



# Welcome to Employment Law



Scan the QR Code and complete the sentence: "This learning opportunity will be successful if..."

# Treaty 7 Land Acknowledgement

We acknowledge Treaty 7 territory – the ancestral and traditional territory of the Blackfoot Confederacy: Kainai, Piikani and Siksika nations as well as the Tsuu T’ina First Nation and Stoney Nakoda First Nation and the traditional homeland of the Métis Nation of Alberta. We acknowledge the many First Nations, Métis and Inuit whose footsteps have marked these lands for generations. We are grateful for the traditional Knowledge Keepers and Elders who are still with us today and those who have gone before us. We recognize the land as an act of reconciliation and gratitude to those whose territory we reside on or are visiting.

# WELCOME & INTRODUCTIONS



**EDWARD LATKA**



SAINT THOMAS AQUINAS  
ROMAN CATHOLIC SCHOOLS

Edward is Secretary-Treasurer for STAR Catholic Schools, a 25 year member and Past President of the Association of School Business Officials of Alberta. His experience gained across 5 different school boards around the province has included both privacy, legal and human resource issues.

# WELCOME & INTRODUCTIONS



**TARA MALLOY**



SAINT THOMAS AQUINAS  
ROMAN CATHOLIC SCHOOLS

Assistant Superintendent - HR/Technology/OH&S

Tara has worked in STAR Catholic since 1992 as teacher, administrator, and assistant superintendent. In her short tenure as assistant superintendent, she has worked closely with legal counsel, CASS, and ASBOA members.

# WELCOME & INTRODUCTIONS



**TERESA HAYKOWSKY**

**MCLENNAN ROSS**

Teresa provides practical advice and solid solutions based on her depth of knowledge in education law, labour and employment, constitutional, administrative, occupational health and safety, municipal, and privacy law.

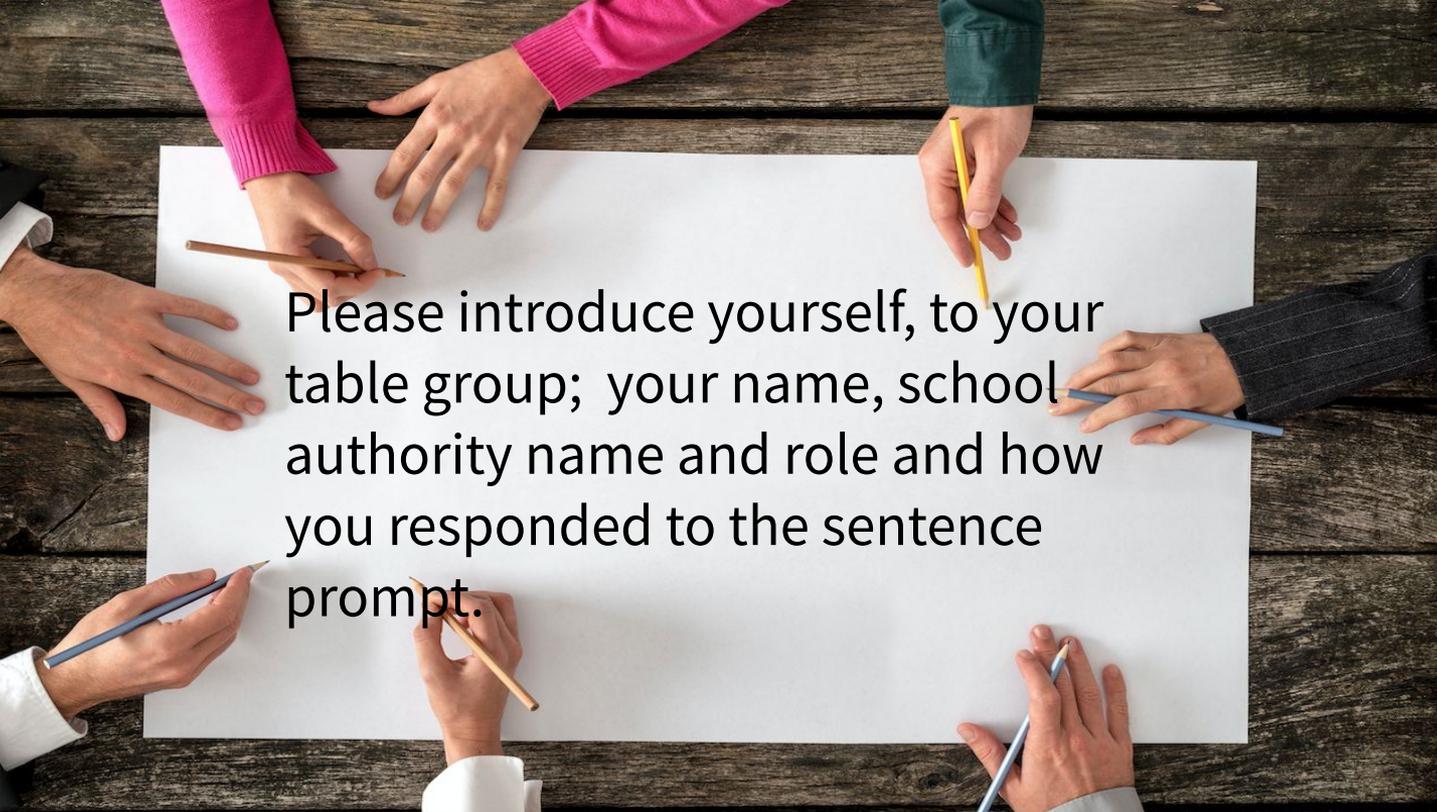
# WELCOME & INTRODUCTIONS



## STEVE MARISSINK



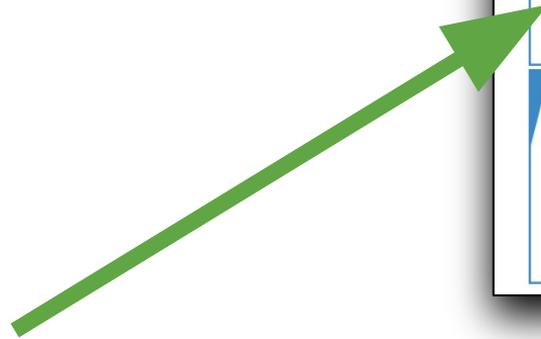
Steve is a professional investigator with more than 24 years in law enforcement. His past roles include major crimes investigator (RCMP), Intelligence officer (CSIS) and Director with the Government of Alberta. He has literally conducted thousands of investigations all with the goal of finding the truth.



Please introduce yourself, to your table group; your name, school authority name and role and how you responded to the sentence prompt.

# CASS/ASBOA

## Conference Resource Materials



### Events / Professional Learning

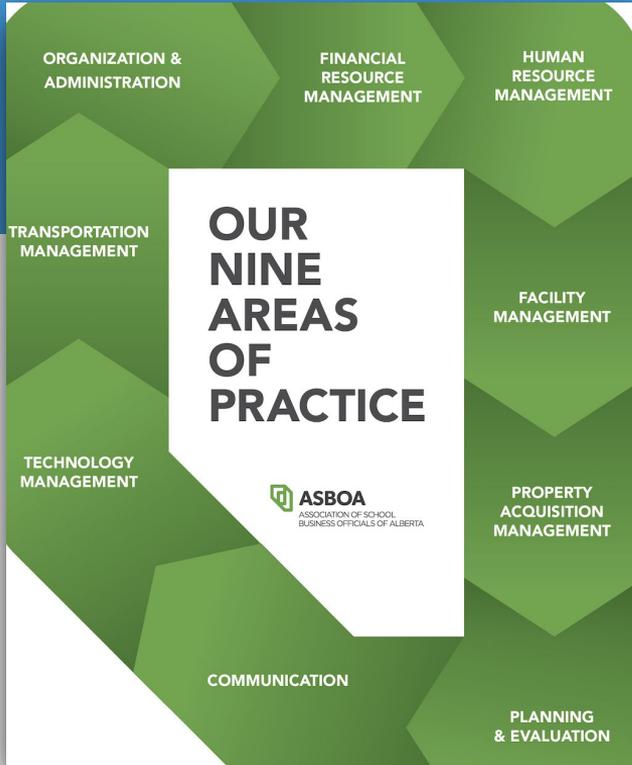
Conference Program Archive

Event Planner 4-year Calendar

 CASS/ASBOA Summer Learning Conference	 New Members Academy/Mentorship Training	 Leading for Learning Program for Experienced School Leaders	 Start Right Program for Beginning School Leaders
 CASS Fall Conference	 Online Learning	 First Nations, Métis & Inuit Education Gathering	 CASS Annual Learning Conference

# Module Learning Overview

<b>Tuesday</b> Session A 8:30 - 10:30 10:30 - 11:00 Wellness Break 11:00 - 12:00	<ul style="list-style-type: none"><li>● Leading and Learning</li><li>● Administrative Procedures</li><li>● I need to conduct an investigation, now what?</li><li>● Case 1 Introduction</li></ul>
Session B 1:00 - 2:30 2:30 - 2:45 Wellness Break 2:45 - 3:30	<ul style="list-style-type: none"><li>● Case 1 (In depth Examination of Investigation)</li><li>● Introduction of Case 2</li></ul>
<b>Wednesday</b> Session C 8:30 - 10:30 10:30 - 10:50 Wellness Break 10:50 - 12:15	<ul style="list-style-type: none"><li>● Role of the external investigator (Steve Marissink)</li><li>● Case 2 Review</li><li>● Professional Practice Review CASS &amp; ASBOA</li><li>● Voice &amp; Choice Discussion</li><li>● Closing Comments</li></ul>



### The Superintendent Leadership Quality Standard

Quality superintendent leadership occurs when the superintendent's ongoing analysis of the context, and the superintendent's decisions about what leadership knowledge and abilities to apply, result in quality school leadership, quality teaching and optimum learning for all students in the school authority.

MINISTERIAL ORDER #002/2020

- ✓ Building Effective Relationships
- ✓ Modeling Commitment to Professional Learning
- ✓ Visionary Leadership
- ✓ Leading Learning
- ✓ Ensuring First Nations, Métis and Inuit Education for All Students
- ✓ School Authority Operations and Resources
- ✓ Supporting Effective Governance

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- ✓ Fostering Effective Relationships
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- ✓ Providing Instructional Leadership
- ✓ Developing Leadership Capacity
- ✓ Managing School Operations and Resources
- ✓ Understanding and Responding to the Larger Societal Context

# Professional Practice



## School Business Officials Practice Profile Organization & Administration

The ASBOA Areas of Practice Standards have been developed based on international standards and modified to reflect the current roles and responsibilities of members working in the business, finance, and operations in the K-12 education system in Alberta.

Being an effective school business professional requires proficiency in a broad variety of skill sets. The ASBOA Practice standards detail those abilities broken down into nine general areas.

This profile guide is focused on the knowledge and skills required for:

- Organization & Administration
- Public Policy and Intergovernmental Relations
- Legal and Risk Management

This profile tool is intended to frame your reflection on your practice, based on the indicators for each area of the Organization and Administration practice standards.

A suggested approach for using this tool:

### Evidence in Practice

Review each of the statements highlighting ones that represent practices you demonstrate.

Identify those practices you demonstrate in the "Evidence in Practice" column. (Are the practices observable? Are they measurable?)

If you currently demonstrate a practice that is not described, consider adding it to evidence in practice column.

The design for the Practice Profile Tool was developed by CASS and collective efforts to support professional practice resulting in optimum learning for



## School Business Officials Practice Profile

### Human Resource Management

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School business officials should have a solid understanding of local, provincial and federal laws associated with human resource management. Be aware and remain abreast of current management concepts and practices.

This profile guide is focused on the knowledge and skills required for:

- Personnel and Benefits Administration
- Professional Growth
- Labour Relations and Employment Agreements
- Human Relations

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## Superintendent Leadership Quality Standard: PRACTICE PROFILE

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Indicators are actions that are likely to lead to the achievement of the competency and which, together with the competency, are measurable and observable. This profile tool is intended to frame your reflection on your practice, based on the indicators for each competency from Alberta Education's SLQS. Additional indicators representative of your context, your practice and your plans for growth may be added. Indicators may also be representative of Alberta stories of practice and/or emerging research.

One additional construct, based on the Alberta context and members' needs, has been added to the CASS Practice Profile. This construct, following the required Alberta

- **Building Effective Relationships**
- **Building Commitment to Professional Learning**
- **Business Leadership**
- **Leading Learning**
- **Leading First Nations, Métis and Inuit Education for All Students**
- **Supporting Professional Development**
- **Supporting Effective Governance**

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If you currently demonstrate a practice that is not described in the Alberta Education indicators, consider adding it to the indicator column. A "\*" is provided at the end of the list of AE indicators to imply opportunity to add to the list.

Additional indicators that represent your context based on examples of practice shared in the "Evidence in Practice" column may also be added.

This Practice Profile tool was developed by CASS and is based on the Professional Practice Standard content from Education. CASS workplace wellness framework, conditions and indicators were added August 2020. It is freely provided in support of improved teaching and learning under the following Creative Commons license. We appreciate any sharing of adaptations to further our learning. [admin@cass.ab.ca](http://admin@cass.ab.ca)

Education SLQS compete conditions represented in framework. System leader professional practice stand

### Superintendent Quality Standard

Quality superintendent the superintendent's context, and the sup about what leadership to apply, result in quality teaching and students in the school.

Alberta Education Message

### Areas for Growth

Reflect on your practice and indicators or your own identifying areas for growth.

Areas of growth should observations and measu

You may choose to add Alberta stories of practice that identify areas in wh

The development of a n implementation plan for identify can be informed planning tools available at <https://cassab.ca>



## Leadership Quality Standard PRACTICE PROFILE

The Leadership Quality Standard (LQS) is described by competencies school and jurisdiction leaders are required to demonstrate in their professional practice. Each competency includes indicators designed to provide illustrative examples of competent leadership practice.

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- **Assessing Effective Relationships**
- **Building Commitment to Professional Learning**
- **Building Welcoming Leadership**
- **Leading Learning Communities**
- **Supporting On Application of Foundational Knowledge about First Nations, Métis and Inuit**
- **Leading Instructional Leadership**
- **Supporting Leadership Capacity**
- **Supporting School Operational Performance**
- **Understanding and Responding to the Larger Societal Context**

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Profile. This construct, following the Alberta Education LQS competencies, is framed around the conditions represented in the CASS workplace wellness framework. System leaders are more likely to meet the professional practice standard when they are well.

### Leadership Quality Standard

Quality leadership occurs when the leader's ongoing analysis of the context, and decisions about what leadership knowledge and abilities to apply, result in quality teaching and optimum learning for all school students.

Alberta Education Ministerial Order #022/2020



### Areas for Growth

Reflect on your practice and use these or your own indicators to assist you in identifying areas for growth.

Areas of growth should be able to be supported by observations and measures of practice.

You may choose to add additional indicators based on Alberta stories of practice and/or emerging research that identify areas in which you would like to grow.

The development of a professional learning and implementation plan for the areas of growth you identify can be informed by system level planning tools available at <https://cassab.ca/planning-for-implementation/>

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# Session A:

# Administrative Procedures

- Procedures for:
  - Dispute Resolution **and** Safe, Caring, Welcoming Learning and Working Environments
- Regular Review of Administrative Procedures:
  - Does it meet legal requirements? Risk management requirements?
  - Does it meet OH & S requirements?
- Are you following your AP?

# Administrative Procedures Review

## Questions to consider...

- Do you have APs for dispute resolution and safe, caring, welcoming learning and working environments?
- Do you have clarity regarding internal workplace investigations for: harassment? discrimination? OH & S?

# Administrative Procedures Review

## Questions to consider...

Do you have clarity as to the differences in investigations relating to:

- |                         |                                      |
|-------------------------|--------------------------------------|
| ● student on student(s) | ● trustee & trustee(s)               |
| ● student & teacher(s)  | ● parent(s) & student(s)             |
| ● teacher & teacher(s)  | ● parent(s) & school board personnel |
| ● teacher & trustee(s)  | ● parent(s) & trustee(s)             |

# Administrative Procedures Key Takeaways

- Review Personnel AP's that are more than 2 years old
  - Set a schedule for review
  - Don't wait for the issue to arise
- Contact key sources for potential changes
  - Colleagues: have they updated their AP's recently
  - Risk Manager/Insurance Broker/Insurance Provider
  - Legal Counsel: identify trends in employment law that may need to be addressed

# Administrative Procedures Key Takeaways

- School authorities have a responsibility to respond to complaints fairly, and in accordance with applicable protocol, policy, collective agreement or statute.

# Administrative Procedures Key Takeaways

# Administrative Procedures Key Takeaways

- The investigator has an obligation to respect the rights of witnesses, and all other individuals involved in investigations.
- Before any steps are taken to investigate a complaint, the investigator must be certain that they can do so fairly. If their involvement in the current situation raises a reasonable apprehension of bias which calls into question their impartiality, then the investigator must contact the appropriate person within the school authority.

# Wellness Break



# Investigations

- What constitutes an investigation?
  - When do we investigate?
  - What could go wrong if you do **not** investigate?
  - What is the difference between school dispute resolution and a situation where an investigation is required?

# Investigations

- What factors are considered?
- What are some do's and don'ts and the pros and cons of investigations?
- Who conducts investigations?
- When should you contract an investigation?

# Case Study 1

## Teacher Attends a Protest

**(The case study is provided for your reference in hard copy)**

**ANALYSIS:** Imagine this scenario occurred at your school jurisdiction and you are tasked with the internal investigation of this matter.

# Lunch Break



# Session B:

## Case Study 1

### Review & Analysis

- Delegation of authority policy/procedure (in the context of the Education Act and Board Policy) for investigative purposes
  - What factors would you examine?
  - Differences in approaches between teaching and non-teaching staff?
- Avoiding any bias and reasonable apprehension of bias in your role as in house investigator

# Case Study 1

## Analysis ...

1. What factors would you consider in deciding that an internal investigation is warranted (and that it is not necessary to secure an external investigator)
2. What steps would you take to ensure your investigation is fair and thorough?
3. Communication processes

# Case Study 1

## Analysis

- As an investigator, how do you ensure that you take into consideration the societal context within which events occur - all while ensuring you are conducting a proper fact finding exercise?
- What weight do you give the ABC school jurisdiction's Harassment Policy (Administrative Procedure) in your investigation?
- As an investigator should you give "facts" a meaningful and purposeful interpretation?
- How will/does social media affect evidence gathering and "facts"?

# Wellness Break



# Case Study 1 Analysis Continued....

- To what extent should the racial identity of a complainant and the respondent be taken into consideration as part of your investigation?
- As an investigator how do you ensure you are not taking an overly simplistic approach applied to race-based discrimination investigations?
- As an investigator how do you ensure you take a “deep dive” into the issues at hand in your investigation?

# Case Study 1

## Analysis Continued....

- Would any of your responses/approaches be different if Teacher A were male/female?
- What part does race and culture play in your investigation?

# Case Study 1

## Analytic Tool

Allegations	Evidence	Finding(s)	Conclusion

# Internal Investigations Key Takeaways

- When to and when not to investigate
- Who investigates
- Do's and Don't of investigations
- Self assess personal biases to the issue

# Internal Investigations Key Takeaways

- Assess how current procedures/policies related to the issue, address this issue
- Assess initial information and their sources
- Assess methods for gathering additional information
- Assess the information gathered, that are facts pertinent to the issue

# Case Study 2

## Central Office - Anti-Harassment Complaint

**(The case study is provided for your reference in hard copy)**

**ANALYSIS:** Imagine this scenario occurred at your school jurisdiction and you were approached by the school board chair to investigate.

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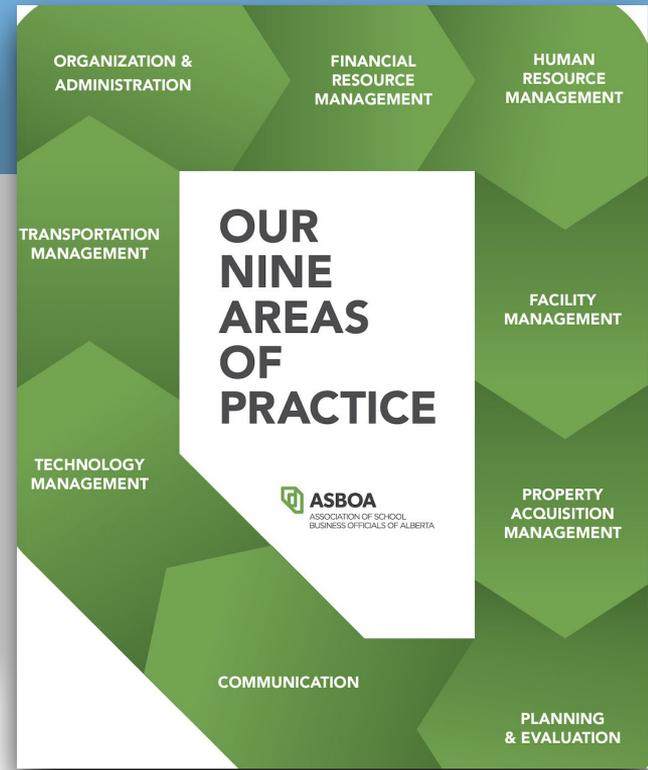
MINISTERIAL ORDER #002/2020

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# End of Session B

**Thank you for your  
participation in sessions A  
& B.**

School Authority Team Leadership Learning  
Time (3:30 - ....)





**ASBOA**

ASSOCIATION OF SCHOOL  
BUSINESS OFFICIALS OF ALBERTA



**CASS**

College of  
Alberta School  
Superintendents

# **Employment Law**

**Good morning & Welcome  
Back!**

**Session C**

# Treaty 7 Land Acknowledgement

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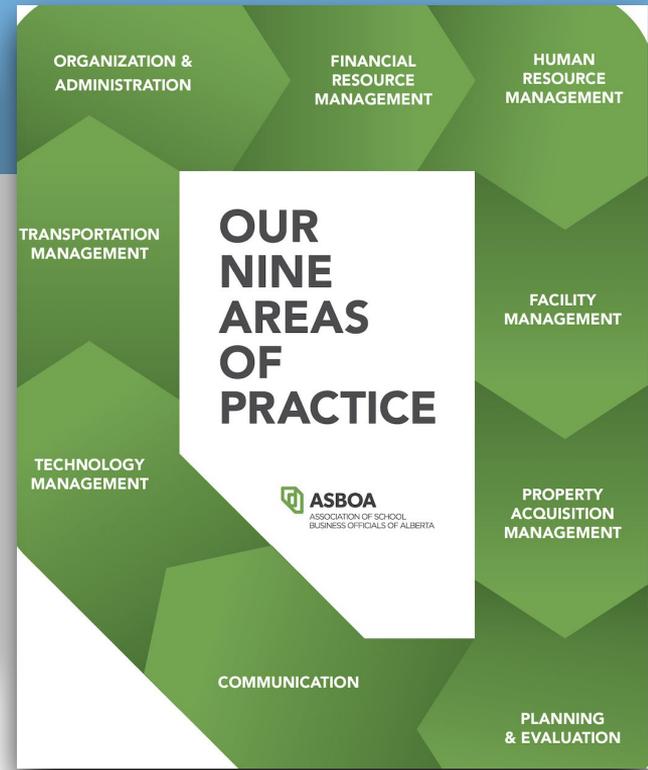
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# Review

## Human Resources strategies **better** employment **learning** issues

- Administrative Procedures
- When to investigate and why
- In house investigations
- Teresa to re-cap case 1

# WELCOME & INTRODUCTIONS



## STEVE MARISSINK



Steve is a professional investigator with more than 24 years in law enforcement. His past roles include major crimes investigator (RCMP), Intelligence officer (CSIS) and Director with the Government of Alberta. He has literally conducted thousands of investigations all with the goal of finding the truth.

# Session C:

# Role of the External Investigator

- [Role of the external investigator](#)
- What to expect from the investigator
- What information do you need to give to the investigator
- Do's and don'ts
- Q & A

# Key Reasons To Bring In An External Investigator

- The allegations are serious
- The stakes are high
- Need for impartiality
- Lack of training/experience in house
- Maintaining privilege
- Simplifying litigation
- Avoiding consequences of a flawed investigation
- Rebuilding trust and morale

# Role Of An External Investigator:

- To Provide Expert Investigative **Support**
  - Skill Sets
  - Credibility
- Optics
- Impartial/Objective Third Party

# Role Of An External Investigator:

- Focused
- Privilege
- Identify Areas Of Investigation
- Confidence
- Confidentiality

# What To Expect:

- Professionalism
- Objectivity/Neutrality
- Thoroughness
- Confidentiality
- Timeliness
- Report With Findings
- LMAR audio records interviews with Consent. A transcript is attached to the report

# How To Assist An External Investigator:

- Overview
- Terms of reference (scope)
- Have an assigned Deputy/Assistant Supt
- Suspension letter
- Electronic copies of policy
- Copies of statements/notes
- Interview location – on/off site

# Do's And Don'ts

## Do:

- Make notes contemporaneously
- Safeguard cctv
- Prepare key messaging
- Have a scribe present when dealing with a respondent
- Remain neutral when dealing with the parties
- Assign a contact person to assist with scheduling/contact information

# Do's And Don'ts

## Don't:

- Base decisions on personal knowledge' of the parties
- Jump to conclusions or make assumptions
- Discuss the matter with the involved parties informally

# Role Of The External Investigator - Questions

Q & A

# Case Study 2

## Recap

### Central Office - Anti-Harassment Complaint

**(The case study is provided for your reference in hard copy)**

**ANALYSIS:** Imagine this scenario occurred at your school jurisdiction and you were approached by the school board chair to investigate.

# Case Study 2

## Analysis:

- What issues do you see in this case?
- How do you approach the request from the Board Chair and allegations by the Secretary Treasurer of adverse treatment as alleged?

# Case Study 2 continued...

## Analysis:

- As part of the investigation, will the surreptitious recordings be accepted?
- How do you approach the allegations raised by the Secretary Treasurer as to the alleged inappropriate conduct of others? Do you investigate these allegations?
- What do your APs say about recording meetings?

# Case Study 2 continued...

## Analysis:

- What are the expectations as to the chronology of events for the purpose of a report from an external investigator?

# External Investigation Key Takeaways

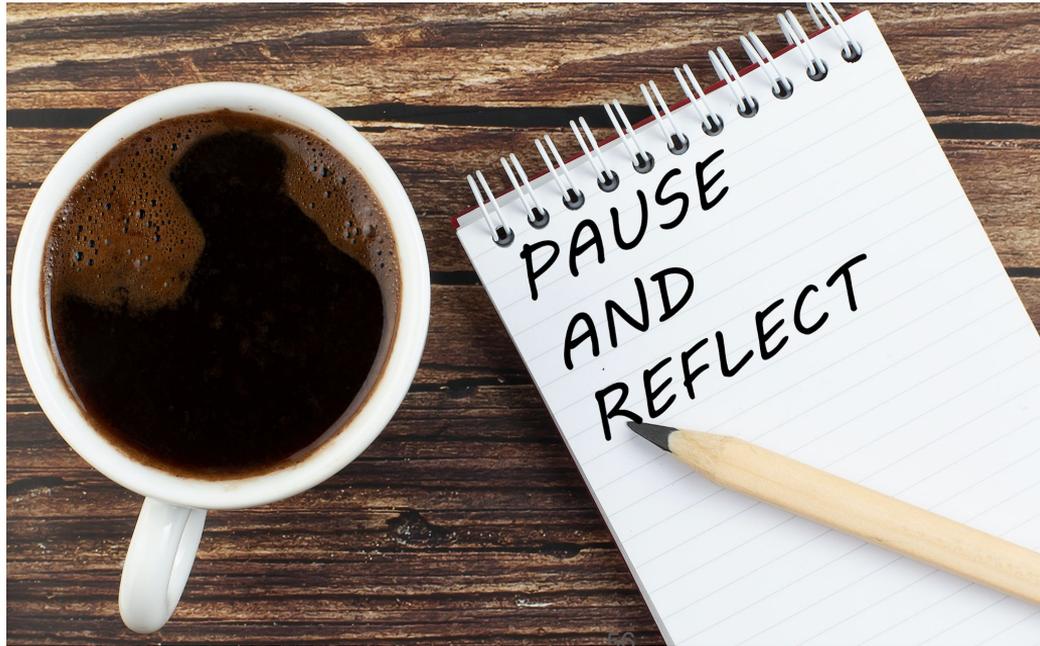
- Assess if an external investigator is appropriate
- How to source an external investigator
- How to determine deliverables from the external investigator
- Assess the information gathering that is allowed by policy, and how it is gathered
- How to put investigators findings into action

# Voice & Choice Selected Topic

The survey said.....

Complex Medical Leaves  
&  
Employee Discipline

# Wellness Break



# Complex Medical Cases and Duty to Accommodate

1. School Divisions must have an AP on accommodation process
  - Human rights duty to accommodate (DTA) applies (trumps) other laws on return to work
  - DTA: school division wide
2. Mental health: duty to inquire and Union's duty
  - Section 226 of Education Act
  - Human rights law is part of collective agreement

# Complex Medical Cases and Duty to Accommodate

## 3. Accommodation of environmental sensitivities

# Professional Practice



School Business

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SCHOOL BUSINESS OFFICIALS OF ALBERTA

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College of Alberta School Superintendents

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- 2. Modeling Commitment to Professional Learning
- 3. Embedding Quality Leadership
- 4. Leading Learning Community
- 5. Engaging in Professional Knowledge about Child Welfare, Child and Adolescent Development
- 6. Building Intentional Leadership
- 7. Developing Leadership Capacity
- 8. Managing School Operations and Resources
- 9. Understanding and Responding to the Larger Societal Context

A suggested approach for using this tool:

### Evidence in Practice

Review the indicators for each competency highlighting ones that represent practices you demonstrate.

- Identify those practices you demonstrate in the "Evidence in Practice" column. (Are the practices observable? Are they measurable?)
- If you currently demonstrate a practice that is not described in the Alberta Education indicators, consider adding it to the indicator column.
- Additional indicators that represent your context based on examples of practice shared in the "Evidence in Practice" column may also be added.

This Practice Profile tool was developed by CASS and is based on the Professional Practice Standard Education, CASS workplace wellness framework, conditions and indicators were added August 2020. It is freely provided in support of improved teaching and learning under the following Creative Commons license. We are in debt of educators to further our learning. <https://cass.ab.ca>

### Profile

This construct, following the required Alberta

### Leadership

Quality leadership is an ongoing and continuous process that requires ongoing reflection and learning for all.

- 1. Fostering Effective Relationships
- 2. Modeling Commitment to Professional Learning
- 3. Embedding Quality Leadership
- 4. Leading Learning Community
- 5. Engaging in Professional Knowledge about Child Welfare, Child and Adolescent Development
- 6. Building Intentional Leadership
- 7. Developing Leadership Capacity
- 8. Managing School Operations and Resources
- 9. Understanding and Responding to the Larger Societal Context

### Areas for Growth

Reflect on your current practice and on the job behavior as they relate to the area of practice to assist you in identifying areas for growth.

- You may choose to add additional indicators based on shared practices and/or emerging legislation and/or research that identify areas in which you would like to grow.



College of Alberta School Superintendents

## Superintendent Leadership Quality Standard: PRACTICE PROFILE

The Superintendent Leadership Quality Standard (SLQS) is described by competencies superintendents are required to demonstrate in their professional practice. Each competency includes indicators designed to provide illustrative examples of competent leadership practice.

Indicators are actions that are likely to lead to the achievement of the competency and which, together with the competency, are measurable and observable.

This profile tool is intended to frame your reflection on your practice, based on the indicators for each competency from Alberta Education's SLQS. Additional indicators representative of your context, your practice and your plans for growth may be added. Indicators may also be representative of Alberta stories of practice and/or emerging research.

One additional construct, based on the Alberta context and members' needs, has been added to the CASS Practice Profile. This construct, following the required Alberta

- 1. Building Effective Relationships
- 2. Modeling Commitment to Professional Learning
- 3. Embedding Quality Leadership
- 4. Leading Learning Community
- 5. Engaging in Professional Knowledge about Child Welfare, Child and Adolescent Development
- 6. Building Intentional Leadership
- 7. Developing Leadership Capacity
- 8. Managing School Operations and Resources
- 9. Understanding and Responding to the Larger Societal Context

A suggested approach for using this tool:

### Evidence in Practice

Review the indicators for each competency highlighting ones that represent practices you demonstrate.

- Identify those practices you demonstrate in the "Evidence in Practice" column. (Are the practices observable? Are they measurable?)
- If you currently demonstrate a practice that is not described in the Alberta Education indicators, consider adding it to the indicator column. A "\*" is provided at the end of the list of AE indicators to imply opportunity to add to the list.
- Additional indicators that represent your context based on examples of practice shared in the "Evidence in Practice" column may also be added.

This Practice Profile tool was developed by CASS and is based on the Professional Practice Standard Education, CASS workplace wellness framework, conditions and indicators were added August 2020. It is freely provided in support of improved teaching and learning under the following Creative Commons license. We appreciate any sharing of adaptations to further our learning. <https://cass.ab.ca>

Education SLQS competencies, is framed around the conditions represented in the CASS workplace wellness framework. System leaders are more likely to meet the professional practice standard when they are well.

### Superintendent Leadership Quality Standard

Quality superintendent leadership occurs when the superintendent's ongoing analysis of the context and the superintendent's decisions about what leadership knowledge and abilities to apply, result in quality school leadership, quality teaching and optimum learning for all students in the school authority.

Alberta Education Ministerial Order #502/2020



### Areas for Growth

Reflect on your practice and use the SLQS indicators or your own indicators to assist you in identifying areas for growth.

- Areas of growth should be supported by observations and measures of practice.
- You may choose to add additional indicators based on Alberta stories of practice and/or emerging research that identify areas in which you would like to grow.
- The development of a professional learning and implementation plan for the areas of growth you identify can be informed by system-level planning tools available at <https://cass.ab.ca/planning-for-implementation>

# Closing Comments....



# Thank you!



# Professional Practice Standards





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Welcome



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# Employment Law

## Vision

Leadership excellence

## Mission

The College of Alberta School Superintendents, the professional voice of system education leaders, provides leadership, expertise, and advocacy to improve, promote, and champion public education.



Scan the QR Code and complete the sentence: "This learning opportunity will be successful if..."



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# **Employment Law**

**Good morning & Welcome**

**Back!**

**Session C**