

Western Canada

LABOUR RELATIONS

January 29 – 30, 2008 | Four Seasons Hotel | Vancouver



Leading labour relations experts representing management and unions will provide practical advice and critical insights into key workplace issues, including a roundup of important court cases and arbitration rulings.

- Recognizing and protecting collective bargaining rights under the *Charter*: The Supreme Court of Canada's landmark ruling and its impact on your workplace
- Updating drug and alcohol policies – how to deal with controversial testing issues
- Stiff penalties – emerging trends in awards for damages in lieu of reinstatement
- When psychological harassment is against the law – the Quebec workplace experience
- Advice for managing the surge in non-disability accommodation issues
- Procedural tactics and challenging issues arising from the use of foreign workers
- Practical insight into the effective use of mediation at arbitration and in matters before the Human Rights Tribunal

and much more...

IN-DEPTH WORKSHOPS | Monday January 28, 2008

TERMINATIONS IN THE UNIONIZED WORKPLACE:
Practical Strategies for Cost-Effective Outcomes

PRIVACY AND ACCESS TO INFORMATION:
Obligation Update for Employers and Unions

PROGRAM CO-CHAIRS

Gina Fiorillo

Partner

Fiorillo Glavin Gordon

Gavin Hume, Q.C.

Partner

Fasken Martineau DuMoulin LLP

FEATURING

ARBITRATORS

Emily Burke

Joan Gordon

Gabriel Somjen

John Steeves

UNIONS

BCGEU

Construction & Specialized

Workers Union, Local 1611

Hospital Employees' Union

IBEW 258

USW District 3

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Barbara Butler & Associates Inc.

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LAW TIMES

WORKPLACE NEWS

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insIGHT
ALM

Dear Colleague:

There are many conferences on labour relations. This upcoming conference stands out because of the excellence of the presenters and the relevance of the topics to the challenges arising in the rapidly evolving field of labour relations across Canada.

Insight's third annual **LABOUR RELATIONS** agenda features new topics that are a "must" for anyone working in the area of labour relations and our presenters are involved in the action "day in and day out". Several arbitrators, union representatives and legal experts will point you to recent arbitration and court decisions and give strategic advice to help you manage current issues and prepare for future trends. You will be provided with valuable insights, practical tips, and excellent papers on the various topics.

In addition, we believe you will find the following presentations interesting and highly insightful.

As a special feature, **Barbara Butler**, an internationally recognized expert in the area of workplace drug and alcohol policies will provide a challenging look at the controversial issue of testing employees. **Dr. Bob Acton** will provide clear steps for managing bullies and difficult people in your workplace and **Catherine Maheu** of Montréal will share how employers in Quebec are handling charges of psychological harassment.

We are very excited about the conference and we believe it offers excellent value as a resource. Rarely have so many leaders, representing labour and management viewpoints respectively, been brought together in a single conference. The presenters have a variety of backgrounds but they share the same qualities – they are all highly qualified, successful, and have a strong dedication to their craft.

All in all, we are sure you will find this conference most worthwhile. We hope you will be able to attend and we look forward to your feedback.

Yours truly,



Gina Fiorillo
Partner, Fiorillo Glavin Gordon



Gavin Hume, Q.C.
Partner, Fasken Martineau DuMoulin LLP

EXPERT FACULTY

Bob Acton, PhD, R. Psych.
Gilbert Acton Ltd.
Occupational Health Consultants

Susan P. Arnold
Heenan Blaikie LLP

Joseph J. Arvay, Q.C.
Arvay Finlay

Thomas F. Beasley
Coutts Pulver LLP

Kevin Blakely
Construction & Specialized Workers Union
Local 1611

Emily Burke
Arbitrator

Barb Butler
Barbara Butler & Associates Inc. (Toronto)

Gina Fiorillo
Fiorillo Glavin Gordon

Peter A. Gall, Q.C.
Heenan Blaikie LLP

Charles Gordon
Fiorillo Glavin Gordon

Joan Gordon
Arbitration, Mediation &
Dispute Resolution Services

Alan J. Hamilton, Q.C.
Farris, Vaughan, Wills & Murphy LLP

Eric J. Harris, Q.C.
Harris & Company

Gavin Hume, Q.C.
Fasken Martineau DuMoulin LLP

Stephen Hunt
USW District 3

Patricia L. Janzen
Fasken Martineau DuMoulin LLP

Janina M. Kon
Streamline Counsel Inc.,
Law Corporation

Catherine Maheu
Lavery, de Billy, L.L.P. (Montréal)

Shona A. Moore, Q.C.
Moore & Company

Rebecca Murdock
IBEW 258

Carol Reardon
Hospital Employees' Union

Delayne M. Sartison
Roper Greyell LLP

Thora A. Sigurdson
Fasken Martineau DuMoulin LLP

Dan Soiseth
Community Legal Assistance Society

Gabriel M. Somjen
Borden Ladner Gervais LLP

John Steeves
Arbitrator

Catherine A. Sullivan
BCGEU

Andrew Wood
Alexander Holburn Beaudin & Lang LLP

WHO SHOULD ATTEND

- Vice Presidents, Directors & Managers of Human Resources and Labour Relations
- In-house Counsel
- Labour and Industrial Relations Practitioners
- Union Presidents, Officials, Business Agents, Stewards and Committee Members
- Labour Relations Lawyers
- Employment Lawyers
- Labour Relations Consultants
- Mediators, Arbitrators and Conciliators
- Plant Managers
- Management Consultants
- Government Officials

8:00 | 8:30

Registration and Continental Breakfast

8:30 | 8:35

Welcoming Remarks from Insight Information

8:35 | 8:45

Co-Chairs' Opening Remarks

Gina Fiorillo

Partner

Fiorillo Glavin Gordon

Gavin Hume, Q.C.

Partner

Fasken Martineau DuMoulin LLP

8:45 | 9:45

Protection of Collective Bargaining Under the Charter: *Bill 29*, the Recent SCC Decision and Implications for Employers and Unions

Joseph J. Arvay, Q.C.

Partner

Arvay Finlay

Peter A. Gall, Q.C.

Partner

Heenan Blaikie LLP

Carol Reardon

Director, Legal Department

Hospital Employees' Union

Canadian labour law, once thought of as the *Charter's* orphan, has recently witnessed a number of trail-blazing decisions on workplace rights, including the acknowledgement of a place for collective rights in the *Charter*. In this session, the panelists who argued the *B.C. Health Services* case before the Supreme Court of Canada will discuss the outcome of the decision and the implications that this has for workplaces. They will address questions such as:

- How wide-open is the door to challenging restrictions on organizing, collective bargaining and industrial disputes?
- What does this mean for employers and unions?

9:45 | 10:25

Awarding Damages in Lieu of Reinstatement: The Value of Collective Agreement Benefits in Termination Decisions

Emily Burke

Arbitrator

When reinstatement is not an option due to broken/irreparable employment relationships, arbitrators have begun to factor in the loss of collective agreement benefits when awarding wrongful dismissal damages. In some cases, when determining the value of the damages, both mitigation and the conduct of employee have been found not relevant. As a result, an award may be higher than a court would provide for a non-unionized employee. Is this a new trend that unionized employers need to be aware of? Will it result in a more cautious approach to terminations? What does that mean for the workplace as a whole?

10:25 | 10:40

Networking Coffee Break

10:40 | 11:30

Charter Issues and Picketing – An Update

Charles Gordon

Partner

Fiorillo Glavin Gordon

Alan J. Hamilton, Q.C.

Partner

Farris, Vaughan, Wills & Murphy LLP

- Can pickets delay entry to employers' premises to explain their issues?
- Should picketing at homes be allowed?
- What needs to be proved on contempt applications – a completed tort or simply threatening and intimidating conduct? Hear what our Court of Appeal said recently on this topic

11:30 | 12:20

Avoiding Personal Harassment Liability: Early Intervention Strategies for Managing Bullies and Difficult People in the Workplace

Bob Acton, PhD, R. Psych.

Principal

Gilbert Acton Ltd., Occupational Health Consultants

This session will provide participants with a model for understanding workplace harassment and its development, maintenance, and effects within an organization. An assessment procedure will be outlined that will address the various methods of assessing workplace bullying and harassment in terms of prevention, early intervention, and acute response. Strategies for appropriately providing ethical assistance to the target of the harassment as well as clear steps to manage the bully will be described.

12:20 | 1:15

Networking Luncheon

1:15 | 1:45

Luncheon Address

Speaker to be announced

1:45 | 2:30

Outlawing Psychological Harassment: The Quebec Experience

Catherine Maheu

Partner

Lavery, de Billy, LLP (Montréal)

- Psychological harassment rampant in the workplace? The origins of the provisions of the Quebec *Labour Standards Act*
- What is and what is not psychological harassment – a legal and practical definition
- What is the employer's responsibility? What are the employer's means of defence?
- Legal recourses under the Quebec *Labour Standards Act* and remedial powers of the Labour Relations Commission
- Decisions of note
- Internal corporate policies to prohibit psychological harassment in the workplace – a complete complaint, investigation and intervention procedure

2:30 | 2:45

Networking Refreshment Break

2:45 | 3:45

Reality Check on Alcohol and Drug Policies and Testing Programs: What Direction is this Controversial Issue Taking in Canada?

Barb Butler

President

Barbara Butler & Associates Inc. (Toronto)

- Where does testing fit into a broader policy?
- How the law is developing, and current decisions of note
- Distinct roles of Employee Assistance Programs vs. Substance Abuse Professional services
- The top 10 myths and realities in alcohol and drug programs

3:45 | 4:45

Speedy Resolutions: Perspectives on the Effective Use of Mediation at Arbitration

Joan Gordon

Arbitrator

Arbitration, Mediation & Dispute Resolution Services

Gabriel Somjen

Arbitrator

Partner, Borden Ladner Gervais LLP

John Steeves

Arbitrator

- What is mediation and how is it different from arbitration? So, what is med-arb?
- What is the authority of the mediator?
- Does mediation work for every case?
- How do you work effectively with the mediator?
- What is the role of representatives/counsel in mediation?
- How do you prepare to reach a mediated settlement? Is it different than preparation for an arbitration?
- What occurs in a mediation?
- What is the end result(s) of mediation?
- What do you do if mediation does not work?

4:45

Conference Adjourns for the Day

WEDNESDAY | JANUARY 30, 2008

8:00 | 8:30

Continental Breakfast

8:30 | 8:35

Co-Chairs' Opening Remarks

Gina Fiorillo

Partner

Fiorillo Glavin Gordon

Gavin Hume, Q.C.

Partner

Fasken Martineau DuMoulin LLP

8:35 | 9:35

Human Rights Tribunal Mediation

Thomas F. Beasley
Senior Associate Counsel
Coutts Pulver LLP

Patricia L. Janzen
Partner
Fasken Martineau DuMoulin LLP

Dan Soiseth
Lawyer
Community Legal Assistance Society

Catherine A. Sullivan
Advocacy Coordinator
BCGEU

In this session, the speakers will present a variety of perspectives on current issues including:

- What factors to consider when deciding to participate in an early settlement meeting
- Who needs to be present at the early settlement meeting
- Role of employer/service provider, complainant, and union
- Advantages and disadvantages of settlement meetings
- What do you do if mediation does not work?

9:35 | 9:50

Networking Coffee Break

9:50 | 10:45

Negotiating Win/Win Agreements: Current Developments in Collective Bargaining

Eric J. Harris, Q.C.
Partner
Harris & Company

Stephen Hunt
Director
USW District 3

- Negotiating tactics in 2008
- Industry and pattern bargaining trend
- Negotiating in the resource sector
- The use of strategic and corporate campaigns to support bargaining demands

10:45 | 11:25

Bringing in Foreign Workers: How to Avoid Pitfalls in the Process

Thora A. Sigurdson
Partner
Fasken Martineau DuMoulin LLP

- When can an employer bring in foreign workers?
- What processes are available?
- How long does it take?
- Avoiding pitfalls

11:25 | 12:20

Challenging Issues Arising from the Use of Foreign Workers

Susan P. Arnold
Partner
Heenan Blaikie LLP

Kevin Blakely
Legal Counsel
Construction and Specialized Workers Union Local 1611

- Are foreign workers the answer to all your labour woes?
- Are you ready / able to compete in the foreign labour marketplace?
- More government regulation or less? Can CIC balance employers' desire for foreign labour against the social costs?
- The role of unions in preventing foreign worker exploitation

12:20 | 1:20

Networking Luncheon

1:20 | 2:25

Best Advice for the Hardest Issues: Insights Into Increasing Non-Disability and Disability Accommodation Obligations

Shona A. Moore, Q.C.
Partner
Moore & Company

Delayne Sartison
Partner
Roper Greyell LLP

Employers and unions must be prepared to apply the principles of accommodation short of undue hardship to an expanding and challenging array of contexts, including:

- Accommodating religious observance – paid time off, scheduling challenges, mandatory biometric screening
- Accommodating family status – elder and childcare issues
- Accommodating gay, lesbian and transgendered employees – same-sex benefits and access to facilities
- Accommodation of older workers given the coming end to mandatory retirement – age-related health and performance challenges

2:25 | 2:40

Networking Refreshment Break

2:40 | 3:30

Update on the Right to Silence: Is There One?

Gina Fiorillo

Partner

Fiorillo Glavin Gordon

Gavin Hume, Q.C.

Partner

Fasken Martineau DuMoulin LLP

Employees and the right to remain silent in the workplace:

- An overview of the law
- Investigation and interviews involving potential for discipline
- What are the consequences of remaining silent?
- Compelling disclosure in certain circumstances and weighing competing interests

How Delegates Benefited in 2007

“Good solid information presented at more than just a basic level. It is difficult to find conferences that are worthwhile after practicing law in this area for a few years but Insight manages to find topics that are interesting and more complicated.”

“Constant management learning at these conferences has kept our company out of labour trouble. Most cost effective way to get expert and learned information to keep me on top of good management practices.”

Peter Honkoff, John Wolfe Construction Co. Ltd.

“I have learned a great deal about labour relations issues. Enjoyed the many thoughtful presentations and look forward to reading the presenters’ papers.”

Daryl Stowe, AAPS – UBC

“This program dealt with current issues that are facing our members: drug testing, privacy, mandatory retirement, just to name a few. Great program and speakers!”

Zorica Bosancic, Hospital Employees’ Union

3:30 | 4:30

Using Technology For Employee Surveillance: Balancing Privacy Rights with Legitimate Business Interests

Janina M. Kon

Partner

Streamline Counsel Inc.

Rebecca Murdock

Barrister & Solicitor

IBEW 258

- Jurisdiction: Which laws apply?
- Employer risks in non compliance
- The latest case law on surveillance issues
- Monitoring e-mail and computer use
- Use of CCTV cameras
- Using Global Positioning Systems to monitor employees

4:30

Conference Ends

UPCOMING CONFERENCES

CONSTRUCTION LABOUR RELATIONS

October 18-19, 2007 | Toronto

ADVANCED ISSUES IN DUTY TO ACCOMMODATE

Proactive Management of Employer, Union, and Employee Responsibilities

November 13-14, 2007 | Vancouver

ADVANCED MERGERS AND ACQUISITIONS

Leading Players – Leading Deals

December 3-4, 2007 | Vancouver

PRE-CONFERENCE WORKSHOP LEADERS

TERMINATIONS IN THE UNIONIZED WORKPLACE: Practical Strategies for Cost-Effective Outcomes

WORKSHOP A | 8:30 A.M. TO 12:00 NOON

Andrew Wood is Associate Counsel with Alexander Holburn Beaudin and Lang LLP. Andrew’s law practice is primarily focused in the areas of labour relations, employment, occupational health and safety, privacy and human rights law. In those fields, Andrew provides strategic legal advice and representation to a wide range both public and private sector employers. Prior to obtaining his law degree and commencing practice, Andrew worked for several years in the human resources field where he gained valuable insight into the types of issues faced by labour relations practitioners as well as extensive experience in the day-to-day management of such issues.

PRIVACY AND ACCESS TO INFORMATION: Obligation Update for Employers and Unions

WORKSHOP B | 1:00 P.M. TO 4:30 P.M

Janina Kon is a practicing lawyer and educator in the field of privacy and access to information law. The founder of Streamline Counsel Inc., Janina focuses on privacy, labour and employment law issues for both public and private sector clients, a number of which operate across Canada. Her advice incorporates risk management, corporate governance, customer relations, marketing, records management, and human resources issues. In addition to her practice, as a faculty member at the University of British Columbia’s Sauder School of Business, she continues to teach in the undergraduate and MBA programs, focused in the areas of privacy law, employment law, human resources, and labour relations. Janina is the Co-Chair of the Freedom of Information and Privacy Law Section of the Canadian Bar Association.

TERMINATIONS IN THE UNIONIZED WORKPLACE: Practical Strategies for Cost-Effective Outcomes

Andrew Wood, Associate Counsel, Alexander Holburn Beaudin & Lang LLP

As the costs of arbitration and damage awards for unsuccessful terminations continue to grow, the ability to accurately assess the strength of your case and to conduct a “when to fight / when to settle” analysis has become an important skill for labour relations practitioners.

By working through case studies and examining recent decisions, delegates will leave this workshop with strategies and practical advice on:

- Just and reasonable cause for termination, – what is, what is not
- The perils and costs of proceeding to arbitration
- Remedies awarded for improper terminations:
 - The trend to award damages in lieu of reinstatement
 - Aggravated damage awards
 - Advance protection: drafting clauses in the CBA to limit awards when reinstatement isn't an option – are they enforceable?
- Alternatives to termination when good employees go bad – strategies to get them back on track
- Assessing the strength of your case:
 - Just and reasonable cause for termination or only discipline?
 - Potential pitfalls in proving your case
 - Evaluating your witnesses
 - Other considerations for deciding when to fight and when to settle
- Managing the costs of arbitration:
 - Ready! Fire! Aim! – the importance of conducting a thorough investigation before terminating
 - Effective use of the grievance procedure
 - Expediting the arbitration process
 - Pros and cons of agreed statements of fact

12:00 | 1:00 LIGHT LUNCH WILL BE SERVED FOR DELEGATES ATTENDING BOTH WORKSHOPS

PRIVACY AND ACCESS TO INFORMATION: Obligation Update for Employers and Unions

Janina M. Kon, Partner, Streamline Counsel Inc.

There is no shortage of personal information employers seek to collect and use in today's workplace. Beginning with pre-employment screening, through management of current employees, and up to termination, employers struggle with a myriad of legal and ethical questions. In addition, employers and employees are often confused as to their obligations and rights to access employee's information.

Through the presentation of case studies this workshop will focus on the extent and methods of collection, use, and disclosure of employee information as well as on the importance of legally compliant records management practices and policies.

Gain practical advice on:

- Questions to avoid in employee selection
- Background checks, reference checks, and other measures for gaining and giving information on prospective and current employees – when are they appropriate?
- Giving and obtaining references in light of privacy laws
- Workplace surveillance policies
- What Courts, Arbitrators and Privacy Commissioners have said about these issues
- Implementing privacy obligations into records management policies:
 - The riskiest records – what are they? where are they located?
 - Who has access to the files?
 - Manager's notes on employees
- Guarding your Intranet – could it become a source of privacy liability?

Participants will learn:

- The boundaries of human rights and privacy laws with respect to employee selection tools
- How to monitor employees without harming the employment relationship
- Requirements for the development of policies and procedures for employee surveillance and monitoring.
- “Best practices” with respect to organization-wide records management policies and how to avoid risks of bad policy drafting

Western Canada

LABOUR RELATIONS

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January 29 – 30, 2008 | Four Seasons Hotel | Vancouver
WORKSHOPS | January 28, 2008

Yes! Please register the following delegate(s) (photocopy for additional delegates)

PRIORITY CODE: _____

Mr. Ms. Name: _____

Title: _____

Area of practice: _____

Company: _____

Business Address: _____

City: _____

Province: _____

Postal Code: _____

Telephone: [_____]

Fax: [_____]

E-mail: _____

Type of Business: _____

#of Employees: _____

Registrant's Signature Required: _____

Signature _____

Date _____

REGISTRATION FEE: (Includes meals, documentation and inConference, fully searchable online access to this conference's papers*)

Please check your choice:

- Early Bird Special \$1,495.00 + GST (\$89.70) = \$1,584.70
(Register and pay before November 2, 2007)
- Regular Conference Price: \$1,695.00 + GST (\$101.70) = \$1,796.70
- Workshop A or B only \$600.00 + GST (\$36.00) = \$636.00

- Combine Conference and Workshop(s) and Save \$100.00 per workshop**
- Workshop A or B
- Both Workshops A and B

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* Please allow 4-6 weeks after conference for activation of login and password.

PLEASE NOTE: Full payment is required in advance of conference dates. Please make all cheques payable to **Insight Information**. If payment is made by credit card, your credit card statement will quote "ALM Events Canada, Inc." as the vendor.

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Conference Code: HRC08203

HOTEL RESERVATIONS: The Four Seasons Hotel is conveniently located at 791 West Georgia Street (the corner of Howe Street and West Georgia Street), Vancouver, B.C. For overnight accommodation please call the hotel at 604-689-9333 or by fax 604-684-4555.

CANCELLATION AND REFUND POLICY: Refunds will be given for cancellations received in writing by January 9, 2008 subject to an administration fee of \$200.00 plus \$12.00 GST for a total of \$212.00. If your fees have not been paid and you are cancelling, you are still liable for the cancellation fees of \$200.00 plus \$12.00 GST for a total of \$212.00. Please note that if you register for the conference and do not attend, you are liable for the full registration fee unless you cancel within the period stated above. If you register after January 9, 2008, your order is firm. A refund will not be given; however a delegate substitution is welcome at any time.

SPECIAL OFFER: Send 4 people for the price of 3!

Register 3 delegates for the main conference at regular price at the same time and you're entitled to register a fourth person from your organization at no charge. To take advantage of this special offer, payment for all delegates must be made with one cheque or credit card charge.

Sponsorship Opportunities: If you are interested in displaying your company's products or services to high level key decision makers within your target audience, please contact: **Jim Pillinger** at 1 866 456-2020 ext. 6129 | jpillinger@insightinfo.com

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