

Mark Tector

Partner



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Language(s) spoken: English

Bar Admission(s): Nova Scotia, 2004; Ontario,
2002

Legal Assistant(s): [Angela Atkinson](#)

Mark is recognized as a leading practitioner in the areas of employment and labour law. He assists clients with such matters as wrongful dismissals, employment agreements, workplace investigations, purchase and sale agreements (in relation to employment issues), human rights, arbitrations, litigation involving non-solicitation and non-competition agreements and occupational health and safety matters. His clients are both international and local, and range across many sectors, including IT, retail, not-for-profit organizations, safety services, engineering services, auto sales, manufacturing, transportation, education, mining, and energy. He is a litigator and has extensive experience dealing with different workplace situations and successfully representing clients before all types (and levels) of court, arbitrators, boards and tribunals. Mark is listed as a leader in the areas of labour and employment law by a number of legal publications, and is consulted by the media to speak on various workplace related issues.

Some of the ways Mark has helped his clients are by:

- Successfully defending against claims of wrongful and constructive dismissal
- Successfully defending against human rights complaints
- Regularly representing employers in defending against various OHS charges, including charges relating to fatal injuries, under both federal and provincial occupational health and safety legislation
- Being counsel on the leading Nova Scotia case in which the claim of “negligent infliction of emotional harm” was struck against an employer
- Appearing before the Nova Scotia Court of Appeal on one of the leading Canadian cases concerning mitigation in wrongful dismissal cases
- Conducting workplace investigations and providing strategic advice in relation to such investigations
- Providing strategic advice on issues such as employment agreements, labour standards, workplace misconduct, and

sick leave

- Providing strategic advice in relation to employment and labour law issues in the purchase and sale of businesses, including some of the largest deals that have taken place in the Atlantic Provinces
- Providing strategic advice to unionized employers regarding the interpretation of collective agreements, unionization, grievances and arbitration
- Litigating non-solicitation and non-competition agreements

Practice Areas

Human Rights

Labour & Employment

Litigation & Alternative Dispute Resolution

Education & Career

Education

University of New Brunswick, LLB, 2001 (Employment Law Prize)

Mount Allison University, BA, 1997 (Academic All Canadian)

Kwansei Gakuin University, Nishinomiya, Japan (1995 – 1996)

Activities

Board member, Prescott Group

Former executive member, National Labour and Employment Section, Canadian Bar Association

Member, Canadian Association of Counsel to Employers

Member, Advocates' Society

Risk manager and board member, CISV Canada, Halifax chapter

Accolades

Best Lawyers: Labour and Employment Law, 2018 – 2024

Lexpert rating: Occupational Health and Safety, 2021 – 2023

Lexpert rating: Employment Law, 2020 – 2021, 2023

Thought Leadership

Nova Scotia to limit medical notes for employee absences

April 04, 2023

Change to Ontario Employment Standards: IT consultants and business consultants excluded from ESA

January 19, 2023

Court upholds mandatory vaccine policy – Placing employee on unpaid leave not constructive dismissal

October 03, 2022

An end to vaccine mandates? Considerations for employers

March 01, 2022

Ontario ban on non-competes does not apply to agreements before October 25, 2021 – new case

February 08, 2022

Work life balance and ban on non-competes – changes to laws in Ontario

December 17, 2021

Update on enforcement of vaccination policies: recent decisions out of Ontario reach different conclusions

November 15, 2021

COVID-19 vaccination leave for employees

April 15, 2021

Top five employment law issues going into 2021

January 15, 2021

Communication breakdown: Offensive comments can constitute cause under Canada Labour Code

January 13, 2021

Nova Scotia announces plan to re-open economy, new funding

May 27, 2020

Client Update: 12 tips for the company holiday party

November 23, 2018

Client Update: Who is a constructor?

November 16, 2018

Client Update: Proposed reform of Ontario's labour and employment statutes

May 30, 2017

The Latest in Employment Law: A Stewart McKelvey Newsletter – Amendments to the Occupational Health and Safety Act, SNS 1996, c 7

May 09, 2017

Publications

Quoted in “Babcock resignation sparks discussion about cell phone privacy rights”, CTV News Atlantic
September 20, 2023

Interviewee, “New rule for business, IT consultants takes effect in Ontario”
February 01, 2023

Quoted in, “Can health mandates and vaccines be a condition of employment?” by Richard Woodbury, Atlantic Business Magazine
June 28, 2022

Senior Editor, Labour and Employment Law Perspective – CBA National Labour and Employment Law Section Newsletter

Quoted in, “Tougher reporting requirements at heart of Nova Scotia’s new OHS Act” by donalee Moutlon, The Lawyer’s Daily
June 09, 2017

Authored editorial “R U Sexting in the Workplace” published in CCH Monthly Publication: Focus on Canadian Employment and Equality Rights, Vol.9 No.15, March 2011

Presentations

Presenter, Lancaster House – National Health and Safety Conference
October 04, 2022

Guest speaker, cross-country CBC radio morning shows
February 09, 2022

Guest speaker, *Information Morning*, Employment lawyer on missing work in the Omicron era
January 05, 2022

Co-presenter, Canadian Bar Association webinar, Mandatory Vaccinations: Calling the Shots
November 23, 2021

Presenter, Nova Scotia Seafood Alliance, Mandatory Vaccination Policies
September 25, 2021

Presenter, CACE Webinar, Mandatory Vaccination Policies: HRW Connect
September 09, 2021

Presenter, client webinar, Mandatory Vaccinations – Calling the Shots
September 02, 2021

Co-presenter, “Mandatory vaccinations: Calling the shots”, Stewart McKelvey Labour and Employment webinar

September 02, 2021

Guest speaker, CBC radio morning shows

July 12, 2021

Guest speaker, *Information Morning*

January 12, 2021

Co-presenter, OHS Blunders and How to Fix Them: Protecting your Client from Themselves, CACE webinar

September 29, 2020

Guest speaker, *Maritime Noon*

September 23, 2020

Co-presenter, CACE conference, Employment Contracts Re-cast

September 13, 2018

Presenter, North American Occupation Health and Safety Week Symposium, Contractor Safety/Management Defendant's Perspective

May 08, 2017

Presenter, HRANS law seminar, Employment Agreements

November 29, 2016

Co-presenter, Tax School, Employment Law & Tax Considerations

May 12, 2016

Guest speaker, Occupational Health and Safety Law and Regulations course, Defending the Accused

May 12, 2016

Co-presenter, 2016 National Canadian Meeting, Labour Law and Advocacy Q&A

May 03, 2016

Presenter, ICANS Forum, Human Resource Issues in Your Practice

October 22, 2015

Presenter, Infonex Inc. – Duty to Accommodate, Updates on Legal Developments in Duty to Accommodate

June 09, 2015

Presenter, Infonex Inc. – Duty to Accommodate, Options for Drug and Alcohol Testing Violations

June 09, 2015

Presenter, Canadian Association of Family Enterprise Nova Scotia Chapter Personal Advisory Group meeting

June 03, 2015

Co-presenter, Nova Scotia Pupil Transportation Conference – Social Media – Legal and Communication Issues

May 04, 2015

Presenter, Infonex Inc. – Challenges of Reasonable Accommodation and Disability Management – Absenteeism, Accommodation and Disability Management

November 19, 2014

Presenter, Infonex Inc. – Duty to Accommodate, “Disability Management and Functional Capacity Evaluations”

June 17, 2014

Presenter, Dalhousie University College of Continuing Education – OH&S Law and Regs, “Defending the Accused Strategy, Due Diligence and Case Law”

May 01, 2014

Presenter, Safety Services NS Conference Session, “Accident Response”

March 27, 2014

Presenter, Occupational Health and Safety, Atlantic Home Warranty Webinar

November 05, 2013

Presenter, Insight Labour & Employee Relations conference and workshop, “Workplace Health and Safety Update”, October 2013

Presenter, RFANS Conference Session, “What to do when the OHS Officers are at your door”

May 08, 2013

Presenter IPM Halifax Conference: ROSTER and Final Logistics review

April 10, 2013

Presenter, Dalhousie University College of Continuing Education, “Occupational Health & Safety Law & Regulations”

April 07, 2013

Presenter, Canadian Society of Safety Engineering (CSSE) Mock Trial, with respect to Occupational Health and Safety in Nova Scotia

October 03, 2012

Presenter, Occupational Health & Safety Law & Regulations, “Defending the Accused”, March 2012

Presenter, HRANS Annual HR Law Seminar, “Family Status Issues and Obligations”, March 2012

Presenter, Canadian Society of Safety Engineering (Western Nova Scotia Chapter), “Update on Occupational Health and Safety Fines,”, November 2011

Presenter, Stewart McKelvey Seminar, "Workplace Investigations, Information that Hits the Mark!", April 2011

Presenter, Canadian Society of Safety Engineering (Nova Scotia Chapter), "Update on Occupational Health and Safety Penalties and Prosecutions", April 2011