

PREFACE

Relations between Canada and the United States are characterized by increasing economic integration and interdependence. The two countries participate in the world's most extensive trading relationship that has flourished with the advent of free trade. Since the passage of the North American Free Trade Agreement in 1994, two-way trade in merchandise has grown by 265 percent. Daily trade between Canada and the United States exceeds U.S. \$1.5 billion. The volume of two-way trade across the international bridge between Detroit, Michigan, and Windsor, Ontario, equals all U.S. exports to Japan.

The trading relationship between Canada and the United States is truly reciprocal. Approximately 80 percent of all Canadian exports are destined for the United States market. Canada is the single largest foreign provider of energy to the United States, supplying 17 percent of U.S. oil imports and 18 percent of U.S. natural gas demand. At the same time, Canada is the leading export market for 36 of the 50 U.S. states. Canada is a larger market for U.S. goods than all of the countries in the European Community combined.¹

The trading relationship is driven by U.S. business activity in Canada. Of all direct foreign investment in Canada, approximately 60 percent is from the U.S. From automakers to retailers to filmmakers, Canada is perceived as an attractive place to do business. Reasons why U.S. companies choose Canada are numerous. Canada offers an affluent market for U.S. goods and services. The Canadian workforce is diverse and well-educated. Geography, culture, and language contribute to an easy introduction for U.S. companies.

It is against this economic backdrop that *Canadian Labour and Employment Law for the U.S. Practitioner* was written. The aim is to provide the U.S. reader with a comparative insight into Canada's laws of the workplace. The book explains Canada's labour and employment laws from a U.S. point of reference. The goal is to provide U.S. attorneys and human resource practitioners with information to assist in both avoiding the liabilities and taking advantage of the opportunities associated with doing business in Canada. This 2008 supplement to the second edition is not intended to be encyclopedic but rather takes a generalized approach to Canadian labour and employment law. The decisions and statutory amendments reviewed in this supplement have been selected for discussion because they demonstrate a new direction in Canadian law or represent a significant point of departure from U.S. law. As in the main edition,

¹U.S. Department of State, "Background Note: Canada", online <<http://www.state.gov/r/pa/ei/bgn/2089.htm>>.

Ontario, Canada's largest province in terms of population and size of economy, generally serves as the representative jurisdiction for the purpose of illustrating principles of Canadian law. Significant differences in the laws of the provinces are addressed in the text itself and in comparative charts found in appendices to the supplement.

There have been important developments in Canadian labour and employment law since the release of the second edition, including developments in age discrimination and pension law aimed at addressing Canada's changing demographics; elaboration of privacy rights; developments in the law of compensating dismissed employees; the strengthening of the criminal law to reinforce health and safety obligations; and recognition of collective bargaining as a constitutional right. These major trends are reviewed in this supplement together with relevant changes in the case law and statute law across Canada.

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