

Vancouver & District Labour Council

2019 Labour Education

Anita Yan Memorial Law Series

SPRING SESSION

To Register - www.vdlc.ca/2019_vdlc_education_program

Human Rights Boot Camp (All Levels)

May 13, 14, 15, & 16 - Monday, Tuesday, Wednesday, & Thursday - 9:30 am to 4:00 pm

Registration: 4 Days - \$200 VDLC affiliate/ \$220 - other

This course will examine the history, growth and current status of human rights in Canada by examining the Universal Declaration of Human Rights, the Charter of Rights and Freedoms, the federal and provincial human rights acts and the relationship between human rights and collective agreement rights.

We will then examine current human rights issues such as the inter-generational Aboriginal residential school legacy and the development of the Indigenous Truth and Reconciliation Commission; the accommodation of workers with disabilities; combatting systemic racism in employment practices; and the creation of safe workplaces for the LGBTQ+ community (and possibly others).

Multiple guest speakers will present throughout the course.

Instructor Conni Kilfoil

Conni Kilfoil is a consultant who previously worked as the Equality Representative with CUPE in BC; she has worked as a lawyer with extensive experience as an advocate and educator

Organizing for Power in the Workplace (All levels)

May 22 - Wednesday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliate / \$90 other

The greatest strength of every union is in its members. This course builds skills in identifying and building power within the rank and file and through all corners of the membership. Participants will practice mapping the workplace to determine areas of support or opposition to the union; learn to identify, recruit, and mentor natural leaders; examine how structures can inhibit or nurture effective member engagement; engage in one-to-one conversations that connect the interests of members to the objectives of the union; and move from shared purpose to collective action. The techniques and practices advance the organizing model to build an engaged and powerful membership and achieve better bargaining outcomes and daily connections.

Instructor Laurel Albina, Hospital Employees' Union (HEU)

Laurel Albina has been an internal organizer, contract negotiator, and mentor for rank-and-file leaders since 2006. She first became involved in the labour movement through the AFL-CIO's Union Summer program in Flint, Michigan and later honed her skills as an internal organizer with SEIU Healthcare 1199NW in Seattle. She is currently employed with the HEU as a negotiator in the private sector.

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Investigations and Interrogations: Representing Members in Employer Interviews (All Levels)

May 23 & 24, Thursday & Friday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 - VDLC affiliate / \$90 - other

Picture this, you are a shop steward and get a request from an HR manager to sit in on an interview of a union member as part of an investigation; they won't tell you or the worker what it's about or let you speak alone; and the manager is vague and accusatory and threatens to discipline the member if they do not cooperate. What can you do as a shop steward? How do you best represent the member and reduce the possibility of discipline? At discipline arbitrations the employer's key evidence is their investigation. This new course will help you, as a worker's advocate, level the playing field by knowing the rights of employees and limits of employers in investigations.

Instructor Craig Bavis, Victory Square Law

Craig Bavis is a partner at Victory Square Law Office and has been a labour lawyer since 2000 representing a wide range of unions and was counsel for the Saskatchewan Federation of Labour in the 2015 Supreme Court of Canada which recognized the right to strike.

Duty to Accommodate Boot Camp (All Levels)

May 27, 28, & 29 - Monday, Tuesday, & Wednesday - 9:30 am to 4:00 pm each day

Registration: 3 Days - \$150 VDLC affiliated union / \$180 other

Focusing on the accommodation of disabilities, this course will examine the meaning of discrimination and its relationship to accommodation, the scope and the limitations to the accommodation process, the procedural and substantive aspects of the duty, the role of medical evidence in accommodation, and the rights and obligations of employers, unions, and accommodation-seeking individual workers in the process.

To insure that participants are confident in dealing with accommodation claims, the course will include multiple group problem-solving sessions, a video, and an engaging guest speaker .

Instructor Conni Kilfoil

Conni Kilfoil is a consultant who previously worked as the Equality Representative with CUPE in BC; she has worked as a lawyer with extensive experience as an advocate and educator.

SPRING SESSION

To Register - www.vdlic.ca/2019_vdlic_education_program

Employer Policies and Labour Law (All level)

May 30, Thursday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliate / \$90 other

This course will lay the foundation for your understanding of employer policies and their relationship to labour law. We will look at when employer policies are permitted and when they are not, when policies should be challenged, and what legal tests a policy will need to pass in order to hold up in arbitration. We will learn the "KVP test" utilized by arbitrators, and look at more recent developments in case law.

Instructor Jennifer Arnold, BCGEU

Jennifer Arnold has represented BCGEU members for nearly seven years as part of the Union's Advocacy Department. She is committed to the labour movement and has advanced members' interests both at grievance arbitration hearings and through a range of other legal work. After completing her law degree at the University of Ottawa, Jennifer articulated with a union side labour law firm in Ottawa before moving to BC to join the BCGEU staff.

Bullying & Harassment (All levels)

May 31, Friday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliate / \$90 other

Confused about where the line between harassment and management rights is? about the obligations of the employer and union under human rights harassment, personal harassment, and harassment and bullying in the workers compensation context?, or how to prevent harassment in the first place?

This course will help in identifying what workplace harassment is, understand the general principles applicable to it from the perspective of those deciding harassment complaints (human rights tribunals, labour arbitrators, and workers compensation boards), and the rights and obligations of employers, unions, and workers in the process.

Participant groups will problem-solve real cases throughout the course.

Instructor Conni Kilfoil

Conni Kilfoil is a consultant who previously worked as the Equality Representative with CUPE in BC; she has worked as a lawyer with extensive experience as an advocate and educator.

SPRING SESSION

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Effective Grievances (Introductory)

June 1, Saturday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

This is a course designed for new union activists and stewards, or as a refresher for those with more experience. Learn the difference between a complaint and a grievance, when to start a grievance, how to support and advocate for your members in the grievances and best practices. Participants will learn the fundamentals for successful grievance outcomes.

Instructors Jennifer Arnold, BCGEU

Jennifer Arnold has represented BCGEU members for nearly seven years as part of the Union's Advocacy Department. She is committed to the labour movement and has advanced members' interests both at grievance arbitration hearings and through a range of other legal work. After completing her law degree at the University of Ottawa, Jennifer articulated with a union side labour law firm in Ottawa before moving to BC to join the BCGEU staff.

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Registration opens October 1, 2019

Unions and the Indigenous Truth and Reconciliation Process (All levels)

October 23 & 24, Wednesday & Thursday - 9:30 am to 4:00 pm

Registration: 2 Day - \$100 VDLC affiliate / \$120 other

This course will examine the history and nature of Aboriginal land claims, the inter-generational impact of the residential school system, the work of the Truth and Reconciliation Commission, and an overview of current Aboriginal issues. The relevance of these issues to the labour movement will be examined and groups will brainstorm ways in which tools such as collective bargaining, contract administration, and political campaigns can be used to advance the goals of the Commission.

Several indigenous guest speakers will present throughout the course.

Instructor Conni Kilfoil

Conni Kilfoil is a consultant who previously worked as the Equality Representative with CUPE in BC; she has worked as a lawyer with extensive experience as an advocate and educator.

Promotions: How to Negotiate Language and Win Non-Selection Grievances (All Levels)

October 28, Monday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliate/\$90 other

Every collective agreement has language to guide workplace promotions. However, promotional language can fall into a number of categories: relative ability clauses, sufficient ability clauses, and hybrid clauses. Each category places different emphasis on merit and seniority. In addition, the words used in the collective agreement to describe merit, such as "ability", have received considerable attention from arbitrators and further outline the criteria that an employer can or must assess when conducting a competition. This course will help you to decide which model makes sense for your collective agreement and how to apply your promotional language. It will also work through a case study on a non-selection grievance to learn how to make your case for one or more grievors who didn't get the job.

Instructor Susanna Allevato

Susanna Allevato practices with the firm Allevato Quail & Worth, which specializes in union side labour law, election law, and voting rights. She has an extensive background in the labour movement and has a special interest in the intersection of social justice and legal issues.

Craig Bavis has been a labour lawyer since 2000 representing a wide range of unions and was counsel for the Saskatchewan Federation of Labour in the 2015 Supreme Court of Canada which recognized the right to strike.

FALL SESSION

Registration opens October 1, 2019

Charter Rights in the Workplace *Doug McNicol Memorial Workshop* (All Levels)

November 16, Saturday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliate/ \$90 other

In recent years, the Supreme Court of Canada, and some lower courts, have confirmed important rights for Canadian unions and their members. Significantly, these include Freedom of Expression (picketing, leafletting, protest, privacy rights) and Freedom of Association (the right to organize, bargain, and strike). Decisions regarding Bill 29 in the health care sector, the Harper government back-to-work order against postal workers and the BC Teachers' Federation win over the right to negotiate class size and composition all combine to establish these Charter rights. The implications of these decisions reach into every workplace, both in the public and private sector. This course provides an overview of Charter Rights, key decisions for unions, and how these cases can be used to advance our collective interests.

Instructors Leo McGrady, Koskie Glavin, and Craig Bavis, Victory Square Law

Leo McGrady QC specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. He has argued cases at all levels of court in BC and the Territories and served as counsel on a number of leading labour and charter cases in the Supreme Court of Canada.

Craig Bavis has been a labour lawyer since 2000 representing a wide range of unions and was counsel for the Saskatchewan Federation of Labour in the 2015 Supreme Court of Canada which recognized the right to strike.

BC Labour Code (All levels)

November 18, Monday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

This course is designed for union staff reps, officers, and senior stewards who need to understand the BC Labour Code and its application. It will provide an overview of important sections of the code and the regulations, interpretations, and rulings that you need to know to be strategic and effective.

Instructor Jonathan Hanvelt, Banister & Co and Jennifer Glougie, Labour Relations Board

Jonathan Hanvelt is a lawyer with Banister & Company. He often teaches legal education for the Canadian Labour Congress and offers extensive experience from working representing union clients at the Labour Relations Board, in the courts, and other tribunals.

Jennifer Glougie is a Vice-Chair of the BC Labour Relations Board. She previously practiced union-side law with Banister & Co., has been an instructor of Provincial Labour Law, and a curriculum developer and instructor of workshops for the Canadian Labour Congress.

FALL SESSION

Registration opens October 1, 2019

Canada Labour Code - Part 2 (All levels)

November 19, Tuesday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

BC based workers and their unions in federally regulated industries and workplaces are covered by the Canadian Labour Code. This new course is designed to provide an understanding of key aspects of the code and its application to the unions and employers covered by federal labour law. The most important sections will be reviewed, along with interpretations and key rulings that illustrate the application of the code.

Instructor Tamara Ramusovic, Moore Edgar Lyster

Tamara Ramusovic is an associate lawyer at Moore Edgar Lyster. She represents trade unions, as well as non-union employees, in the areas of labour, employment, human rights, and administrative law. In addition to her work as counsel, Tamara has provided training to community groups on the topic of individual rights under human rights legislation and the Canadian Charter of Rights and Freedoms. As well, Tamara has made presentations on a diverse range of labour relations and employment topics including Federal labour law, appeals of arbitral decisions, and privacy issues in the workplace.

Advocacy: How to Make your Case Effectively (All Levels)

November 20 & 21, Wednesday & Thursday - 9:30 am to 4:00 pm

Registration: 2 Days - \$100 VDLC affiliated union / \$120 other

Many shop stewards become skilled advocates in winning the union's case at arbitration and other third party hearings. This course will assist you to better prepare and present cases by learning some basic legal protocols, techniques and procedures. The curriculum covers pre-hearing matters, opening statements, direct and cross examination, making objections, and closing arguments.

Instructor Leo McGrady

Leo McGrady, QC specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. He has argued cases at all levels of court in British Columbia and the Territories, and served as counsel on a number of leading labour and charter cases in the Supreme Court of Canada.

FALL SESSION

Registration opens October 1, 2019

Current Issues in Benefit Law (All Levels)

November 22 Friday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

Health benefits are a critical component of compensation. In this session we will examine a selection of issues and current trends in benefits that may impact and inform bargaining and collective agreement interpretation. Among the topics we will explore will be the trend toward sector-specific consolidation of benefit plans, the role of unions in governance, conversions to ELHTs, newest cases in discrimination law, impact of medical marijuana, and the latest developments in OPEBs.

Instructors Susan Philpot & Clio Godkewitch, Goldblatt Partners

Susan Philpott was called to the Ontario Bar in 1990 and the BC Bar in 2013; she understands how important pensions and benefits are to the well-being of workers and their families and has dedicated her career to it. Trade unions across the country rely on Sue to help them expand workplace pension and benefits coverage, bargain new pensions and benefits arrangements, and navigate through employer insolvencies and restructuring. Sue is a frequent speaker, teacher and writer on pension and benefits issues. She is also a lecturer for the International Foundation of Employee Benefit Plans.

Clio Godkewitch was called to the Ontario bar in 2002. She helps workers resolve disputes over their compensation, including pension and other employee benefits. Clio is retained by pension and benefit administrators to provide practical advice concerning benefit entitlements and communications with plan members, helping to ensure they are providing high quality pensions and benefits to members, and meeting their legal obligations.

WCB - Introduction (Beginner)

November 25, Monday - 10:00 am to 4:30 pm

Registration: 1 Day - \$70 - VDLC affiliated union / \$90 - other

This course provides a basic overview of the Workers' Compensation system as it applies to workers who are injured or develop an occupational disease on the job. The course will look at the law and policy, how decisions are made by the WCB, and how the appeal system works for those who have to argue an appeal. We will look at the practical realities faced by injured workers trying to navigate the minefield of workers' compensation and its appellate systems.

Instructor Sarah O'Leary, Harrison O'Leary Lawyers, LLP & Niki Schnurr, Move UP

Sarah O'Leary was called to the bar in 1981 and doing primarily Workers' Compensation and disability-related law for the last 25 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at the Legal Services Society as well as at a major health care union, and has been teaching workers' compensation advocacy to labour unions for over two decades.

Niki Schnurr is the WCB Appeals Representative and OHS Coordinator with MoveUP. She previously worked with the labour side law firm Rush Crane Guenther, and as an advocate with Prisoners' Legal Services and the UBC Indigenous Community Legal Clinic.

FALL SESSION

Registration opens October 1, 2019

WCB - Advanced (Advanced)

November 26, Tuesday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 - VDLC affiliated union / \$90 - other

This course will build on the information and skills of experienced WCB reps and/or those who have taken the Introductory WCB course. The course will focus on effective advocacy skills at the WCB and its appeal bodies. Effective advocacy includes identifying likely issues for particular cases of injury or occupational disease, knowing the Board's case, and obtaining new evidence, especially medical evidence. As time permits, we will review written submission templates and how to prepare (and prepare your worker) for an oral hearing.

Instructor Janet Patterson

Janet K. Patterson is a retired lawyer. After practicing union-side labour law, Janet joined the Appeal Division (WCB) and then became a Vice-Chair with the Workers Compensation Appeal Tribunal (WCAT). In 2005, Janet joined the law firm of Rush, Crane Guenther (RCG) and represented injured workers in their compensation claims. She and Sarah O'Leary also began WCB workshops for union advocates, to update and further train advocates in this specialized area. In 2014, Janet became a part-time sole practitioner and fully retired in December, 2018. She continues to offer workshops and consult on compensation and disability related matters.

Accommodating Alcohol & Drug Addictions and Medical Marijuana at Work (All levels)

November 27, Wednesday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 - other

This course will review how alcohol and drug addictions have been accommodated at work and the challenges that these accommodation pose for the employer, union, and worker. We will then examine issues that have arisen as a result of recent changes to the legal regime surrounding the use of medical marijuana in the workplace.

Instructor Conni Kilfoil

Conni Kilfoil is a consultant who previously worked as the Equality Representative with CUPE in BC; she has worked as a lawyer with extensive experience as an advocate and educator.

FALL SESSION

Registration opens October 1, 2019

Privacy Rights in the Workplace (Advanced)

November 28, Thursday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

This course uses case law reviews to examine the privacy rights of employees in the workplace, the limits on employer interference with those rights, and the possible remedies for impermissible interference with those rights. Areas covered will include workplace surveillance, employer monitoring of computer use, internet and emails, permissible employee use of electronic communications and equipment at work, the perils and pitfalls of social networking, restrictions on access to medical information and drug testing and monitoring. The course will also discuss Supreme Court of Canada decisions on drug testing and publicizing personal information on the internet.

Instructor James Baugh, Kestrel Workplace Legal Counsel

Called to the bar in 1988, James Baugh's areas of practice include labour and employment law, human rights, defamation and civil litigation. Mr. Baugh has taught courses in labour law and human rights, and has made presentations on employment related topics at a variety of conferences and workshops. Prior to joining Kestrel Workplace Legal Counsel, he practiced labour and employment law at McGrady and Company for many years.

Union Community Advocacy (All levels)

November 29, Friday - 9:30 am to 4:00 pm

Registration: 1 Day - \$70 VDLC affiliated union / \$90 other

Description coming soon.

Instructor Neal Adolph, United Way Labour Participation Department

Coming soon