



THE OSGOODE CERTIFICATE IN LABOUR LAW

April 17, 21, 27 & May 1 & 5, 2020
Five One-day Modules
Live Webcast

Learn from leading experts representing management, union and government – a Certificate program with emphasis on the practical.

Over five intensive one-day modules, you'll drill down into the key areas in labour law, including:

- Union organizing and applications for certification
- Collective bargaining
- Grievance arbitration: protecting rights and resolving conflicts
- Workplace investigations in unionized environments
- The law of industrial conflict

Register today at:

osgoodepd.ca/labour-cert

Program Director

John D.R. Craig

Fasken Martineau DuMoulin LLP and
Assistant Professor, Faculty of Law,
Western University

Live Webcast

The Osgoode Certificate in Labour Law

Master the key technicalities of labour law from both worker/union and management perspectives – and hone your ability to make the critical judgment calls that challenge even experienced counsel.

Now in its ninth year, the *Osgoode Certificate in Labour Law* is an unrivalled resource for navigating this complex and challenging field.

All key areas are covered, including:

- Union organizing and applications for certification
- Collective bargaining
- Grievance arbitration
- Restructuring unionized environments
- The law of industrial conflict, including lock-outs and back-to-work legislation

A distinguished faculty of experts drawn from management, union, government and academia will impart essential legal information, insights, strategies and tactics.

This Certificate program provides a rare opportunity to see the big picture and how it applies to frequently-encountered and perennially-vexing situations – ensuring that you are well-equipped to deal with the challenges coming across your desk daily.

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Past attendees say it best:

“Material was well explained and presented... the instructors were amazing at connecting with everyone in the room. Great job!”

Scott Sharp
Guelph General Hospital

“Excellent—extremely likely [to recommend]”

Gerry Kennedy
President & CEO, TriPoint Insurance Underwriting Inc.

“The facilitators... were exceptional, I very much enjoyed how they combined theory with examples and experiences from their field, bringing both substantial and in-depth knowledge together with case studies.”

Alessya Danna
Government of Ontario

“Engaging and knowledgeable presenters. Relevant content.”

J. Budgell
Legal Aid Ontario

“A good general and appropriately detailed overview of the subject.”

Jason McInnis
President, Vaughan Professional Firefighters Association

Who Should Attend

- VPs, Directors and Managers of Labour Relations
- VPs, Directors and Managers of Human Resources
- Union Presidents, Officials, Business Agents, Stewards and Committee Members
- In-House Counsel
- Lawyers in private practice
- Labour Relations Consultants
- Mediators, Arbitrators and Conciliators
- Government Representatives

Drawing on the expertise and experience of a distinguished faculty, including:

Program Director



John D.R. Craig

Fasken Martineau DuMoulin LLP and
Assistant Professor, Faculty of Law,
Western University

Advisory Board

Diane Gee

Mediator/Arbitrator

Donald B. Jarvis

Filion Wakely Thorup Angeletti LLP

Brian G. Johnston Q.C.

Stewart McKelvey (Halifax, N.S.)

Caroline (Nini) V. Jones

Paliare Roland Rosenberg Rothstein LLP

Jane Mallen

Director, Ministry of Agriculture,
Food and Rural Affairs (Ontario)

Program Faculty

Keith P. Burkhardt

Sherrard Kuzz LLP

Henry Y. Dinsdale

Hicks Morley Hamilton Stewart Storie LLP

Donald K. Eady

Paliare Roland Rosenberg Rothstein LLP

Erin Epp

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Prof. Rafael Gomez

Associate Professor, Employment Relations,
Centre of Industrial Relations and
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Bonny Mak

Fasken Martineau DuMoulin LLP

Jodi Martin

Paliare Roland Rosenberg Rothstein LLP

Heather Ann McConnell

Goldblatt Partners LLP

Brendan McCutchen

Wright Henry LLP

Christopher Pigott

Fasken Martineau DuMoulin LLP

Michael S. Richards

DLA Piper (Canada) LLP

M. David Ross

Vice-Chair, Ontario Labour Relations Board

Natasha Savoline

Bernardi Human Resource Law LLP

Rhonda Shirreff

Shirreff Workplace Law Solutions

Krista Siedlak

Turnpenney Milne LLP

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Agenda

MODULE 1

April 17, 2020

9:00 a.m. – 4:15 p.m.

Labour Law Foundations

Overview of the Statutory and Regulatory Regime

- Main elements (e.g. certification, negotiation, contents and operations of collective agreements, termination of bargaining rights, successor rights)
- Employees, independent contractors, employers and unions
- Key labour law statutes
- The constitutional framework
- Division of powers: Federally vs. provincially-regulated employers
- Application of the Charter (e.g. s. 2(d))
- Construction vs. industrial labour relations
- Sector-specific labour relations
- Agricultural employees, Crown employees, hospitals, teachers, colleges, emergency services

Union Organizing and Applications For Certification

- Union density statistics: where is unionization increasing or decreasing?
- Union organization in the construction sector
- Unfair labour practices, including automatic certification
- Remedies for unfair labour practices
- Interim relief
- Vote vs. card-based certification systems
- Displacement applications
- Termination applications
- Decertification processes

Faculty

John D.R. Craig

Fasken Martineau DuMoulin LLP

Sundeep Gokhale

Sherrard Kuzz LLP

Brendan McCutchen

Cavalluzzo Shilton McIntyre Cornish LLP

Christopher Pigott

Fasken Martineau DuMoulin LLP

Rhonda Shirreff

Shirreff Workplace Law Solutions

MODULE 2

April 21, 2020

9:00 a.m. – 4:30 p.m.

Collective Bargaining

- First contract arbitration
- Public sector vs. private sector bargaining
- Overview of different models of collective bargaining in Ontario
 - Single employer/single union (e.g. university sector)
 - Voluntary multi-employer/union by union (e.g. hospital sector)
 - Central bargaining by type of employee (e.g. colleges)
 - Co-ordinated bargaining (e.g. emergency services)
 - Province-wide bargaining (e.g., construction)
- The importance of pay equity in collective bargaining
- The role of government in collective bargaining
- When collective bargaining fails: dispute resolution models

- The right to strike/lockout

- Picketing: *Charter* protection and limits

Faculty

John D.R. Craig

Fasken Martineau DuMoulin LLP

Keith P. Burkhardt

Sherrard Kuzz LLP

Laurie Kent

Koskie Minsky LLP

Jodi Martin

Paliare Roland Rosenberg Rothstein LLP

M. David Ross

Vice-Chair, Ontario Labour Relations Board

MODULE 3

April 27, 2020

9:00 a.m. – 4:30 p.m.

Grievance Arbitration: Protecting Rights and Resolving Conflicts

- Overview of the grievance and arbitration system in Ontario
- S. 49 of the Labour Relations Act: referral of grievance to a single arbitrator
- Jurisdiction of arbitrators
- S. 133 of the LRA: referral of grievances to the Ontario Labour Relations Board
- Emerging models of grievance arbitration:
 - e.g. PWU and OPG expedited systems
- Litigating human rights claims at arbitration
- Arbitration vs. mediation
- Is the arbitration process dysfunctional? If so, what reforms are possible?

Faculty

Henry Y. Dinsdale

Hicks Morley Hamilton Stewart Storie LLP

Prof. Rafael Gomez

Associate Professor, Employment Relations,
Centre of Industrial Relations and Human
Resources, University of Toronto

Dianne E. Jozefacki

Hicks Morley Hamilton Stewart Storie LLP

Michael J. Kennedy

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Madeleine L.S. Loewenberg

Loewenberg Psarris Workplace Law LLP

Heather Ann McConnell

Goldblatt Partners LLP

MODULE 4

May 1, 2020

9:00 a.m. – 4:30 p.m.

Workplace Investigations in Unionized Environments

- The role and parameters of the union in a workplace investigation
 - Is there a right to union representation?
 - What are the parameters of involvement for a union in the investigative process?
 - The union's duties throughout the investigation
 - Best means of balancing competing interests within the bargaining unit
 - Role of the Ministry of Labour: the relationship between workplace and Ministry investigations
- The investigative process
 - Tips for pre-screening complaints
 - Objectives of the investigation

- Role of advisors
- Use of experts
- Role of the investigator
- Preparing an investigation plan
- Surveillance
- Interviewing
 - Listening skills
 - How to handle difficult witnesses
 - The right questions
 - Confidentiality and privacy issues
 - Internal biases
 - Off-the-record statements
- Making a finding and preparing a report
 - Assessing credibility
 - Burden of proof
 - Similar fact evidence
- Post-investigation considerations
 - Remedies to consider
 - What if the complaint is malicious?
 - Preventing retaliation and further incidents
- Litigation
 - What aspects of an investigation might an employer be ordered to produce **if the issue goes to arbitration?**

Faculty

Anne M. Gregory

Counsel, Manitoba Nurses Union

Mathias Link

Fasken Martineau DuMoulin LLP

Natasha Savoline

Bernardi Human Resource Law LLP

Krista Siedlak

Turnpenney Milne LLP

Michael S. Richards

DLA Piper (Canada) LLP

MODULE 5

May 5, 2020

9:00 a.m. – 4:15 p.m.

Restructuring Unionized Environments: Sale, Transfer or Closure of the Business/The Law of Industrial Conflict

Restructuring Unionized Environments

- Sale of a business
- Related employers
- Closure of a business
- Sale of a business involving the Crown
- Sale or transfer involving employers in two different jurisdictions (federal and provincial)

The Law of Industrial Conflict

A survey of key law and procedures, including:

- Cease-and-desist applications
- Labour dispute injunctions under the *Courts of Justice Act*
- Use of back-to-work legislation

Faculty

John D.R. Craig

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Donald K. Eady

Paliare Roland Rosenberg Rothstein LLP

Erin Epp

Ursel Phillips Fellows Hopkinson LLP

Donald B. Jarvis

Filion Wakely Thorup Angeletti LLP

Bonny Mak

Fasken Martineau DuMoulin LLP

Registration Details

Fee per Delegate

\$3,995 plus HST

Government Rate: \$3,495 plus HST

Newly Licensed (2017 – Present): \$1,997.50 plus HST

Fees include attendance and program materials.

Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

Paul Truster, Program Lawyer at 416.937.8983
or email ptruster@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Labour Law**. Participants must attend all program modules and pass the post-program multiple choice assessment to receive a certificate.

4 Convenient Ways to Register



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OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.



Eligible CPD Hours – LSO (ON): 31h 15m CPD (29h 15m Substantive, 2h Professionalism)

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This program has been approved for 35 continuing professional development (CPD) hours under Section A3 of the continuing professional development (CPD) log of the Human Resources Professionals Association (HRPA)

“Great overview of fundamentals, with some in-depth sections as well... very good balance in content of overview of fundamentals and opportunity for more in-depth discussion at points.”

Tim Maguire
Past President, CUPE Local 79, Toronto

“Content was excellent... learned many valuable things.”

Judy Finlayson
Compliance Specialist, BASF Canada Inc.

“Very relevant to my workplace and role at work... the keynote speaker was extremely knowledgeable... the case law and experiences from cases that the presenters bring are extremely interesting and valuable.”

A.J. Ryland
City of Ottawa (OC Transpo),
Program Manager, Employee Operations

“An absolutely fascinating course. Highly educational and engaging... I would recommend [it] to all my colleagues.”

Kevin Bhalla
Labour Relations Consultant, Coca-Cola

“Excellent!”

Scott Thomson
Power Workers' Union