



Benjamin T. Aberant

Partner

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Bar Admission

Alberta 2009
Ontario 2012

Law School

Osgoode Hall Law School

Practices

Litigation and Dispute Resolution
Labour & Employment
Labour
Employment
Health & Safety
Human Rights
Alternative Dispute Resolution

Industries

Energy & Resources
Oil & Gas
Technology

Clients look to Ben for practical, proactive, and cost-effective advice on all aspects and stages of their relationships with employees and trade unions.

Ben is a partner in the firm's Labour & Employment Group who practices in both our Toronto and Calgary offices and advises clients on Ontario and Alberta law. He also provides nationwide labour and employment advice to employers operating across Canada.

Ben represents management in a variety of issues including recruitment, hiring, performance management, employment standards, pay equity, human rights, drug and alcohol testing, disability management, occupational health and safety, workers' compensation, dismissals, privacy, collective bargaining, labour board proceedings, grievances, and labour arbitrations.

Frequently engaged to conduct workplace investigations, he also has significant experience advising on employment issues arising in mergers and acquisitions and regularly works with the firm's corporate group on transactions.

Ben helps companies operating in various industries, including oil and gas, energy, utilities, transportation, logistics, retail, hospitality, manufacturing, consumer goods, banking, financial services, communications, property management, security, insurance, technology, pharmaceuticals, cannabis, healthcare, and education. He advises both provincially and federally regulated employers and has conducted unjust dismissal hearings under the *Canada Labour Code*.

Demonstrating a special interest in helping clients with departing employee issues, he notably advises on non-competition, non-solicitation, and confidentiality clauses. He was the successful counsel in one of the leading cases on the enforcement of non-competition clauses - *Ceridian Dayforce Corporation v. Daniel Wright and Ultimate Software*, 2017 ONSC 6763.

Ben frequently appears before provincial and federal courts, as well as arbitrators and adjudicators, labour boards, and human rights tribunals, including in the following reported decisions:

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- Costa v. Edward Jones Investments, 2022 ONSC 7294
- Jog v. Bank of Montreal, 2019 FC 1326
- Badejo v. The Cadillac Fairview Corporation Limited, 2019 AHRC 67
- Ceridian Dayforce Corporation v. Daniel Wright and Ultimate Software, 2017 ONSC 6763
- Sugiono v. Human Rights Tribunal (Ontario), 2016 ONSC 3705
- Weir-Jones Technical Services Incorporated v Purolator Courier Ltd, 2015 ABQB 468
- Alam v. Toyota Tsusho Canada Inc., 2015 HRT0 571
- IMS Health Canada Inc. v Harbin, 2014 ONSC 4350
- D'Ermes v. Enbridge Gas Distribution Inc., 2013 HRT0 2098
- LIUNA, Local 183 v. Bentall and Hallmark, (2013) O.L.R.D. No. 3505
- Kish v. LDM Yorkton Corp., 2013 C.L.A.D. No. 211
- 760437 Alberta Ltd. v. Fabutan Corp., 2012 ABQB 266
- Qualex-Landmark Investments Inc. v. Soroya, 2011 ABQB 354

Ben also regularly presents on labour and employment topics at conferences and seminars. Recent speaking engagements include:

- 2022 Ethics Center and FEI Canada Toronto Chapter Seminar, National Club Toronto – *“Understanding, Promoting and Practicing Ethical Decision-making”*
- HRP 2020 HR Law Conference, Toronto - *“Return to Work - How to Do It Right”*
- Canadian Transport Lawyers Association 2020 Annual Conference, Toronto - *“Legal Update: Challenges to the Driver Inc. Model”*
- HRP 2019 HR Law Conference, Toronto - *“War of Attrition: They Won’t Leave!”*
- CM Murray LLP Global Business Protections 2018 Conference: International Restrictive Covenants and Confidential Information Protections, London,

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England - *"Innovations: Pushing the Envelope in Restrictive Covenants – Innovation in Drafting and Enforcement of Non-Competes and Other Restrictions"*

- Canadian Transport Lawyers Association 2018 Annual Conference, Montreal - *"Cannabis Legalization and the Transportation Industry"*
- Lancaster House 2018 Human Rights and Accommodation Conference, Toronto - *"Accommodating Employees with Mental Health Disabilities: A skills training session"*
- Lancaster House 2018 Annual Labour Arbitration and Policy Conference, Calgary - *"Conducting Harassment Investigations: Practical guidance for employers and unions"*
- Lancaster House 2016 Annual Labour Arbitration and Policy Conference, Calgary - *"Obtaining and Using Medical Evidence"*

Ben received his Bachelor of Commerce (2005) from the University of Alberta, where he was the Dr. Hu Harries Gold Medallist, and his JD from Osgoode Hall Law School (2008). Prior to his legal studies, he served in the United States Marine Corps as an Infantryman.

Ben is a member of the Canadian Bar Association, Ontario Bar Association, Law Society of Alberta, Law Society of Ontario, and the Canadian Association of Counsel to Employers. He is also an active member of the Canadian Transport Lawyers Association and the (US) Transport Lawyers Association.

Recent Experience

- **TransAlta Corporation announces agreement to acquire Heartland Generation for US\$658M**

November 2, 2023

- **DIF Capital Partners acquires majority stake in Diverso Energy**

May 4, 2023

- **Zijin Mining Group Co. acquires majority equity interest and all debts in Rosebel Gold Mines N.V. and also completed equipment buy out**

January 31, 2023

- **Battery Ventures invests in AscendantFX Capital Inc.**

January 19, 2023

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Recent Insights

- **Doing Business in Canada: Updated edition now available**
November 9, 2023
- **Key Takeaways from the 2021 Labour and Employment Conference: Ontario and Alberta**
November 1, 2021
- **Transportation Employers Beware: The Ontario Superior Court Reviews the Enforceability of a Termination Clause under the Canada Labour Code**
December 15, 2020

Events

- **Coast-to-Coast L&E Series: Your Top Questions Answered**
September 14, 2023
- **Coast-to-Coast L&E Series: Your Top Questions Answered**
April 18, 2023
- **Coast-to-Coast L&E Series: Your Top Questions Answered**
September 15, 2022
- **Coast-to-Coast L&E Series: Your Top Questions Answered**
May 26, 2022