



# THE OSGOODE CERTIFICATE IN LABOUR LAW

March 7 & 19, April 2 & 23 and May 16, 2019  
5 days over 10 weeks • In Person

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](http://osgoodepd.ca/labour-cert)

## Program Director

**John D.R. Craig**

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

## Location

**Osgoode Professional  
Development**

1 Dundas St. W., 26th Floor  
Toronto, ON





*“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

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

**Kevin Bhalla**  
Labour Relations Consultant, Coca-Cola

## 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

# Osgoode Certificate in Labour Law



Now in its eighth 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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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

**Dr. David Doorey**

Associate Professor, School of  
Human Resource Management,  
York University

**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

**Lauren Bernardi**

Bernardi Human Resource Law LLP

**Keith P. Burkhardt**

Sherrard Kuzz LLP

**Henry Y. Dinsdale**

Hicks Morley Hamilton Stewart Storie LLP

**Donald K. Eady**

Paliare Roland Rosenberg Rothstein LLP

**Sundeep A. Gokhale**

Sherrard Kuzz LLP

**Naomi Greckol-Herlich**

Ursel Phillips Fellows Hopkinson LLP

**Anne M. Gregory**

Manitoba Nurses Union

**Donald B. Jarvis**

Filion Wakely Thorup Angeletti LLP

**Laurie Kent**

Koskie Minsky LLP

**Mathias Link**

Fasken Martineau DuMoulin LLP

**Madeleine L.S. Loewenberg**

Loewenberg Psarris Workplace Law LLP

**Greg Long**

Deputy Director, Dispute Resolution  
Services, Ministry of Labour (Ontario)

**Jodi Martin**

Paliare Roland Rosenberg Rothstein LLP

**Brendan McCutchen**

Cavalluzzo Shilton McIntyre Cornish LLP

**John J.H. Monger**

Paliare Roland Rosenberg Rothstein LLP

**Christopher Pigott**

Fasken Martineau DuMoulin LLP

**Michael S. Richards**

DLA Piper (Canada) LLP

**M. David Ross**

Vice-Chair, Ontario Labour Relations Board

**Rhonda Shirreff**

Shirreff Workplace Law Solutions

**Krista Siedlak**

Turnpenney Milne LLP

**Jackie VanDerMeulen**

Fasken Martineau DuMoulin LLP

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# Agenda

## MODULE 1

March 7, 2019  
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 and  
Assistant Professor, Faculty of Law,  
Western University

### 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

March 19, 2019  
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

### Keith P. Burkhardt

Sherrard Kuzz LLP

### Laurie Kent

Koskie Minsky LLP

### Greg Long

Deputy Director (A), Dispute Resolution  
Services, Ministry of Labour (Ontario)

### Jodi Martin

Paliare Roland Rosenberg Rothstein LLP

### M. David Ross

Vice-Chair, Ontario Labour Relations Board

## MODULE 3

April 2, 2019  
9:00 a.m. – 4:00 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

**Madeleine L.S. Loewenberg**

Loewenberg Psarris Workplace Law LLP

**John J.H. Monger**

Paliare Roland Rosenberg Rothstein LLP

### MODULE 4

**April 23, 2019**

**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

**Lauren Bernardi**

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**Karen R. Bock**

DLA Piper

**Anne M. Gregory**

Manitoba Nurses Union

**Mathias Link**

Fasken Martineau DuMoulin LLP

**Krista Siedlak**

Turnpenney Milne LLP

### MODULE 5

**May 16, 2019**

**9:00 a.m. – 4:00 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

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Paliare Roland Rosenberg Rothstein LLP

**Naomi Greckol-Herlich**

Ursel Phillips Fellows Hopkinson LLP

**Donald B. Jarvis**

Filion Wakely Thorup Angeletti LLP

**Jackie VanDerMeulen**

Fasken Martineau DuMoulin LLP

*Note: A post-program multiple-choice assessment will be provided online to attendees soon after the end of Module 5. Successful completion of this assessment is a prerequisite to obtaining the Certificate.*

# Registration Details

## Fee per Delegate

**\$3,995 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Visit [www.osgoodepd.ca/financial-assistance](http://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](mailto: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 (take-home) multiple-choice assessment** in order to receive a certificate.

# 4 Convenient Ways to Register



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Register today at:

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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)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



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