



Jessica Bungay

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PARTNER

**FREDERICTON, NEW
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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