

Sean Kelly

Partner and Labour & Employment Practice Group Leader



Queen's Marquee

600-1741 Lower Water Street

Halifax, N.S.

B3J 0J2

Phone: +1.902.444.1742

Mobile: +1.902.471.5359

Fax: +1.902.420.1417

skelly@stewartmckelvey.com

[LinkedIn Profile](#)

Language(s) spoken: English

Bar Admission(s): Nova Scotia, 2011; Ontario,
2023

Legal Assistant(s): [Hayden Marchand](#)

Providing legal services through a professional corporation.

Sean practices management-side human resources, employment, labour and occupational health & safety law. He advises a wide range of employers, from national and multinational companies to small-medium sized enterprises across a broad scope of industries, as well as clients in the public and not-for-profit sectors.

Sean holds a certificate in mental health law in support of his practice advising employers on human rights issues including accommodation & disability management, reintegration to the workplace as well as productivity and wellness strategies. He brings a practical and proactive approach to resolving discipline and performance management issues, workplace investigations (e.g., often involving harassment and discrimination allegations), termination and severance advice, workforce reorganizations and corporate transactions, employment agreements and executive compensation as well as post-employment and restrictive covenant litigation (e.g., non-compete and non-solicitation obligations).

Sean also has a significant advocacy practice, having appeared before all levels of Courts and Administrative Tribunals in Nova Scotia, negotiating collective agreements and litigating grievance arbitrations. He often uses mediation and other forms of alternative dispute resolution to facilitate timely, cost effective and confidential settlements. Recent examples of Sean's representative work include:

- Representing a regional media company before the Court of Appeal in a leading Nova Scotia case on constructive dismissal and mitigation;
- Defending a national sport organization against numerous claims by a former coach with serious reputational implications; and
- Defending wrongful dismissal claims arising out of COVID-19-related restructurings.

He is a frequent presenter on employment and labour law issues and has appeared in the media as a commentator on workplace legal issues.

Practice Areas

Human Rights

Labour & Employment

Litigation & Alternative Dispute Resolution

Education & Career

Education

Dalhousie University, LL.B., 2010

McMaster University, M.A., 2006

Mount Allison University, B.A. (honours), 2003

Activities

Past Vice-Chair of Board of Governors & Chair of Governance and Human Resources Committee, NSCAD University, 2015 – 2021

Community Member, Admissions Committee, Dalhousie University Medical School, 2019 – 2020

Past President, Sail Nova Scotia, 2014 – 2018

Member & Panel Presenter, Canadian Association of Counsel to Employers, 2012 – present

Thought Leadership

Nova Scotia legislative update: “Stronger Workplaces for Nova Scotia Act” – Bill No. 464

September 06, 2024

Appeal Courts uphold substantial costs awards for regulators

May 22, 2024

Occupational Health and Safety sentencing decision – Nova Scotia

April 29, 2024

Trends in Employment Law: A look forward in 2023

January 13, 2023

Retailer’s mandatory mask mandate – no discrimination based on disability or religious belief

December 30, 2021

Presentations

Co-Presenter, “For Regulators: Conducting Investigations Effectively and Efficiently”, Stewart McKelvey Labour & Employment Webinar

May 27, 2024

Co-Presenter, “Protecting your Workplace: OH&S Legal Updates and Insights”, Stewart McKelvey Labour & Employment Webinar

April 16, 2024

Co-presenter, “Discrimination, Harassment & Workplace Investigations”, Stewart McKelvey Labour and Employment webinar

October 28, 2021

Facilitator/moderator “Discrimination, Harassment & Workplace Investigations”, Stewart McKelvey Client Seminar, October 2021

Panelist, “Cross Canada Employment Law Update”, Canadian Association of Counsel to Employers, October 2021