

Vancouver & District Labour Council 2022 Labour Education Anita Yan Memorial Law Series

WINTER/SPRING 2022 SESSION

Registration Open at www.vdnc.ca / Education

Employers' Access to Medical Information

February 23, Wednesday - 2:00pm to 4:00pm - **Via Zoom Video Conference**

Registration: 2 Hours - \$20 for VDLC Affiliates and Non-Affiliates

Workers regularly face demands from employers to produce medical information. Employers are entitled to some information explaining why a worker is absent from work and whether they are fit to return to work, but just how much is the employer entitled to, and when does the employer step over the line? When are their demands intrusive? This course will look at the case law setting out the rights of workers to protect their privacy while also meeting fair employer demands for information.

Facilitator: Sarah O'Leary, Harrison O'Leary

Sarah O'Leary was called to the bar in 1981 and has primarily been practicing Workers' Compensation and disability-related law for over 30 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at a major health care union and practiced for 10 years at Rush Crane Guenther. She is currently a partner at Harrison O'Leary. She has been teaching workers' compensation advocacy to labour unions for over three decades.

Job Steward Level 1

March 5, Saturday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

The position of job steward is the most important position in a union and is often the first point of contact a member has with their union. You stand with and speak for your fellow members in the day to day relations between the union and management in your workplace. This course will lay the foundation for your understanding of the responsibilities of a job steward and will help broaden your understanding of the labour movement.

Facilitator: Stephen von Sychowski, President, VDLC

Stephen von Sychowski is the President of the Vancouver and District Labour Council. In order to fulfill his full-time role of VDLC President, Stephen is on leave from his position as Union Representative with MoveUP. He became a member of MoveUP in 2007 when he became employed by Coast Mountain Bus Company, and quickly became involved in the union as a Job Steward. In addition to his involvement with the VDLC and MoveUp, Stephen has also held several positions with the BC Federation of Labour and the Canadian Labour Congress. He is a proud member of United Steelworkers Local 2009, and associate member of MoveUP.

VDLC Education - Winter/Spring Session

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Discipline and Discharge

March 8, Tuesday - 9:30am to 4:00pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

How do you represent a member who has been disciplined? Find out the rules that employers must follow and get up to date information on recent developments. We'll share practical tips and strategies to assess and present a discipline grievance.

Facilitators: Carmela Allevato and Karen Segal, Allevato Quail & Roy

Carmela Allevato has many decades' experience in the trade union movement as a labour lawyer and as a leader. She was HEU's first woman Secretary Business Manager in the 1990's. Throughout her career, she has served as an offer of the BC Federation of Labour, a trustee on the Vancouver School Board and as a labour member on the LRB. After many years as in house legal counsel to unions such as CUPE and the BCTF, Carmela joined her partner Jim Quail to establish Allevato, Quail & Roy, a law firm that practices labour law, energy and utilities regulation and election law. She retired from AQR law in the fall of 2021 but remains associated with the firm as a mentor, trainer and strategic advisor to the firm's clients. She was appointed part-time chair of the BC Passenger Transportation Board in October 2020.

Karen Segal is a union-side labour lawyer working at Allevato, Quail & Roy, a progressive union-side firm in East Vancouver. She has experience working as in-house counsel at a large Ontario union as well as working in non-profit human rights and feminist advocacy. Karen has represented unions and union members in many different sectors addressing a wide range of issues, from individual grievances to bargaining-unit wide policy disputes. Karen is dedicated to progressive social change on behalf of working people and seeks to use her legal skills to advocate for fairness at work. She received her law degree from the University of British Columbia where she received various awards, including for labour relations and advocacy.

WCB Level 1

March 16, Wednesday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

This course provides a basic overview of the Workers' Compensation system as it applies to workers who are injured or develop an occupational disease on the job. The course will look at the law and policy, how decisions are made by the WCB, and how the appeal system works for those who have to argue an appeal. We will look at the practical realities faced by injured workers trying to navigate the minefield of workers' compensation and its appellate systems.

Facilitators: Sarah O'Leary, Harrison O'Leary and Niki Schnurr, HEU

Sarah O'Leary was called to the bar in 1981 and has primarily been practicing Workers' Compensation and disability-related law for over 30 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at a major health care union and practiced for 10 years at Rush Crane Guenther. She is currently a partner at Harrison O'Leary. She has been teaching workers' compensation advocacy to labour unions for over three decades.

Niki Schnurr is a WCB & LTD Representative at the Hospital Employees' Union. She previously worked with the labour law firm Rush Crane Guenther, and as an advocate with Prisoners' Legal Services and the UBC Indigenous Community Legal Clinic.

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Job Steward Level 2 (Completion of Job Steward Level 1 is required)

March 19, Saturday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate/ \$110 Non-Affiliate

This one-day Steward Level 2 course will build upon the framework of steward skills established through the completion of the Steward Level 1 course. In addition to a review of the basics, this course will offer a deeper focus on knowing your membership, working with your union executive, grievance preparation, problem solving, conflict resolution and representation skills. We also examine key legal principles and explore the application of all of this using scenarios and role play.

Completion of Job Steward Level 1 is recommended in advance of this course. Participants are encouraged to have their collective agreement available to them during the course.

Facilitator: Stephen von Sychowski, President, VDLC

Stephen von Sychowski is the President of the Vancouver and District Labour Council. In order to fulfill his full-time role of VDLC President, Stephen is on leave from his position as Union Representative with MoveUP. He became a member of MoveUP in 2007 when he became employed by Coast Mountain Bus Company, and quickly became involved in the union as a Job Steward. In addition to his involvement with the VDLC and MoveUp, Stephen has also held several positions with the BC Federation of Labour and the Canadian Labour Congress. He is a proud member of United Steelworkers Local 2009, and associate member of MoveUP.

Workers Compensation Appeals

March 23, Wednesday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate/ \$110 Non-Affiliate

This course will build on the information and skills of experienced WCB reps and/or those who have taken the WCB Level 1 Beginner course. The course will focus on effective advocacy skills at the WCB and its appeal bodies. Effective advocacy includes identifying likely issues for particular cases of injury or occupational disease, knowing the Board's case, and obtaining new evidence, especially medical evidence. As time permits, we will review written submission templates and how to prepare (and prepare your worker) for an oral hearing.

Facilitators: Sarah O'Leary and Rolf Harrison, Harrison O'Leary

Sarah O'Leary was called to the bar in 1981 and has primarily been practicing Workers' Compensation and disability-related law for over 30 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at a major health care union and practiced for 10 years at Rush Crane Guenther. She is currently a partner at Harrison O'Leary. She has been teaching workers' compensation advocacy to labour unions for over three decades.

Rolf Harrison is a lawyer at Harrison O'Leary and has practiced mainly in the area of workers' compensation since 2010 when he was called to the bar. He practiced at Rush Crane Guenther from 2010 until joining with Sarah O'Leary to form Harrison O'Leary in 2017. Rolf regularly facilitates courses for union advocates on emerging trends in workers' compensation and has been a WCB facilitator at the CLC Winter School since 2012.

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Privacy Rights in the Workplace

March 24, Thursday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate/ \$110 Non-Affiliate

This course uses case law reviews to examine the privacy rights of employees in the workplace, the limits on employer interference with those rights, and the possible remedies for impermissible interference with those rights. Areas covered will include workplace surveillance, employer monitoring of computer use, internet and emails, permissible employee use of electronic communications and equipment at work, the perils and pitfalls of social networking, restrictions on access to medical information and drug testing and monitoring. The course will also discuss Supreme Court of Canada decisions on drug testing and publicizing personal information on the internet.

Facilitator: James Baugh, James Baugh Law

Called to the bar in 1988, James Baugh's areas of practice include labour and employment law, human rights, defamation and civil litigation. Mr. Baugh has taught courses in labour law and human rights, and has made presentations on employment related topics at a variety of conferences and workshops. Prior to establishing his own office, he practiced labour and employment law at Kestrel Workplace Legal Counsel and before that at McGrady and Company.

Parliamentary Procedure and Effective Meetings

March 30, Wednesday - 9:30 am to 4:00 pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate/ \$110 Non-Affiliate

PLEASE NOTE: THIS CLASS IS LIMITED TO 18 REGISTRANTS

This course will provide you with all the basics of parliamentary procedure and the necessary skills to run a meeting effectively. Topics covered will include the duties of a chairperson and secretary, what the rules of order are, and how they work, and how the rules of order can provide a democratic and fair process to get the business of your union, labour council or other organization accomplished.

Facilitator: Adrienne Smith, Adrienne Smith Law

Adrienne Smith is a transgender human rights activist and social justice lawyer. They recently settled a BC Supreme Court case which guaranteed access to opiate replacement therapy for prisoners in BC Jails. Adrienne appeared at the BC Court of Appeal and the Supreme Court of Canada where they argued about the deleterious effects of mandatory minimum sentences for women, Indigenous people and drug users. As a trade union activist, they advocate for transgender inclusion in our unions and workplaces. Adrienne volunteers at the Catherine White Holman Wellness Clinic where they give free legal advice, take on human rights cases, and notarize name change documents for trans people.

They hold double honours BA in English Literature and Geography (2000), a Masters in Human Geography (2005), and a Juris Doctor (2013), all from the University of British Columbia. They held a BC undergraduate entrance scholarship for 4 years, and the Geography Alumni Award during their undergraduate degree. They received a University Graduate Fellowship and were named the Green College Scholar. They were called to the bar in 2014.

Adrienne is the recipient of the Canadian Bar Association BC Diversity Award; the Canadian Mental Health Association BC Branch Nancy Hall Public Policy Leadership Award; the Allard Law Alumni Achievement Award; and the Vancouver and District Labour Council Syd Thompson Award for Community Service.

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Effective Representation in High-Conflict Situations

April 6, Wednesday - 9:30am to 4:00pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

Shop stewards and union officers support members through all kinds of problems. Sometimes those problems feel intractable. This course will explore strategies for managing conflict with and among members and finding a path to satisfactory resolution. Applying an anti-oppression lens, we will work through your competing obligations - to individual members, to the broader membership, to the union itself - and how to balance them. You will gain understanding of your obligations to members under labour, human rights, and privacy law and how to meet those obligations even in challenging circumstances. The course will also address how to protect the union from liability in particularly difficult, high-conflict situations with members.

Facilitator: Susanna Allevato Quail, Allevato Quail & Roy

Susanna Allevato Quail is a partner at Allevato, Quail & Roy where she practices labour, human rights, and regulatory law. She has experience representing unions and workers across the public and private sectors in arbitration, labour board, human rights tribunal, and court proceedings. Her pro bono work focuses on migrant worker rights and trans equality, and she has litigated precedent-setting cases in these areas. She brings a strong social-justice lens to her work and draws on her experience as a union activist prior to becoming a lawyer.

Local Election Rules for Unions

April 13, Wednesday - 9:30am to 4:00pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

In this workshop, you will learn about how local elections are regulated and managed by Elections BC, local governments, and school boards. We will cover the campaign finance and advertising rules that apply to third party organizations - such as your union - that want to participate in local government and school board elections. You'll get a good overview of contribution rules and spending limits along with reporting requirements. You'll learn how to maximize your local's outreach to members and to the public within the new, stricter Local Elections Campaign Financing Act and regulations. By the end of the workshop, you'll know which regulatory body to contact for more information and with questions. We will also briefly cover other regulatory rules that may apply to your campaign activity.

This workshop is primarily intended for labour organizations that want to participate in local elections by reaching out to their own members as well as the public (it will not cover the rules that apply to candidates and municipal political parties).

Facilitator: Rachel Roy, Allevato Quail & Roy

Rachel Roy is a partner at Allevato, Quail & Roy, a progressive law firm that specializes in union-side labour law along with campaign law. In addition to her background in the student movement and labour movement, Rachel was also drawn to political campaigns as a means of social and systemic change. She has been involved in electoral politics in all kinds of roles, including volunteer canvasser, candidate, campaign manager, in-house counsel for a federal political party and counsel to various local, provincial and federal candidates, political parties and third party organizations. Rachel enjoys assisting organizations with their campaign strategies and maximizing their outreach under increasingly restrictive rules.

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Defamation Law for Unions

April 21, Thursday - 9:30am to 4:00pm - Via Zoom Video Conference

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

Unions and union officers have long been the subject of defamation lawsuits, whether for media statements, leaflets, newspaper pieces, posted workplace notices, and even picket signs. Two things have changed in recent years however. With the increased use of social media for organizing campaigns, regular communications with members, bargaining, and in strikes/lock outs, unions are increasingly dealing with threats of lawsuits, demands for apologies, and actual lawsuits. This change is made the more serious by the increase in damage awards, particularly for corporate plaintiffs.

This one day course is intended to equip those attending with the ability to make their own judgement as to whether or not they or their union risk a lawsuit for what they are publishing. It will deal with the definition of defamation, as well as the various defences to an action for defamation. It will concentrate on the defences of justification, fair comment, qualified privilege, and responsible communication. It will also deal with the new legislation designed to protect individuals and organizations from lawsuits that are primarily intended to silence criticisms - the SLAPP law - strategic lawsuits against public participation.

Facilitator: Leo McGrady, Koskie Glavin Gordon

Leo McGrady specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. He has argued cases at all levels of court in British Columbia and the Territories', and served as counsel on a number of leading labour and charter cases in the Supreme Court of Canada.

The Law of Protest for Unions

May 5, Thursday - 9:30am to 4:00pm - Via Zoom Video Conference

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

This course will deal with a brief history of protests/civil disobedience in British Columbia. It will cover the most effective way to organize or participate in a protest. The course will also provide advice on steps you can take in the event you are subject to an injunction and/or are arrested. It will review some of the most valuable readings on the subject, including several published in the past year or so. The material is designed to be of value and interest to members of trade unions, those working for progressive media, as well as those who've decided to actively engage in protest over one issue or another.

For a more detailed account of the course material, see the most recent (October 2021), Guide to the Law of Protest at <https://www.mcgradylaw.ca/>

Facilitator: Leo McGrady, Koskie Glavin Gordon

Leo McGrady specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. He has argued cases at all levels of court in British Columbia and the Territories', and served as counsel on a number of leading labour and charter cases in the Supreme Court of Canada.

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Bullying and Harassment in the Workplace

May 18, Wednesday - 9:30am to 4:00pm

PLEASE NOTE: THIS CLASS IS LIMITED TO 10 REGISTRANTS and will take place in person. You must be able to provide proof of vaccination and will be required to wear a mask while in class and the MLC building. We will continue to monitor COVID as we get closer to the date. Please be advised that this class may be postponed.

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

Confused about where the line between harassment and management rights is? About the obligations of the employer, and union under human rights harassment, personal harassment, and harassment and bullying in the worker's compensation context? Or how to prevent harassment in the first place?

This course will help in identifying what workplace harassment is, understanding the general principles applicable to it from the perspective of those deciding harassment complaints (human rights tribunals, labour arbitrators, and workers compensation boards), and the rights and obligations of employers, unions and workers in the process.

Participant groups will problem-solve real cases throughout the course.

Facilitator: Conni Kilfoil

Conni Kilfoil is a retired labour and human rights lawyer who, after 28 years in the BC Labour movement, continues to be a human rights advocate, facilitator, trainer and mediator, specializing in human rights in the workplace, accommodation of disabilities, and bullying and harassment in the workplace.

Charter Rights in the Workplace

May 25, Wednesday - 9:30am to 4:00pm - **Via Zoom Video Conference**

Registration: 1 Day - \$90 VDLC Affiliate / \$110 Non-Affiliate

In recent years, the Supreme Court of Canada, and some lower courts, have confirmed important rights for Canadian unions and their members. Significantly, these include Freedom of Expression (picketing, leafletting, protest, privacy rights) and Freedom of Association (the right to organize, bargain and strike). Decisions regarding Bill 29 in the health care sector, the Harper government's back-to-work order against postal workers and the BC Teachers' Federation win over the right to negotiate class size and composition, all combine to establish these Charter Rights. The implications of these decisions reach into every workplace, both in the public and private sector. This course provides an overview of Charter Rights, key decisions for union, and how these cases can be used to advance our collective interests.

Facilitators: Leo McGrady, Koskie Glavin Gordon and Craig Bavis, Victory Square Law Office LLP

Leo McGrady specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. He has argued cases at all levels of court in British Columbia and the Territories', and served as counsel on a number of leading labour and charter cases in the Supreme Court of Canada.

Craig Bavis was called to the bar in 2000 and became a partner in 2005. Craig has extensive experience in advising and representing unions in mediation, arbitrations and at Labour Relations Board hearings. He has appeared in all levels of court up to the BC Court of Appeal and Federal Court of Appeal. Craig primarily represents unions in the public and private sector across BC in labour matters and also works in Saskatchewan where he is involved in Charter litigation.

VDLC Education - Winter/Spring Session

Registration Open at www.vdvc.ca / Education

Duty to Accommodate & Return to Work

May 31 to June 2, Tuesday, Wednesday & Thursday - 9:30am to 4:00pm

PLEASE NOTE: THIS CLASS IS LIMITED TO 10 REGISTRANTS and will take place in person. You must be able to provide proof of vaccination and will be required to wear a mask while in class and the MLC building. We will continue to monitor COVID as we get closer to the date. Please be advised that this class may be postponed.

Registration: 3 Day - \$170 VDLC Affiliate / \$200 Non-Affiliate

This overview of the duty to accommodate as it arises in employment uses the *BC Human Rights Code* as a starting point and reviews the concepts of discrimination, equality, and the legal and historical framework for the development of the concept of 'accommodation'. It examines the scope of duty to accommodate: the process of establishing a *prima facie* case of discrimination and the process of defending against such a *prima facie* case. Emphasizing the accommodation of disabilities, the course reviews the concept of disability; the procedural and substantive aspects of the duty to accommodate, the role of medical information in the process and the obligations on the Employer, the Union and the accommodation-seeker.

The course examines, through case law, just how far the parties must go before reaching 'the point of undue hardship', and debunks some of the common myths and misconceptions around the duty to accommodate, while offering practical solutions to accommodation issues.

Facilitator: Conni Kilfoil

Conni Kilfoil is a retired labour and human rights lawyer who, after 28 years in the BC labour movement, continues to be a human rights advocate, facilitator, trainer and mediator, specializing in human rights in the workplace, accommodation of disabilities, and bullying and harassment in the workplace.

*Thank you for helping us to make the VDLC Education Series a success.
By registering for a class you are helping the VDLC continue to offer a
wide variety of topics dealing with the Labour Movement.*

*We would like to thank our instructors for their generosity with
both their time and knowledge.*

Website: vdvc.ca

VDLC Education - Winter/Spring Session

Registration Open at www.vdvc.ca / Education

Unions and the Indigenous Truth and Reconciliation Process

June 14 & 15, Tuesday & Wednesday - 9:30am to 4:00pm

PLEASE NOTE: THIS CLASS IS LIMITED TO 10 REGISTRANTS and will take place in person. You must be able to provide proof of vaccination and will be required to wear a mask while in class and the MLC building. We will continue to monitor COVID as we get closer to the date. Please be advised that this class may be postponed.

Registration: 2 Day - \$120 VDLC Affiliate / \$140 Non-affiliate

This course will examine the history and nature of Aboriginal land claims, the inter-generational impact of the residential school system, the work of the Truth and Reconciliation Commission, and an overview of current Aboriginal issues. The relevance of these issues to the labour movement will be examined and groups will brainstorm ways in which tools such as collective bargaining, contract administration, and political campaigns can be used to advance the goals of the Commission.

Facilitators: Conni Kilfoil and Tammy Simonds

Conni Kilfoil is a retired labour and human rights lawyer who, after 28 years in the BC Labour movement, continues to be a human rights advocate, facilitator, trainer and mediator, specializing in human rights in the workplace, accommodation of disabilities, and bullying and harassment in the workplace.

Tammy Simonds was born and raised in Prince Rupert, on the northwest coast of BC, on unceded traditional Tsimshian territory. A Metis, Tammy is a direct descendent, on her mother's side, of Cuthbert Grant, a leader of the Metis people of the North-West/Red River in the early 1800's. She is currently a member of the Metis Nation of BC.

Tammy became a CUPE National Representative in the Terrace Area office in 1999, where she serviced a number of Indigenous locals of CUPE, including the Lax kw'alaams Band Council, the Nisga'a School District, the Kitselas Band Council and Northern Native Broadcasting.

Tammy was a staff advisor to CUPE BC's Committee Against Racism and Discrimination and was part of the team that organized the first Aboriginal Gathering of CUPE members in BC, which took place in Terrace. She retired from CUPE in 2011.

VDLC 2022 Winter/Spring Education INFORMATION PAGE

Pre-registration is required as course space is limited - registration is open to all, union membership is not necessary. To register go to the VDLC website under Education. Or, you can contact Elizabeth by email at office@vdlc.ca or call 604-254-0703

Payment can be made by credit card or invoice (your union must be an affiliate). You can also pay by cheque payable to "VDLC". Your cheque MUST be received prior to the day of class. Many unions will pay or reimburse tuition. Some financial subsidies are available.

VDLC Location - 111 Victoria Drive in the Maritime Labour Centre. The building is wheelchair accessible and there is free parking at the rear of the building off Pandora Street. If using transit from Powell or Hastings, get off at Victoria Drive - Triumph Street is 1 block south of Powell/ 3 blocks north of Hastings.

Your course fee includes instructor material. The Zoom link and materials will be emailed a few days prior to the date of the class.

CANCELLATION/REFUND POLICY

- ♦ **YOU MUST CANCEL 72 HOURS BEFORE A SCHEDULED CLASS IN ORDER TO RECEIVE A FULL REFUND. DUE TO LIMITED SEATING WE OFTEN HAVE A WAITLIST FOR OUR CLASSES AND THIS GIVE US THE OPPORTUNITY TO FILL THE CLASS.**
- ♦ **ANY CANCELLATION MADE WITH LESS THAN 72 HOURS NOTICE WILL BE SUBJECT TO A CANCELLATION FEE.**
- ♦ **NO SHOWS WILL BE CHARGED THE FULL COURSE FEE - NO EXCEPTIONS (THIS INCLUDES CLASSES HELD BY ZOOM VIDEO CONFERENCE).**
- ♦ **REFUNDS WILL BE ISSUED BY CHEQUE FROM THE VDLC.**

Email: office@vdlc.ca

Phone: 604-254-0703