

Michael Sherrard, managing partner of Sherrard Kuzz, on the growth of his labour & employment firm

Sherrard says with economic uncertainty going into 2023, his firm and clients will remain flexible



Michael Sherrard is the managing partner of Sherrard Kuzz.



Law Times spoke with Michael Sherrard, the managing partner of Sherrard Kuzz LLP, about the growth of his labour and employment boutique, the pandemic and how his clients see the current economic climate.

Tell me about your practice.

We're in our 21st year. Our firm does employment and labour law on behalf of employers. When we first started, Erin Kuzz and I got together and had both been practising labour and employment law at other firms.

We felt the market could handle another firm. When we started, though, we didn't envision where we would be today with over 30 lawyers.

We thought we could differentiate ourselves based on how we service clients. I think we built strong relationships with our clients that go through generations.

Your firm has grown quite a bit.

I'm 59, and we have several partners in their early 40s. We also have a student program to bring on first and second-year summer and articling students.

We've been lucky concerning the quality of people joining from those three generations.

How many long have you been a managing partner?

I've been managing partner the entire time. I'm not sure we had titles, though, when we launched our firm in October 2001. Erin and I did not have a formal partnership agreement for the first decade or so. But we have 13 partners now, so we do have partnership agreements.

How did the pandemic impact your firm?

Internally, like every other business, we had 30 days of panic at the beginning. But we were fortunate. Employment and labour law during COVID has been very busy.

We had no layoffs at all. We had a very brief period where we had people take a reduction in their annual income, and I think by September 2020, we paid it back.

Internally, like everybody else, we've spent a lot of time trying to learn and understand best practices for keeping people safe during the initial days.

Our clients had their day-to-day issues where we would provide labour and employment advice. But we also helped them develop best practices in their context.

That's the challenge, taking a public health directive and saying, "how do you apply it to the healthcare setting, or a manufacturing facility, or a retailer or a hotel business, or construction?"

The construction sector might have been one of the industries that handled this the best. They could stay open, probably better than any other sector in Ontario's economy. They embraced innovative practices to keep their people safe, whether at an office or, more importantly, at a construction site.



**There are storm clouds in the economy going into 2023.
Have you seen that in your work yet?**

We have not felt that impact yet, but it is in the news or when we speak with clients who are concerned about 2023.

In 2008-2009, the last time there was a significant economic hit, our experience was that we tended to stay as busy, but we were doing different kinds of work. Instead of spending a lot of time tailoring employment agreements and policies, we helped our clients develop different cost-effective ways to get things done.

I expect clients will be much more creative in how they handle this downturn. Most people expect the downturn to be very sector-specific instead of just across the board. We learned a lot over the last 24 months, and employers will apply those lessons to the current economic climate.

How have you been managing the back-to-office transition?

We're in a hybrid setting, but it is still fluid. When our folks are all in the office, we still have masking when they're up and around.

Most of our people are back to work physically in the office, between three and four days a week. Many of our folks are going out to see clients now.

For hearings, we're starting to see negotiations and some arbitrations move back to face-to-face, which lags what we see in the court system.

Hybrid hearings are not going away anytime soon. If you've got a procedural matter in a hearing, I suspect you will see that dealt with through Zoom calls and teleconferences instead of face-to-face hearings.

What other trends do you see besides hybrid versus in-person discussions?

We will see lots of litigation arising from COVID. So, there is court-based litigation around temporary layoffs versus constructive dismissals when clients must do layoffs.

There are still arbitrations around mandatory vaccination policies and the remedial consequences of those policies across the country.



Many law firms find recruitment challenging now – what has been your experience?

I'm not sure we have the same experience in terms of challenges around talent. We've been very fortunate because we've got a stable team.

We're trying to listen to our people about what they want. So, when I say we're back to three to four days a week in the office, that didn't happen overnight. That's been a gradual process.

I wouldn't be so naïve as to say our people aren't getting calls from recruiters. I agree that many firms are on the hunt for talent.

What other process improvements are you planning at your firm?

We have reevaluated our processes over the last five years, but COVID expedited that.

Whether it's project-based or a milestone piece of litigation, we're taking a hard look at how we've done that over the last five years and are working to drive efficiencies. Some call that innovation, but it could be as simple as having fewer people touch the same file.

If you look at our website, for example, we have regularly updated briefing notes for both our clients and the public. We have an HReview Breakfast Seminars series. We are focused on what's coming next.

Labour and employment is a people business. It's all about growing trusting relationships.

Tell me about your community involvement.

We want to be in the community as a firm. Erin, for example, is co-chair of the Leukemia & Lymphoma Society of Canada's Light the Night initiative.

We do a fair bit of work, relationship-wise, with U SPORTS, the group that oversees all varsity sports for universities in Canada. We're active in a couple of their award programs.

**Answers have been edited for length and clarity.*

