



# Jessica Bungay

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**PARTNER**

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## PRACTICE AREAS

Employment & Labour • Administrative • Alternative Dispute Resolution

## BIOGRAPHY

Jessica is a Partner in the Fredericton office of Cox & Palmer, practicing in the areas of employment, labour, human rights and administrative law. She is also the Chair of Cox & Palmer's Regional Employment & Labour Group.

Adept at handling delicate situations, Jessica helps clients solve workplace issues, while also anticipating potential future issues and establishing a plan to mitigate risks. Whether it's issues relating to day-to-day operations or complex litigation, with questions ranging from contractual obligations to discipline and termination, Jessica works with her clients to develop strategies to reach the best possible outcome.

Among a small number of lawyers in New Brunswick handling a variety of complex workplace legal matters, Jessica has extensive experience addressing issues in both unionized and non-unionized workplaces. Through understanding the legal issues and the business of her clients, Jessica is able to develop solutions that solve the problems they face.

## EXPERIENCE

Jessica provides advice to both provincially and federally regulated employers. She has extensive experience in employment, labour, human rights and administrative law including:

- Union certification/decertification applications
- Unfair labour practice complaints
- Grievance arbitrations
- Attendance management
- Labour injunctions
- Collective bargaining
- Occupational health and safety matters
- Pensions
- Human rights complaints
- Wrongful dismissal actions
- Disability claims
- Drafting and reviewing employment policies

## INDUSTRY RECOGNITION & AWARDS

- G.I. Smith Memorial Award (UNB 2010)
- Allen Earle Scholarship (UNB 2009)
- David Covert Entrance Scholarship (UNB 2007)
- Recognized in the Canadian Legal Lexpert Directory as a leading practitioner in Labour Management.

## **LANGUAGES**

- English

## **LAW SOCIETY MEMBERSHIPS**

- Canadian Bar Association
- Law Society of New Brunswick
- York-Sunbury Law Society

## **BAR ADMISSION**

- New Brunswick (2011)

## **LAW SCHOOL**

- University of New Brunswick

## **EDUCATION**

- Mount Saint Vincent University (B.Sc., 2005)
- University of New Brunswick (LL.B., 2010)

## **PUBLICATIONS**

- Political Friend or Foe: Human Rights Act applies to Termination of Head of Government Entity
- “Lawful and Reasonable” Enforcement of Mandatory Vaccine Policy is Not Constructive Dismissal, Court Rules
- Employers May Terminate for a Single Incident of Sexual Harassment
- Secretly Recording Workplace Conversations Can Result in Termination
- COVID 19 – Mandatory Vaccine Policies Legally Challenged through Grievance Arbitrations
- Labour Arbitrators, not Human Rights Tribunals, have exclusive jurisdiction over alleged human rights disputes arising from Collective Agreements
- Wrongful Dismissal Damages – Are CERB, EI, STD, LTD and other government benefits deductible?
- Breach of COVID-19 Policy Justifies Termination

## **LECTURES & PRESENTATIONS**

- Get Off My Cloud: Multi-Jurisdictional Issues – 2022 CACE Conference
- Trending Legal Hot Topics – 2022 CPHRNB Conference
- This Year Has 90 Minutes – Lancaster House Webinar
- It Just Isn't Working – Lancaster House Webinar
- Post-Pandemic Workforce Management – Advocates for Employers of Canada
- Employment Law –NBCC Human Resources Management Program
- Employment Law – UNB Human Resources Management Program

- Labour Law – Guest Lecturer – UNB
- Employment Law 101 – Bobby’s Hospice (March 2013)
- When Grey Hair Leads to Good-bye: Termination Older Employees – Cox & Palmer Continuing Legal Education Seminar (August 2012)
- Top 10 Most Influential Decision of 2011/2012 – Contact NB (March 2012)

## **PROFESSIONAL ACTIVITIES & AFFILIATIONS**

- Board – Canadian Association of Counsel to Employers
- Member – Chartered Professionals in Human Resources New Brunswick

## **ACTIVITIES WITHIN FIRM**

- Chair – Regional Employment & Labour Practice Group
- Member – Diversity & Inclusion Committee

## **COMMUNITY AND VOLUNTEER ACTIVITIES**

Board – New Maryland Soccer – 2023