

16th Annual 2017 Mel Myers Labour Conference

March 16 &
17, 2017

Victoria Inn &
Convention
Centre

PROUDLY HOSTED BY:


MYERS WEINBERG LLP
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Plenary Sessions

Thursday March 16, 2017 – 8:45am-10:15am

PLENARY: Our New Provincial Government – One Year In

The opening Plenary session will discuss what we have seen so far and what is likely ahead in terms of the relationship between government and organized labour, both public and private sector, in Manitoba.

Speakers:

Lynne Fernandez, Canadian Centre for Policy Alternatives
Norm Gould, President, Manitoba Teachers' Society
Paul McKie, Unifor Manitoba
Moderator: Garth Smorang, Myers Weinberg LLP

Friday March 17, 2017 – 8:45am - 10:15am

PLENARY: Human Rights Law Update

The issue of human rights in the workplace is constantly evolving, and unions play an important role in protecting those rights. The panel will provide an overview of current human rights issues, such as access to human rights enforcement, human rights damages, and accommodating transgender employees.

Speakers:

Isha Khan, Executive Director and Legal Counsel, Manitoba Human Rights Commission
Arbitrator Blair Graham Q.C., Thompson Dorfman Sweatman LLP
Kristine Barr, Legal Counsel, CUPE
Moderator: Susan Dawes, Myers Weinberg LLP

**PLENARY: Top Cases from 2016 –
1:15pm - 2:45pm**

Members of the Myers Weinberg Labour Department will highlight significant labour cases from the last year.

Conference Agenda

Thursday, March 16, 2017

8:00am - 8:30am Registration and Hot Breakfast
8:30am - 8:45am Opening Welcome
8:45am - 10:15am Plenary: Our New Provincial Government – One Year In
10:15am - 10:30am Refreshment Break
10:30am - 12:00pm Session A: A1, A2, A3, A4
12:00pm - 1:15pm Lunch
1:15pm - 2:45pm Session B: B1, B2, B3, B4
2:45pm - 3:00pm Refreshment Break
3:00pm - 4:30pm Session C: C1, C2, C3, C4
4:30pm - 6:30pm Wine and Cheese

Friday, March 17, 2017

8:15am - 8:45am Registration and Hot Breakfast
8:45am - 10:15am Plenary: Human Rights Law Update
10:15am - 10:30am Refreshment Break
10:30am - 12:00pm Session D: D1, D2, D3, D4
12:00pm - 1:15pm Lunch
1:15pm - 2:45pm Plenary: Top Cases from 2016
2:45pm Wrap-Up

About the Conference

The Annual Mel Myers Labour Conference is Manitoba's premier forum for bringing together Union leaders and Union-side lawyers to discuss concerns and explore solutions to issues within the unionized workplace. In a "management-free" environment, knowledgeable individuals within their respective fields will lead informative, hands-on sessions providing attendees with the necessary 'know-how' and skills to help them deal with the diverse challenges facing the workplace today.

The conference is held annually as a non-profit event with proceeds donated to a charitable organization which espouses goals of economic and social justice.

Since 2002, the Mel Myers Labour Conference has generated over \$150,000 in proceeds that have been donated to various Manitoba organizations. **This year's recipients will be The Community Unemployed Help Centre and Local Investment Toward Employment.**

Conference Fees

Early Bird Registration Fee: \$350 (+ GST) | GST #122246929
Deadline: Friday, February 24, 2017

Regular Registration Fee: \$375 (+ GST) | GST #122246929
Deadline: Thursday, March 9, 2017



Registration closes on **March 9, 2017** or when the conference is sold out (whichever comes first).

Cancellations received prior to **February 24, 2017** will be subject to a \$25 administration fee. No refunds after **February 24, 2017**.

**ALL REGISTRATIONS MUST BE
COMPLETED ONLINE AT:**

www.plannersplus.ca/MMLC

For more information regarding the conference, please contact Tamara Spence at Planners Plus: 204-257-5205 or tamara@plannersplus.ca


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■ **Thursday, March 16, 2017**

A1: Unions 101

This presentation is intended for union representatives who are just getting started in their new roles. We will also focus on shop stewards given that unions are increasingly arranging for them to attend the conference. We will provide information about the most fundamental knowledge you must have in order to properly fulfill your roles and represent your members more effectively.

Helen Krahn, Legal Counsel, MGEU
Paul McKenna, Myers Weinberg LLP

A2: Drug Testing and Medical Marijuana

When is drug testing permissible? Is the employer's drug testing policy reasonable? Is it discriminatory? This panel will discuss recent trends in drug testing, provide an update on the case law in this area, and highlight the unique considerations respecting medical marijuana. Topics will include pre-employment or site access drug testing, testing for suspected drug use, testing after an incident, and testing where employees travel out of the country.

Shauna Briscoe, Labour Relations Officer, MNU
Trevor Ray, Myers Weinberg LLP

A3: Remedies in Labour Law Update: Evolving Damages Awards

Labour Arbitrators have shown an increased willingness in recent years to consider and award damages in categories that go beyond back pay. This session will provide an overview of the various heads of damages available, discuss examples of significant or novel damages awards, and provide practical suggestions with respect to damages remedies that unions can consider pursuing through the grievance and arbitration process.

Kathy McIlroy, Myers Weinberg LLP
Kristen Worbanski, Myers Weinberg LLP

A4: Compensation for Job-Related Psychological Illness

This session will explore recent developments in compensation for psychological injuries caused by work. The topics we will cover in our discussion include: the recent PTSD amendments to *The Workers Com-*

pensation Act and WCB coverage for psychological injuries more generally; relevant provisions in *The Workplace Safety and Health Act*; and remedies that may be available to employees through the grievance procedure. A psychologist will join the panel to provide the medical perspective on the different types of psychological injuries.

Dr. Jennifer Laforce, Registered Clinical Psychologist
Susan Dawes, Myers Weinberg LLP
Greg Bartel, Myers Weinberg LLP

B1: Interactive Session: Investigative Meetings

With actors playing the roles of HR, shop steward and employee, and with full audience participation, we will watch and discuss a number of scenarios commonly faced by shop stewards in their often difficult role of representing members.

Cast to be Announced at the Event

Garth Smorang, Myers Weinberg LLP
Trevor Ray, Myers Weinberg LLP

B2: Respectful Workplace Policies

All employers are required to provide a workplace that is safe and free from harassment and discrimination. This session will examine "respectful workplace policies" in the workplace, and the problematic issues that can arise, including: defining the conduct that violates the policy; member versus member complaints; flawed investigations; and the types of grievances that result.

Jason Gisser, Legal Counsel, UMFA
Shannon Carson, Myers Weinberg LLP
Kathy McIlroy, Myers Weinberg LLP

B3: Managing the Difficult Member and Defending the Inevitable DFR

Unreasonable demands, unrealistic expectations, anger management issues, mental health issues. Every Union has difficult members who know more than you do, gladly take up all the time you will allow them, drain the Union's financial and human resources, and then file a complaint against you at the Labour Board when things don't work out the way they planned. This panel will offer practical thoughts on managing

those members throughout and ensuring that proper evidence is in place to defend against the DFR when it comes.

Lisa McKendry, Executive Director, AESSES
Tony Marques, Myers Weinberg LLP

B4: Criminal and Other Off-Duty Conduct

This session will consider the complex challenges that can arise when employees are charged and/or convicted of a crime. What advice should be provided to employees? What information should they provide to their employers? To what extent can the employer take action against an employee for criminal conduct outside the workplace? And what steps can an employer take against an employee as a consequence of that conduct? This session will consider these issues and will demonstrate how the advice of union representatives to their members can have a significant impact on the process. It will also include a walkthrough of the progression of criminal matters through the courts.

Greg Bartel, Myers Weinberg LLP
Joel Deeley, Myers Weinberg LLP

C1: Repeat of B1

C2: Repeat of B2

C3: Repeat of B3

C4: Strikes/Lockouts/Injunctions and Picketing

What happens when a strike or lockout occurs? Are you prepared? Will you be able to control your members when people try to cross a legal picket line and what happens if you can't? Can the union and its executive be held responsible for the conduct of its members? What happens when the employer applies for an injunction? What is the process and what can you expect will result? Join this panel for a practical discussion about problems and issues that frequently arise when workers are locked-out or on strike.

Paul McKenna, Myers Weinberg LLP
John Harvie, Myers Weinberg LLP

■ **Friday, March 17, 2017**

D1: Ask a Labour Lawyer

This session puts the panel in the hot seat by giving attendees the opportunity to ask the labour law questions on their minds. Not intended to address specific fact situations, the panelists will answer questions about organizing, bargaining, collective agreements, discipline, management rights, workers' rights, employment-related statutes, and anything else you're wondering about.

Helen Krahn, Legal Counsel, MGEU
Garth Smorang, Myers Weinberg LLP
Paul McKenna, Myers Weinberg LLP

D2: Pension and Benefits on the Bargaining Table

This session will discuss negotiation strategies when pension and benefit changes are put on the bargaining table by the union or the employer. Discussion will include the importance of collective agreement language on pension and benefits; strategies to employ to justify a change or defend against a proposed reduction; engaging an actuary; and employing a solid communication and education strategy with your membership.

Liam Martin, Manitoba Teachers' Society
Shannon Carson, Myers Weinberg LLP
Susan Dawes, Myers Weinberg LLP

D3: Assisting Employees with Mental Health, Addiction Issues

This session is a practical discussion about recognizing signs of mental illness and addictions in the workplace and dealing with them in a timely and effective manner. Questions to be addressed will include: what are the signs of mental illness and addiction? When and how do I confront a member? What are the member's rights? What rights does the employer have? What are the union's obligations? How do I avoid pitfalls such as labour board or human rights complaints against the Union?

Kristine Barr, Legal Counsel, CUPE
Trevor Ray, Myers Weinberg LLP
Katie Haig-Anderson, Myers Weinberg LLP

D4: Repeat of B4