

**NICOLE M. BYRES***Chair, Labour & Employment Group*

Direct Tel. 604.643.3173
Email nmb@cwilson.com

800-885 West Georgia Street
Vancouver, BC V6C 3H1 Canada
Main Tel. 604.687.5700
Fax 604.687.6314
Website www.cwilson.com

Areas of Practice

Labour & Employment, Energy & Natural Resources, Business Litigation.

Profile

Nicole Byres is a partner with Clark Wilson LLP and is the Chair of the Labour & Employment Practice Group. Nicole joined the firm in February 2005. Prior to joining the firm, she spent 13 years as in-house counsel with a large integrated mining, refining and energy generation company, and 9 years in private practice with a focus on business litigation. Nicole has appeared before various administrative tribunals, the British Columbia Utilities Commission, and at all levels of courts in BC.

Nicole has experience in Labour Relations & Employment Law and has been involved in bargaining, drafting and enforcement of collective agreements; arbitrations; human rights and employment standards issues; wrongful dismissal claims; and health and safety (WCB) issues.

Based on her years of experience as in-house counsel, and service on various Boards and Committees, Nicole regularly provides strategic business and corporate governance advice. Nicole's capabilities have been recognized with her inclusion in "Women in the Lead" in 2004 and 2006, a Canadian directory of women whose professional expertise and experience recommend them as candidates for corporate board appointments.

Nicole obtained her Bachelor of Laws degree from the University of British Columbia in 1982, and in addition has had in-depth business management training, including completion of the Executive Program at the Richard Ivey School of Business in 1995.

Representative Work

Labour

- Member of employer/management collective bargaining committees in 1990, 1992-1993, and 1995, responsible for negotiating and drafting collective agreements and other Letters of Understanding relating to benefits and pensions, with the 5 unions representing more than 3000 employees.
- Member of the employer/management team which negotiated changes to collective agreements necessitated by workplace restructuring including: trade & job flexibility; contracting out; and open shop tendering.
- Acted for employers requiring injunctive relief from illegal picketing and strikes.
- Experienced with enforcement proceedings including civil & criminal contempt applications.
- Advised parties on union successorship issues upon purchase and sale of businesses.
- Represented employers at grievance arbitrations.
- Advised on bargaining in bad faith, unfair representation, certification and decertification issues.
- Successfully defended employers in unfair labour applications.

Employment

- Advises employers on employment agreements and policies.
- Advises employers on issues relating to employees with disabilities, return to work programs and accommodation.
- Advises employers on progressive discipline, attendance management programs and termination of employees.
- Advises employers on structuring severance packages.
- Counsel in wrongful dismissal actions.

NICOLE M. BYRES

- Provides advice to employers on confidentiality, non-competition and non-solicitation agreements.
- Advises employers and boards of directors on fiduciary obligations of officers and directors.

Health & Safety

- Advised employers on WCB accident, disability and pension benefits applications and appeals, as well as during accident investigations and prosecutions.
- Advised employers on Health & Safety issues, including return to work programs and long term disability.

Human Rights

- Advised employers with respect to all stages of human rights complaints including internal and external investigations, and settlement conferences & hearings.
- Drafted workplace harassment policies which included establishing company specific procedures for dealing with employee complaints.

Memberships & Associations

Member, Law Society of British Columbia (1983-)

Member, Canadian Bar Association (1983-); Corporate Counsel Association (1986-)

Director, British Columbia Transmission Corporation (2003-); Chair, Corporate Governance Committee (2006-)

Member, Governance Committee (2008-); Director, UBC Investment Management Trust Inc.; Member, Human Resources Committee (2005-2008)

Board of Governors, University of British Columbia (2002-2008); External Vice-Chair (2005-2008) and Member, executive committee (2003-2008); Chair, Finance Committee (2005-2008); Chair, Governance Committee (2006-2008); Chair, Property and Planning Committee (2003-2005); Member, Board of Governors-GVRD Joint committee (2003-2005); Member, President Selection Committee (2005-2006), Vice President & Provost Selection Committee (2003); Member, External Advisory Committee, Faculty of Education (2004-2005)

Chair, CBA, BC Branch, Work Life Balance Committee (2004-2006)

Co-Chair, CBA, BC Branch, Childcare Special Committee (2004-2004)

Member, Steering Committee 2001 President's Forum CBA, BC Branch

Member, Kootenay Bar Association (1984-2005); Secretary (1985-1986); Treasurer (1986-1987)

Member, St. Michael's Catholic School Council (1997-2002); Chair (1999-2001)

Director, Catholic Independent Schools, Nelson Diocese Society (1999-2001)

Member, VSE/CDNX Chairperson Committee for Discipline hearings (1997-2000)

Publications & Papers

- "The End of Mandatory Retirement: Understanding the Changes to the BC Human Rights Code", October 2007, Clark Wilson LLP
- "Human Rights Code Update & Preparing for the end of Mandatory Retirement in B.C.", October 2007, Chaired and presented, Kateeya Corporation Training
- "Corporate Governance", Chapter Due Diligence Desk Book, 2007 and 2006, CLE
- "Labour and Employment Law Update", January 2007, BC Legal Management Association, Human Resources Subsection
- "Claims Management – Legal Perspectives", Occupational Health and Safety & Return to Work Strategies, February and October 2006, Canadian Information Exchange
- Employment Law 101, September 2006, Clark Wilson LLP seminar
- "Retirement Agreements may signify next frontier in employment contracts" published in *The Lawyers Weekly*, February 29, 2008, Vol. 27, No. 40
- Numerous labour and employment law articles for *Work Place Post*, Clark Wilson LLP's newsletter for clients