



5-Star Safety Lawyers and Law Firms

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CUTTING THROUGH THE RED TAPE

From boutique firms to national powerhouses, *Canadian Occupational Safety* is happy to introduce its inaugural list of 5-Star Safety Lawyers and law firms. Our research team has tirelessly worked to uncover the best and brightest legal minds in the OHS sphere.

The firms and lawyers on our list offer top shelf advice and are widely recognized as ones to watch in the OHS sphere. The pandemic has brought with it a number of complex workplace issues, and more and more employers are turning to trusted legal counsel to gain a clearer picture.

A welcome spotlight

Though these past 18 months have been insanely tough, *Canadian Occupational Safety* is proud to bring some levity to the sector through its awards program. We're always happy to highlight the cream of the crop and spotlight those individuals and organizations that are making a difference — and so are our winners!

"Being recognized as a 5-Star Safety Lawyer by clients and peers is a tremendous honour. As health and safety lawyers, we react quickly to help clients when workplace accidents occur, but we are also fortunate to have the opportunity to help prevent accidents and

injuries by working with clients to develop a strong workplace health and safety culture. This award signifies that our advice makes a difference and we are grateful to our clients and peers for their recognition,” said Lisa Bolton, lawyer, Sherrard Kuzz LLP.

And it’s not just individual lawyers who are making a team. Our winners were keen to spotlight the team efforts made to face such difficult times.

“We are really proud of this award, which recognizes our firm’s expertise, experience and client service in the area of Occupational Health and Safety.

We have a number of skilled lawyers who regularly practice in this area, and are honoured that our performance and achievements in the safety industry have been identified by leaders within the industry,” said Zacks.

TOP LEGAL CONCERNS IN WORKPLACES

-  **Vaccine mandates** have been a huge headache for employers around Canada, who will continue to seek counsel on how best to implement an effective vaccine strategy.
-  **Workers' compensation**, notably compensation for long haul COVID, is a top concern for employers.
-  Outside of COVID, **cybersecurity and digital bullying** have been top of the list for organizations, who may be liable for bothersome conduct both in and out of the workplace.
-  **Workplace impairment testing**. Drug and alcohol testing are historic concerns for Canadian employers, especially with a rise in substance use linked to the pandemic.

Current challenges

The OHS sector has faced a number of challenges over the last year — with lawyers in this arena also feeling the effects of the pandemic.

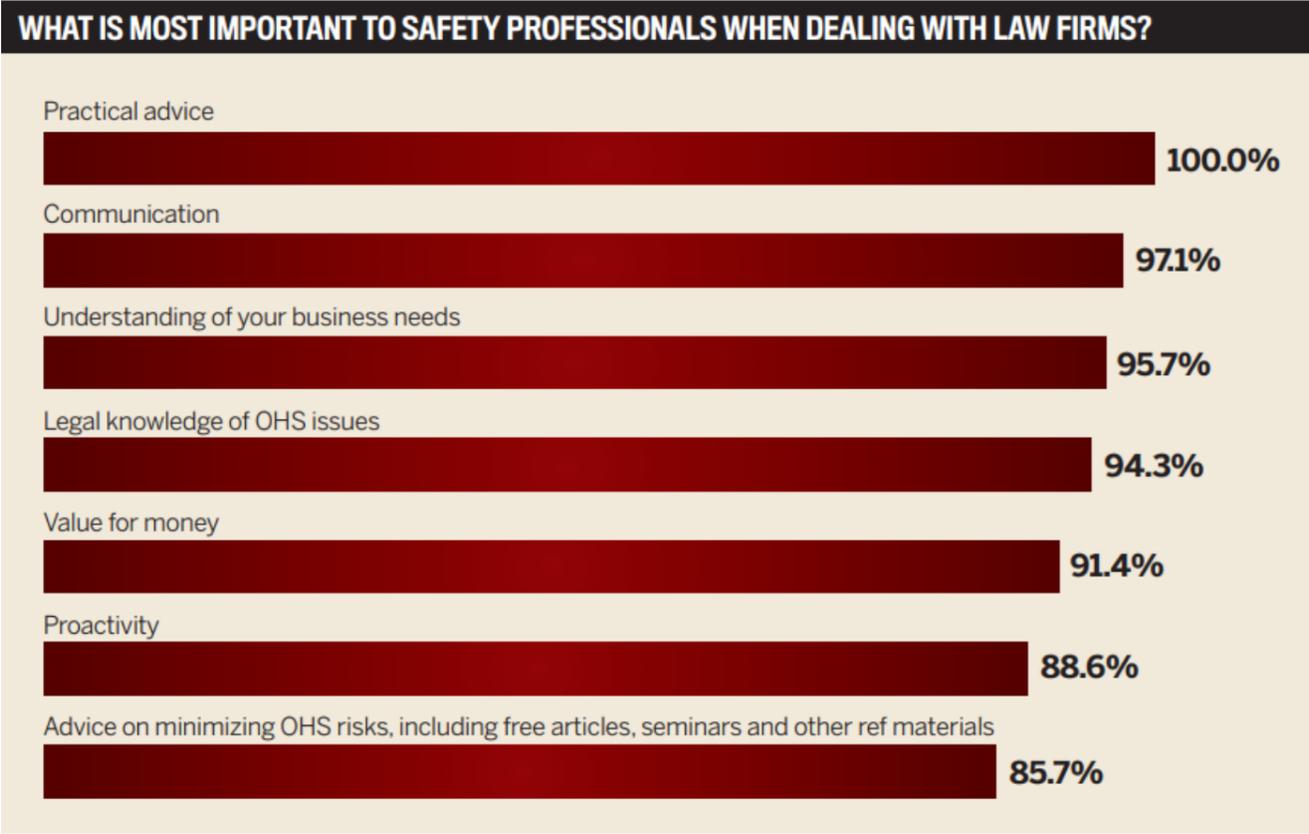
“The pandemic has brought unprecedented change for the legal sector, particularly for health and safety lawyers. In addition to transitioning, in part, to providing legal services remotely in a digital environment, health and safety lawyers have been a key resource for

clients, providing information and advice about frequently changing provincial and local health and safety requirements to help businesses continue to safely operate.

The pandemic has also brought workplace mental health considerations to the forefront, particularly in the healthcare and other essential service sectors where employers struggle to maintain staffing levels," said Bolton. Indeed, as with many sectors, Canada's legal minds have had to contend with working remotely and delivering assistance through virtual means.

Our winners also highlight that ever-changing public health guidelines have been tricky to navigate.

"One of the biggest challenges that we have faced is the fact that the legislation and public health guidance have been constantly changing throughout the past 18 months. These necessarily shape the legal landscape and the advice that we provide, which at times results in changes to advice on a daily or even hourly basis," said Nadine Zacks, partner, Hicks Morley.



A novel risk

"COVID-19 has brought workplace health and safety to the forefront of every workplace decision," said Zacks. "This change has likely been felt the greatest in those workplaces and industries which have historically been lower risk, but now have to contend with health and safety in all aspects of the workplace. It has also resulted in changes

to how work is performed in almost every industry, resulting in the requirement to analyze and address new hazards and work processes,” she added.

Indeed, there are some industries such as construction or mining which have historically had to deal with a multitude of hazards as well as risk mitigation. This means that, though it was tough, safety pros in that arena had at least some experience when integrating COVID-19 prevention measures.

However, for those workplaces (such as office settings, for example) — which present very few risks aside from a slippery floor or a case of carpal tunnel syndrome — legal advice came in very handy when it came to navigating new, complex health and safety measures.

The silver lining here, of course, is that legal practices around the country have opened up to a whole new client base.

Future considerations

So, what lies ahead for our legal experts? With the pandemic still raging on, it will no doubt continue to dominate every sector, including the legal sphere. Though we may have started to get a hang of PPE and physical distancing, questions abound.

One issue has been that around workplace vaccine mandates.

When introduced, these measures proved to be contentious for some. Despite many Canadians racing to get a jab, some remain scared or even skeptical of the vaccine. Addressing vaccine hesitancy in the workplace has been a huge concern over the last few months.

Nevertheless, more and more Canadian workplaces are requiring employees to be vaccinated (Porter Airlines, Toronto Hydro and CNN, to name a few). For companies considering them, they could prove to be a legal headache.

More so than ever before, employee rights have been at the centre of the pandemic. COVID-19 has brought worker health and safety to the mainstream.

Another tricky thing to navigate will be workers' compensation, notably for those who suffer from the long-term effects of COVID (otherwise known as "long haulers"). Considered a disability by some, the issue will no doubt evolve as our understanding of the disease itself progresses.

And COVID-19 hasn't been the only workplace concern.

The modern era brings with it modern challenges. While technology has allowed us to work more efficiently — and to work at all, amid COVID-19 — it nevertheless has its pitfalls. New channels of communication sadly also open us to new forms of harassment through means such as text, Slack, Skype, WhatsApp, social media, etc.

While tech can be a great way to keep in touch with workers, it has also opened up the floodgates of digital bullying.

Employers are concerned as to how to create a safe work environment while preventing or addressing harassment — both online and offline. In what ways are they liable?

Lastly, substance abuse and workplace drug testing are areas of concern for some employers. Though a number of jazzy new solutions have cropped up in recent years, organizations are still seeking advice over how to effectively and responsibly implement workplace alcohol and drug testing.

Lawyers



David Myrol

McLennan Ross LLP



Jamie Alyce Jurczak



Taylor McCaffrey LLP



★ **Adrian Miedema**

Dentons Canada LLP

★ **Cheryl A. Edwards**

Mathews, Dinsdale & Clark LLP

★ **Christopher Spasoff**

F2 Legal Counsel

★ **Jeremy Warning**

Mathews, Dinsdale & Clark LLP

★ **Lisa Bolton**

Sherrard Kuzz LLP

★ **Loretta M. Bouwmeester**

Mathews, Dinsdale & Clark LLP

★ **Madeleine Loewenberg**

Loewenberg Psarris Workplace Law LLP

★ **Ryan J. Conlin**

Stringer LLP

★ **Norm Keith**

KPMG Law

★ **Eric Thibaudeau**

Lavery, de Billy LLP

★ **Landon Young**

Stringer LLP

★ **James F. LeMesurier, QC**

Stewart McKelvey

Law Firms



McLennan Ross LLP



Taylor McCaffrey LLP

**TAYLOR
McCAFFREY**

★ **Dentons Canada LLP**

★ **F2 Legal Counsel**

★ **Hicks Morley LLP**

★ **KPMG Law**

★ **Loewenberg Psarris Workplace Law LLP**

★ **Sherrard Kuzz LLP**

★ **Mathews Dinsdale & Clark LLP**

★ **Stringer LLP**

★ **Lavery, de Billy LLP**

★ **Stewart McKelvey**

Methodology

To determine the best lawyers and law firms catering to the safety industry, *Canadian Occupational Safety* sourced feedback from safety leaders over a period of 15 weeks. *COS's* research team began by conducting a survey with a wide range of safety officers to determine what companies value in the law firms they collaborate with.

The in-depth information gleaned from this survey enabled the research team to assign weighted values to the services offered by law firms to their safety clients. The research team also spoke to hundreds of safety professionals across the country by phone, asking them to rate the safety law firms and lawyers they had worked with over the previous 12 months.

In addition, the team sought the opinions of safety lawyers themselves to find out which law firms they would recommend aside from their own. At the end of the research period, the law firms and lawyers that received the highest rankings in terms of work quality, specialist expertise and client service were declared 5-Star Award winners in the field of safety law.

With this methodology, *COS* came up with 14 winning lawyers and 12 winning law firms.



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