Law Bulletin, Procurement Law Bulletin

March 2018

The 2018 Federal Budget: What Employers Should Know
Employment Law Bulletin

January 2018

Happy New Year: Termination Clause Upheld by Court of Appeal
Employment Law Bulletin

January 2018

Drafting Termination Clauses – Be Careful That Your Fail-Safe Provision is Safe and Doesn't Fail
Employment Law Bulletin

January 2018

Notable Changes to the Ontario Human Rights Code Likely On Their Way
Employment Law 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

Prying Eyes: Risk of Employee 'Snooping' and How to Reduce it
Privacy Bulletin

November 2017

You Only Get One Shot – Ontario Court of Appeal Says Severability Clauses Cannot Save Improper Termination Provisions
Employment Law Bulletin

November 2017

Blown Save: ONCA Delivers "Bad News" to Employers Regarding Severability Clauses
Employment & Labour Bulletin

October 2017

Ontario Divisional Court Affirms Use of Contractual Limitation Period in Guarding Against Third Party Claims
Litigation Bulletin

October 2017

Bona Fide or Not? B.C. Human Rights Tribunal examines what constitutes a *bona fide* benefits plan
Employment and Labour Bulletin

October 2017

Ontario Private Member's Bill Proposes Broadened Human Rights Code
Employment and Labour Bulletin

June 2017

New Ontario Workplace Legislation to Impact Use of Contract and Temporary Workers
Employment and Labour Bulletin

June 2017

Boucher v. Ontario (Superintendent of Financial Services) – Confirmation of Limits on Entitlement to Commuted Pension Value
Pensions and Benefits Bulletin

June 2017

Court of Appeal for Ontario Affirms Strong Limitation on Employee's Post-Termination Bonus Entitlement
Employment and Labour Bulletin

June 2017

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

May 2017

Ontario Eases Solvency Funding Requirements
Pensions and Benefits Law Bulletin

May 2017

The 2017 Ontario Budget – Pensions and Benefits Play a Central Role

Pensions and Benefits Law Bulletin

April 2017

What You Meant vs. What You Said – Employer's Words
Interpreted as Termination
Employment Law Bulletin

April 2017

Office of the Superintendent of Financial Institutions Releases
PRPP Filing Guide
Pension and Benefits Law Bulletin

March 2017

We've Overpaid, Now What? OLRB Confirms Employers'
Obligations in Addressing Pension Overpayments
Pension and Benefits Law Bulletin

February 2017

No Benefits Plan Can Cover the Sun, Moon and the Stars:
Should they Cover Medical Marijuana?
Employment and Labour Bulletin

January 2017

Update: Federal Pooled Registered Pension Plan Legislation
Amended to Recognize Ontario Legislation
Employment and Labour Bulletin

January 2017

Recent Cases Confirm Obligations When Holding Former
Employees to Non-Competition Covenants
Litigation Bulletin

November 2016

New Regulatory Authority for Pensions on its Way
Litigation Bulletin

November 2016

Ontario's *Pooled Registered Pension Plans Act* Takes Effect
Employment and Labour Bulletin

November 2016

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

August 2016

Bonus Plans: Being "Actively Employed" May Include Being
Fired
Employment and Labour Bulletin

March 2016

Update: Formal Workplace Measures to Combat Sexual
Harassment Required by September 2016
Employment and Labour Relations Bulletin

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November 2015

Ontario's Sexual Violence and Harassment Plan Act Passes
First Reading
Employment and Labour Bulletin

June 2015

Heads Up! More Changes to Ontario's Labour and Employment
Laws are Likely on Their Way
Employment and Labour Bulletin

June 2015

Social Media and Off-Duty Misconduct: Where are we @?
CACE 12th Annual Conference, 2015 Presentation Paper

March 2015

The Most Important Question is Why: the SCC Revisits
Constructive Dismissal
Employment and Labour Bulletin

January 2015

Ontario Human Rights Commission Comments on Sexual
Harassment in the Workplace
Employment and Labour Bulletin

January 2015

Call it What you Want, It's Still Constructive Dismissal
Employment and Labour Bulletin

July 2014

Three New Leaves for Ontario Workers to Take Effect October
29, 2014
Employment and Labour Bulletin

April 2014

Ontario's Mandatory Occupational Health and Safety
Awareness Training – Be Prepared for July 1, 2014
Employment and Labour Bulletin

December 2013

"You Can't Have Your Cake and Eat it (Part) 2": An Update on
Mitigation and Employment Contracts
Employment and Labour Bulletin

December 2013

Forfeiture Provisions in Compensation Plans Not Restraints of
Trade: Employers Can Refuse Payment to Departed Employees
Employment and Labour Bulletin

presentations

January 2018

Social media's growing role in litigation
On January 25, 2018 McMillan's Kyle Lambert delivered Social
media's growing role in litigation presentation to the Ottawa



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chapter of the International Association of Privacy Professionals.

November 14, 2017

Employee Snooping

McMillan's Second Annual Privacy, Cybersecurity and Data
Protection Seminar, Toronto, Ontario