

## 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](http://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](mailto:tamara@plannersplus.ca)



**Myers Weinberg L.L.P.**  
724-240 Graham Avenue  
Winnipeg, MB | R3C 0J7  
Tel: 204.942.0501 (24 hours)  
Fax: 204.956.0625  
Web: [www.myersfirm.com](http://www.myersfirm.com)

## 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. Hebdon 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 Hebdon**, 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

# 17th Annual 2018 Mel Myers Labour Conference

March  
15 & 16  
2018

Victoria Inn &  
Convention  
Centre

PROUDLY HOSTED BY:



**MYERS WEINBERG LLP**  
Barristers and Solicitors



[www.myersfirm.com](http://www.myersfirm.com)

## ■ 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-Sigurgeison**, Prevention and Education Consultant, Women and Family Programs – Addictions Foundation of Manitoba

### B1: Ask a Labour Lawyer

#### (Returning Due to Popular Demand)

This session puts the panel in the hot seat by giving attendees the opportunity to ask the labour law questions on their minds. The panelists will answer questions about organizing, bargaining, collective agreements, discipline, management rights, workers' rights, employment-related statutes, and (almost) anything else you're wondering about. Please note this session is not intended to address specific fact situations and is intended as general advice only.

**Helen Krahn**, Legal Counsel, MGEU

**Tony Marques**, Myers Weinberg LLP

**Paul McKenna**, 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

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

### 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

## ■ 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