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Dana F. Hooker has extensive experience in helping employers across a broad range of industries achieve success in managing the complexities of today's workplace.

Dana advises and represents clients in a number of areas, including drafting employment agreements and workplace policies, termination of employees and employment litigation, breach of restrictive covenants and confidentiality provisions, breach of fiduciary duty, administration and application of collective agreements, occupational health and safety, workers' compensation, human rights, privacy complaints and access to information requests, labour disputes, internal corporate investigations, defamation and reputation management, as well as transactional work.

Dana has appeared before the Provincial Court and Supreme Court of British Columbia, the Workers' Compensation Board, the Workers' Compensation Appeal Tribunal, the British Columbia Human Rights Tribunal, the Office of the Information and Privacy Commissioner, the British Columbia Labour Relations Board and the Canada Industrial Relations Board. She previously served as the Employment and Labour practice group manager at a prominent international firm, after also spending six years incorporating commercial litigation into her practice.

Dana is a prolific author and regularly speaks on employment and labour as well as privacy issues. In addition to being a staunch advocate for diversity and inclusion in the legal profession, she also provides pro bono services to not-for-profit organizations and start-up businesses.

## LANGUAGES SPOKEN

- English

## EXPERIENCE

- Advised on the acquisition and multi-million-dollar financing of a commercial high-rise office building located in the Vancouver downtown financial district. Advising corporations on the employment issues related to acquisition of a target business or assets, including aiding in the resolution of potential employment claims, due diligence, drafting employment related clauses in

## RELATED SERVICES

- Employment
- Occupational Health and Safety
- Human Rights
- Litigation, Arbitration and Investigations
- Data Protection, Privacy and Security

## LANGUAGES SPOKEN

English

the transaction documents, and liaising with affected unions in compliance with the requirements under the *Labour Relations Code*.

- Acted for a large unionized employer with respect to a complaint to the British Columbia Human Rights Tribunal regarding allegations of discrimination in employment. The employee's complaint was dismissed prior to a hearing on the merits after comprehensive submissions disputing the merits of the claim were provided to the Tribunal. Acted as counsel to technology employer with respect to a hearing of a complaint to the British Columbia Human Rights Tribunal regarding allegations of discrimination on the basis of race. The employee's complaint was dismissed after a hearing on the merits.
- Acted as counsel for a large national employer with respect to numerous human rights complaints, wrongful dismissal claims, and grievance arbitrations. A number of the human rights complaints were dismissed at the preliminary stage after producing comprehensive submissions and evidence challenging the filing of the complaint under the *Human Rights Code*.
- Acted as counsel for a large multinational employer with respect to a certification application under the British Columbia *Labour Relations Code*. Acted as counsel to a Federally-regulated employer with respect to a certification under the *Canada Labour Code*.
- Advising employers with respect to their obligations under federal and provincial public and private-sector privacy legislation and drafting necessary policies. Advising organizations impacted by freedom of information requests on their rights and obligations under applicable legislation.
- Drafting termination packages, employment letters, employee handbooks, policies and plans and regular advice to human resources and other managers on the implementation of employment and labour laws in British Columbia.
- Acting for client in an appeal to the Review Division of the Workers' Compensation Board of an administrative penalty arising out of a serious workplace injury. The appeal was successful and the penalty was reduced. Advising employers on their obligations under Occupational Health and Safety legislation and the *Workers' Compensation Act*. This work includes guiding employers through Board investigations into workplace accidents and fatalities, assisting employers in navigating their obligations under bullying and harassment provisions and policies including running training and education sessions for employers, and assisting employers with appealing assessment decisions.

## CREDENTIALS

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### Admissions

- British Columbia, 2008

### Recognitions

- *The Legal 500 Canada* (Labour and Employment), 2018
- Lexpert Zenith Award Celebrating Law Firm and Corporate Social Responsibility for contributions towards organizing and obtaining funding for a *UBC Law Review* special issue on diversity and the law (2011)

### Education

- LL.M., International Business and Economic Law, Kyushu Imperial University, 2007
- LL.B., University of British Columbia, 2006
- B.Sc., University of British Columbia, 2000 (Dean's List)

### Memberships

- Member, Canadian Bar Association (Labour Law; Administrative Law; Freedom of Information; Human Rights; Civil Litigation; and Employment Law subsections)
- Member, Vancouver Bar Association
- Member, HRMA
- Member, Business Council of British Columbia

## Other Activities

- Member, University of British Columbia Behavioural Research Ethics Board, 2009-2013
- Former Director, *UBC Law Review* (Editor-in-Chief), 2005-2006
- Former Director, *UBC Law Review* (Associate Articles Editor), 2004-2005
- Former Member, *UBC Law Review*, 2003-2004
- Former Member, Maiko Taiko (Japanese Drumming Group), Niigata, Japan, 2001-2003

## INSIGHTS

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### Publications

#### BC Safety Plan update

26 MAY 2020

Canadian Employment Law Updates - COVID-19

Canada in Focus

British Columbia has mandated COVID-19 Safety Plans for businesses and employers in the province as part of its COVID-19 Restart Plan.

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#### Pushing reset: What BC's Restart Plan means for employers

7 MAY 2020

Canadian Employment Law Updates - COVID-19

On May 6, 2020, BC launched its four-phase Restart Plan, characterized by the BC government as the first in a series of steps that BC will take to "protect people and ensure that [the] province can come back from COVID-19 stronger than before."

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#### Cross-Canada suspensions in limitations

24 APR 2020

Canadian Employment Law Updates - COVID-19

Four jurisdictions across Canada have taken dramatic measures in an effort to address the consequences of COVID-19 on litigation and other administrative processes. To date, governments in British Columbia, Alberta, Ontario and Quebec have enacted measures to extend or suspend certain limitation periods and time periods for other required procedural steps in legal proceedings.

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#### Advance polling begins: what employers need to know before election day

11 OCT 2019

Canada in Focus

Advance polling for Canada's federal election commences today, ahead of election day on Monday, October 21, 2019. Employers should keep in mind their obligations under the *Canada Elections Act*, specifically with regard to time off to vote without deductions from pay and provisions related to excluded employees.

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**"Times they are a-changin'" for federally regulated workplaces: significant amendments to *Canada Labour Code* and accessibility legislation coming into effect**

30 AUG 2019  
Canada in Focus

The Federal government's commitment to the "modernization" of employment standards applicable to federally regulated workplaces continues with the coming into force of more *Canada Labour Code* amendments and federal accessibility legislation. Federally regulated employers should take note.

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### BC appoints new Human Rights Commissioner

5 JUN 2019  
Canada in Focus

On May 30, 2019, Kasari Govender was appointed as Human Rights Commissioner and the newest independent officer of the BC Legislative Assembly. The appointment follows on the re-establishment of the British Columbia Human Rights Commission late in 2018.

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### Because it's 2018: Canada introduces pay equity legislation

30 OCT 2018  
Canada in Focus

On October 29, 2018 Canada's Federal government introduced legislation designed to equalize the earning potential of men and woman, *Act to Establish a Proactive Pay Equity Regime within the Federal Public and Private Sectors (Pay Equity Act)*.

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### British Columbia employer health tax legislation introduced

17 OCT 2018  
Canada in Focus

On Tuesday, October 16, 2018 the British Columbia government introduced legislation – Bill 44, *Budget Measures Implementation (Employer Health Tax) Act, 2018* – with respect to the anticipated Employer Health Tax announced in the British Columbia Budget 2018.

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- Co-author, "Your Partners Are Not Your Employees: Supreme Court of Canada Clarifies the Application of the Control/Dependency Test", *Ultimate HR Manual – Western Edition*, No.84 – CCH, Wolters Kluwer, June 2014.
- Author, "You Quit: Employee's Claim of Constructive Dismissal Fails", *Labour Notes*, September 2012.
- Author, "Diversity in the Law: Arguments and Perspectives", *UBC Law Review*, Volume 44, No.1, pp. 1–8, March 2011.
- Author, "Defending Claims in Different Fora: The Competing Jurisdiction of Arbitrators and Tribunals in British Columbia", *UBC Law Review*, Volume 43, No.1, pp. 1–8, September 2010.
- Author, "Enforcement of Minors' Contracts in British Columbia", *Canadian Corporate Counsel*, Volume 18, No. 6, May 2009.
- Author, "Keays v. Honda Canada Inc.", *Continuing Legal Education Society of British Columbia*, May 2009.
- Author, "The Supreme Court of Canada Confirms the Legal Obligations of Departing Employees", *International Law Office*, Nov 2008.