

17th Annual

2018 Mel Myers Labour Conference

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 recipient will be the Errol Black Chair in Labour Issues at the Canadian Centre for Policy Alternatives.**

Conference Fees

Early Bird Registration Fee: \$350 (+ GST) | GST #122246929

Deadline: Friday, February 23, 2018

Regular Registration Fee: \$375 (+ GST) | GST #122246929

Deadline: Thursday, March 8, 2018

Registration closes on **March 8, 2018** or when the conference is sold out (whichever comes first).

Cancellations received prior to **February 23, 2018** will be subject to a \$25 administration fee. No refunds after **February 24, 2018**.

ALL REGISTRATIONS MUST BE COMPLETED ONLINE AT:

www.eventcamp.ca/event/MMLC2018

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



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Plenary Sessions

Thursday, March 15, 2018 – 8:45 am - 10:15 am

Bill 28, One Year On; Update on Constitutional Challenge; and Collective Bargaining – Why Unions Exist

This opening Plenary will provide an update on the status of the Manitoba court challenge of the Public Services Sustainability Act, information on other constitutional challenges in Nova Scotia and in Saskatchewan, and Prof. Hebden will remind us all why collective bargaining is the most important function of a Union, both in terms of its relations with the employer and with its own members.

Robert Hebden, Emeritus Professor, Desautels Faculty of Management, McGill University

Kevin Rebeck, President, Manitoba Federation of Labour

Garth Smorang, Myers Weinberg LLP

Friday, March 16, 2018 – 8:45 am - 10:15 am

Compassion Fatigue: Effective Strategies and Practical Tips

The work of Union representatives is challenging, time-consuming and, at times, can be exhausting. This experienced panel will share their insights and strategies for managing the competing demands of the Union membership while maintaining a personal life. The panel will also explore how a Union can effectively service its most troubled members in a manner that ensures a respectful workplace for its own employees.

Diane Beresford, Staff Officer, The Manitoba Teachers' Society

David Falk, Partner, Facilitated Solutions: Mediators and Conflict Management Specialists

David Naaykens, President, Manitoba Professional Firefighters Association and Past Vice President, United Firefighters of Winnipeg

Moderator: Susan Dawes, Myers Weinberg LLP

Top Cases from 2017 – 1:15 pm - 2:45 pm

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

Conference Agenda

Thursday, March 15, 2018

8:00 am - 8:30 am Registration and Hot Breakfast

8:30 am - 8:45 am Opening Welcome

8:45 am - 10:15 am Plenary: Bill 28, One Year On; Update on Constitutional Challenge; and Collective Bargaining – Why Unions Exist

10:15 am - 10:30 am Refreshment Break

10:30 am - 12:00 pm Session A: A1, A2, A3, A4

12:00 pm - 1:15 pm Lunch

1:15 pm - 2:45 pm Session B: B1, B2, B3, B4

2:45 pm - 3:00 pm Refreshment Break

3:00 pm - 4:30 pm Session C: C1, C2, C3, C4

4:30 pm - 6:30 pm Wine and Cheese

Friday, March 16, 2018

8:15 am - 8:45 am Registration and Hot Breakfast

8:45 am - 10:15 am Plenary: Compassion Fatigue: Effective Strategies and Practical Tips

10:15 am - 10:30 am Refreshment Break

10:30 am - 12:00 pm Session D: D1, D2, D3, D4

12:00 pm - 1:15 pm Lunch

1:15 pm - 2:45 pm Plenary: Top Cases from 2017

2:45 pm Wrap-up

March
15 & 16
2018

Victoria Inn &
Convention
Centre

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■ Thursday, March 15, 2018

A1: Unions 101

This presentation is intended for Union representatives and shop stewards. This session will cover a wide range of important workplace issues with a particular focus on discipline and medical information this year.

Paul McKenna, Myers Weinberg LLP

A2: The Duty to Accommodate

What is the "duty to accommodate"? When and how does this duty exist? What is the role of the Union? This session will address basic questions as well as problems and situations that commonly arise including issues specific to addictions and disabilities related to mental health including issues and problems that can arise related to "Last Chance Agreements".

Trevor Ray, Myers Weinberg LLP

Kristen Worbanski, Myers Weinberg LLP

A3: Fair Game or Unfair: Strategies for Identifying Unfair Labour Practices

An employer's conduct during organizing, bargaining, or administering the collective agreement may seem unfair but it is often unclear whether its conduct crosses the line. This session will consider what the Employer can and cannot do and will provide practical tips and strategies for Unions to follow in deciding when to file a complaint. The session will also explore the duty of fair representation that a Union owes to its members and will provide practical tips and effective strategies for dealing with these complaints.

Susan Dawes, Myers Weinberg LLP

Joel Deeley, Myers Weinberg LLP

David Lewis, Legal Counsel, MGEU

A4: Addictions in the Workplace

Addiction and substance abuse can have a serious impact on a person's working life. In this session we will explore the ways in which Unions can assist members suffering from addiction, and will cover topics such as: identifying and approaching members who you suspect may be suffering from addiction; handling discipline cases where a member's addiction may have contributed to his or her behaviour; arrangements that can be made to assist in recovery; drug and alcohol testing in the workplace, and how that may affect an addicted employee.

Kristine Barr, Legal Counsel, CUPE Manitoba Regional Office
Greg Bartel, Myers Weinberg LLP
Kathy McIlroy, Myers Weinberg LLP
Sheri Lysy-Sigurgeirson, Prevention and Education Consultant, Women and Family Programs – Addictions Foundation of Manitoba

effective bargaining committee, responding to employer obstacles, and creating strategic bargaining plans. Be ready for a lively discussion about all things bargaining. The panel, which includes legal counsel and experienced bargainers, will facilitate discussion and ideas about strategies and solutions, drawing as well on the expertise and experience of the attendees.

Shannon Carson, Myers Weinberg LLP
Eric Jorgensen, Director of Labour Relations, MNU
Janet Morrill, UMFA President, and member, Collective Agreement Committee
Garth Smorang, Myers Weinberg LLP

B4: Discipline Fundamentals

This panel will discuss the disciplinary process from start to finish, beginning with the initial investigation meeting and proceeding through to arbitration. The panel will address issues including: grounds for imposing discipline, principles of progressive discipline, steps to take at the early stages to mitigate the penalty and factors arbitrators consider when being asked to reduce a penalty. The panel will do a brief presentation on each area and then ask the participants to be involved in working through actual scenarios.

Katie Haig-Anderson, Myers Weinberg LLP
Kathy McIlroy, Myers Weinberg LLP

B2: 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

B3: Bargaining Brainstorm

In this session you set the agenda. Come with your collective agreement, your bargaining wish list, your questions about forming an

■ Friday, March 16, 2018

D1: Pushing Back Against Attendance Management

This session will focus on assisting Union members during medical absences, understanding the type of medical information that can be required to maintain coverage and employer imposed attendance management policies and how to challenge them.

Katie Haig-Anderson, Myers Weinberg LLP
Trevor Ray, Myers Weinberg LLP

D2: Repeat of B2

D3: Assisting Members with WCB Claims

This panel will provide an overview of the legal framework governing workers compensation claims, explain the claims and appeal process, and offer practical tips on how to provide strong and effective representation to members needing assistance in the WCB claim process. We will also discuss strategies for overcoming problems experienced in the claim adjudication process.

Shannon Carson, Myers Weinberg LLP
Susan Dawes, Myers Weinberg LLP
Phil Kraychuk, Health and Safety Director, UFCW Local 832

D4: Workplace Privacy

At this time of rapid technological development, which has made it possible for employers to collect, use, and disclose workers' personal information in novel ways, it is increasingly critical for Unions and employees to understand workplace privacy rights. This session will review the current state of the law regarding worker privacy in such diverse areas as the reasonable expectation of privacy in the workplace, background checks, off-site surveillance, and more.

Tony Marques, Myers Weinberg LLP
Kristen Worbanski, Myers Weinberg LLP

C1: Repeat of B1

C2: The Effective Business Agent

Being a business agent involves many difficult and time consuming tasks. Answering day to day questions, responding to company policies and discipline of members, handling grievances, preparing for arbitration and dealing properly with member complaints are just the tip of the iceberg. A panel of experienced business agents (and a lawyer) will give you tips on how to best represent your members and your Union (and hopefully survive along the way).

George Bouchard, National Staff Representative, CUPE
Shauna Briscoe, Labour Relations Officer, MNU
Trevor Ray, Myers Weinberg LLP

C3: Repeat of B3

C4: Repeat of B4