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A. Mosby Harvey Jr.

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INTRODUCTION: LEGAL ASPECTS OF HUMAN RESOURCES IN THE
CANADA/U.S. CONTEXT: A COMPARATIVE LOOK AT HIRING,
TERMINATION, AND REGULATION OF THE WORKPLACE

*A. Mosby Harvey, Jr.**

MY EXPERIENCE AS GENERAL COUNSEL has led me to a little reflection from time to time on matters of human resources and human relations in the workplace. Over the years there has been much excitement because of the many changes in the U.S. laws. We have seen the enforcement of equal employment opportunity laws and have increasingly witnessed laws that have excellent purpose and often excellent results, but which are not always so obvious to even our HR people in the workplace.

I am always curious as to how we get beyond the narrow enforcement of the laws. In that regard, I wanted to read from a Federal Court decision by Judge Higgenbotham who presided over the *Southwest Airlines* case.¹ I think it makes a fine point and perhaps one which our speakers will address as they take us through the intricacies, nuts and bolts, and the mechanisms of the enforcement of the laws in Canada and the United States and on the issues of our topic today.

He stated at the end of that case, "One final observation is called for. This case has serious underpinnings, but it also has disquieting strains. These strains, and they were only that, warn that in our quest for non-racist, non-sexist goals, the demand for equal rights can be pushed to silly extremes. The rule of law in this country is so firmly imbedded in our ethical regime that little can stand up to its force except literal instatement systems on one's rights and such inability to absorb minor indignities suffered daily by all of us. Without running to the court, they stop it dead in its tracks. I think it is certainly a challenge to our lawyers and to our legislators in the future to address that sort of issue."

With that having been said, I want to introduce Rob Cottington. He is from Pittsburgh. He practices employment law and benefits at Reed Smith Shaw & McClay. His practice encompasses a wide variety of labor and employment law matters, such as employment discrimination, breach of contract, defamation, and wrongful termination.

He has practiced before various federal and state agencies, includ-

* A. Mosby Harvey, Jr. is Vice President and General Counsel of HON Industries. HON Industries, located in Iowa, manufactures office furniture.

¹ See *Wilson v. Southwest Airlines Company*, 517 F. Supp. 292, (1981).

ing the National Labor Relations Board, the Equal Employment Opportunity Commission, various state and local fair employment practices agencies, and has represented clients in Workers' Compensation and unemployment benefit proceedings.

Mr. Cottingham is a member of the American Bar Association's labor and employment law section. He comes to us with a degree in mathematics from Bucknell and a law degree from Case Western Reserve University.

Our next speaker is Roy Heenan. He is senior partner at Heenan Blaikie in Montreal specializing in administrative and labour law. He served as a member of the Consultative Committee on Justice to the Quebec Minister of Justice from 1976 to 1980. He is president of the Musee d'Art Contemporain and was recently appointed to the Board of Directors of the Canadian Broadcasting Organization. He is co-chair of the International Labour Law Committee of the American Bar Association.

Mr. Heenan has taught labour law at McGill University since 1972 and has been an adjunct professor there since 1982. He is a frequent speaker on comparative law topics and is widely published. He received both his B.A. and his B.C.L. degrees from McGill University.