



Dana F. Hooker

Partner

dana.hooker@dlapiper.com

Vancouver

T: +1 604 643 6457

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. She is a staunch advocate for diversity and inclusion in the legal profession.

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

English

LANGUAGES SPOKEN

- English

- 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 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

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 Association of Counsel to Employers (CACE)
- Member Canadian Bar Association
- Member Vancouver Bar Association

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

Publications

BC moves ahead with reopening while maintaining an emphasis on vaccination

18 March 2022

Canadian Employment Law Updates - COVID-19

Citing high vaccination rates, on March 10, 2022, the British Columbia government announced the province's next steps in lifting COVID-19 restrictions. These changes to existing masking and proof of vaccination requirements indicate a shift to the next stage in British Columbia's pandemic response.

"It's like déjà vu all over again!" Back to the workplace in BC

22 February 2022

Canadian Employment Law Updates - COVID-19

Canada in Focus

On February 16, 2022, British Columbia's Provincial Health Officer amended the January 20, 2022 Workplace Safety Order to eliminate the requirement that workers must be permitted to work from home to the extent feasible. This revision tracks the province's easing of restrictions generally.

British Columbia reintroduces COVID-19 Safety Plans as Omicron rages on

7 January 2022

Canadian Employment Law Updates - COVID-19

As COVID-19 caseloads break record after record in British Columbia, the province has reintroduced the requirement for businesses to implement COVID-19 Safety Plans.

Protecting workers and employers: COVID-19 vaccination and the workplace

13 July 2021

Canadian Employment Law Updates - COVID-19

In the past six months Canada has seen widespread vaccine uptake. As of June 26, 2021, 76.58% of the population 12 and over have received at least one dose of the five available COVID-19 vaccines and 31.07% of Canadians 12 and over are fully vaccinated. As vaccines have become available to the general population it looks more and more like the end of the pandemic is in sight. The question then becomes, if COVID-19 vaccines are a key component of the return to normalcy, can Canadian employers demand vaccination of their employees?

BC's Phase 3 Restart: Out with the old and in with the new?

7 July 2021

Canadian Employment Law Updates - COVID-19

Canada in Focus

Phase 3 of BC's COVID-19 Restart Plan began July 1, 2021. Businesses are now able to increase capacity for customers and workers in workplaces, provided that they maintain measures to keep the public and employees safe.

I thought that was implied? How written employment agreements can protect your business

15 June 2021

This article briefly discusses how an employment agreement can protect your business and minimize employment-related liabilities, and identifies some of the pitfalls for employers to avoid.

British Columbia introduces paid sick-leave & increases minimum wage

1 June 2021

Canadian Employment Law Updates - COVID-19

Canada in Focus

On May 20, 2021 the *Employment Standards Amendment Act* received Royal Assent. The newly passed legislation immediately provides up to three paid days of COVID-19 related sick-leave to British Columbia employees, and commencing January 1, 2022, will provide for an as yet undetermined amount of paid illness and injury leave for employees with at least 90 consecutive days of employment.

Doubling-down on workplace safety: BC's Provincial Health Officer issues new requirements for workplaces and post-secondary institutions

5 May 2021

Canadian Employment Law Updates - COVID-19

Canada in Focus

As the third wave of BC's COVID-19 pandemic rages on, provincial authorities continue to grapple with how to curtail rising caseloads in the province.

British Columbia expands power to close businesses in response to workplace COVID-19 transmission

16 April 2021

Canadian Employment Law Updates - COVID-19

Canada in Focus

A new public health order has expanded the powers of British Columbia's medical health officers in the fight against the Covid-19 pandemic. The [Expedited Workplace Closure order](#), in effect since April 12, allows medical health officers to temporarily close workplaces where one or more persons has become infected with COVID-19 and it is necessary for the workplace, or part of the workplace, to stop operating in order to prevent further transmission. Businesses subject to an order may be closed for 10 days or longer.

British Columbia government expands COVID-19 Leave entitlement under the *Employment Standards Act*

8 April 2021

Canadian Employment Law Updates - COVID-19

Canada in Focus

As COVID-19 case numbers rise to unprecedented levels, the BC Government continues to implement new provisions in response to the ongoing pandemic. Early in the pandemic the BC government amended the *Employment Standards Act* to provide employees with unpaid "COVID-19 Leave". Effective April 1, 2021, the *Employment Standards Regulation* was amended to expand the circumstances in

which COVID-19 Leave may apply.

“Focus on the Intent”: British Columbia imposes new province-wide COVID-19 restrictions

25 November 2020

Canadian Employment Law Updates - COVID-19

In response to record numbers of COVID-19 cases in British Columbia, British Columbia's Provincial Health Officer has imposed province-wide restrictions that affect both individuals and businesses. These restrictions follow the two-week restrictions imposed on the Vancouver Coastal Health and Fraser Health regions.

British Columbia imposes new COVID-19 restrictions for the Lower Mainland and Fraser Valley

9 November 2020

Canadian Employment Law Updates - COVID-19

Canada in Focus

In response to a steady increase in the number of COVID-19 cases in the Vancouver Coast Health and Fraser Health regions, British Columbia's Provincial Health Officer has imposed targeted orders that will affect both individuals and businesses.

- 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.

NEWS

DLA Piper announces partnership promotions for 2022

28 April 2022

DLA Piper is proud to announce that 74 lawyers have been promoted to its partnership. The promotions are effective as of April 1 2022 in the United States and May 1 2022 for EMEA and Asia Pacific. Promotions have been made across all of the firm's practice areas, spanning 38 offices in 21 countries.

DLA Piper (Canada) LLP welcomes five new partners

4 January 2021

DLA Piper (Canada) LLP welcomes five additions to the partnership, effective January 1, 2022
