

# Vancouver & District Labour Council

# 2022 Labour Education

## Anita Yan Memorial Law Series

## NEW Info for the FALL 2022 SESSION

Registration for classes is now available through the VDLC website at [www.vdlc.ca](http://www.vdlc.ca) under the Education page and Events page.

**Ticket information for VDLC Affiliates** - If you wish for your ticket to be invoiced to your union, please have your union contact the VDLC office to make arrangements.

For the fall session we have a mix of in-person and online classes. The zoom link and any material for online classes will be sent a few days prior to the start of class.

### **Defamation Law for Unions** - **IN-PERSON** (will move to Zoom if necessary due to COVID)

September 8, Thursday - 9:30am to 4:00pm **This class will be limited to 20 registrants**

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

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, QC, 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.

# VDLC Education - Fall 2022 Session

Registration Open at [www.vdvc.ca](http://www.vdvc.ca) / Education

## **BC Labour Code - Via Zoom Video Conference**

September 13, Tuesday - 9:30 am to 4:00 pm

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

This course is designed for union staff reps, officers and senior stewards who need to understand the BC Labour Code and its application. It will provide an overview of important sections of the code and the regulations, interpretations, and rulings that you need to know to be strategic and effective.

NOTE: Most workplaces in BC are provincially regulated for purposes of labour relations, and subject to the BC Labour Relations Code. Provincially regulated sectors/industries include health, education, construction, retail, film, etc. This class would apply to workers and union representatives in those sectors/industries. **Check with your workplace to ensure if this class would apply to you.**

**Facilitators: Jennifer Glougie, Associate Chair Adjudication, Labour Relations Board and Jonathan Hanvelt, Banister & Co.**

**Jennifer Glougie** is an Associate Chair Adjudication of the BC Labour Relations Board. She previously practiced union-side law with Banister & Co., has been an instructor of Provincial Labour Law, and a curriculum developer and instructor of workshops for the Canadian Labour Congress.

**Jonathan Hanvelt** is a lawyer with Banister & Co., and regularly facilitates legal education courses for the Canadian Labour Congress, Lancaster House and the VDLC. He offers extensive experience from representing union clients at the Labour Relations Board, in arbitration, and at other tribunals.

## **Effective Note Taking - Via Zoom Video Conference**

September 24, Saturday - 10:00 am to 12:00 pm

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

This two hour workshop is designed to enhance the abilities of stewards, union representatives, and other worker advocates to take good and effective notes in any setting.

We will explore both the practice of note taking and its purpose. Topics covered will include why we take notes, what to capture and how, best practices, common abbreviations and more.

**Facilitator: Diane Irvine**

# VDLC Education - Fall 2022 Session

Registration Open at [www.vdvc.ca](http://www.vdvc.ca) / Education

## Investigations & Interrogations: Representing Members in Employer Interviews

September 28, Wednesday—9:30 am to 4:00 pm - Via Zoom Video Conference

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

Picture this, you are a shop steward and get a request from an HR manager to sit in on an interview of a union member as part of an investigation; they won't tell you or the worker what it's about or let you speak, and the manager is vague and accusatory and threatens to discipline the member if they do not cooperate. What can you do as a shop steward? How do you best represent the member and reduce the possibility of discipline? At discipline arbitrations the employer's key evidence is their investigation. This course will help you, as a worker's advocate, to level the playing field by knowing the rights of the employees and limits the employers in their investigations.

**Facilitator: Mary Thibodeau, Moore Edgar Lyster LLP**

**Mary Thibodeau** is a labour, employment, and human rights lawyer at Moore Edgar Lyster LLP who represents both unions and individual workers. Mary has previously been a shop steward and organizer for a public sector union. Mary is excited to be returning to the VDLC to participate in the knowledge exchange and lively discussions amongst unions and workers during the VDLC's Labour Education Series.

## Human Rights Bootcamp - IN-PERSON **This class will be limited to 20 registrants**

October 4 to 7, Tuesday to Friday - 9:30 am to 4:00 pm

Registration: 4 Days - \$245 VDLC Affiliate / \$270 Non-Affiliate

This course will cover the history, growth, and current status of human rights in Canada by examining the Universal Declaration of Human Rights, the Charter of Rights and Freedoms, the federal and provincial human rights acts, and the relationship between human rights and collective agreement rights.

**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.

# VDLC Education - Fall 2022 Session

Registration Open at [www.vdlc.ca](http://www.vdlc.ca) / Education

## Drug and Alcohol Policies and Testing - Via Zoom Video Conference

October 19, Wednesday - 1:00 pm to 3:30 pm

Registration: 2.5 Hours - \$25 for VDLC Affiliates and Non-Affiliates

Drug and alcohol policies are found in most safety sensitive workplaces. The policies, and how they are applied, engages significant privacy interests of workers.

This course will address when a drug and alcohol policy may run afoul of the law, when the employer has the right to test, for what to test, the factors that must be considered, and how the employer's right to test may be affected by an employee's privacy interests. We will review the key principles, leading cases on random, reasonable cause and post-incident testing, and address the practical implications for union representatives and workers.

### Facilitators: Tamara Ramusovic and Daniel McBain, Moore Edgar Lyster LLP

**Tamara Ramusovic** is a partner at Moore Edgar Lyster LLP. She represents trade unions, as well as non-union employees, in the areas of labour, employment, human rights, and administrative law. In addition to her work as counsel, Tamara has provided training to community groups on the topic of individual rights under human rights legislation and the Canadian Charter of Rights and Freedoms. As well, Tamara has made presentations on a diverse range of labour relations and employment topics including Federal labour law, appeals of arbitral decisions, and privacy issues in the workplace.

**Daniel McBain** is an associate lawyer at Moore Edgar Lyster LLP. He practices labour, employment, human rights, and administrative law, with a particular emphasis on privacy and human rights law, including drug and alcohol testing and involving substance use disorders. In addition to litigating those issues, Daniel also provides training to union officials on drug and alcohol policies.

## Arbitration and Labour Board Advocacy - IN-PERSON (Will move to Zoom if necessary due to Covid)

November 2 & 3, Wednesday & Thursday - 9:30 am to 4:00 pm **Limited to 20 registrants**

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

Many shop stewards become skilled advocates in winning the union's case at arbitration and other third party hearings. This course will assist you to better prepare and present cases by learning some basic legal protocols, techniques and procedures. The curriculum covers pre-hearing matters, opening statements, direct and cross examination, making objections, and closing arguments.

### 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.

# VDLC Education - Fall 2022 Session

Registration Open at [www.vdvc.ca](http://www.vdvc.ca) / Education

## Basic Human Rights for Union Activists - Via Zoom Video Conference

November 3, Thursday - 7:00 pm to 9:00pm

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

This workshop provides an overview of the legal protections workers enjoy under the Canadian Charter of Rights and Freedoms, human rights legislation, collective agreements, and employer policies. Participants will learn about the differences between federal and provincial human rights protection, prohibited grounds, protected areas, gaps in existing legal protection and exceptions and special programs. It will also cover the different roles of the Canadian Human Rights Tribunal, the Canadian Human Rights Commission, the BC Human Rights Tribunal, the BC Human Rights Commissioner, the CLAS Human Rights Clinic and the Ombudsperson's Office, anatomy of a human rights claim, available remedies and practice in writing and filing a claim.

### 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 honors 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 scholarship for 4 years, and the Geography Alumni Award during their undergraduate degree. They received a University Graduate Fellowship and were named to 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.

## Employer Policies and Labour Law - Via Zoom Video Conference

November 8, Tuesday - 9:30am to 4:00pm

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

This course will lay the foundation for your understanding of employer policies and their relationship to labour law. We will look at when employer policies are permitted and when they are not, when policies should be challenged, and what legal tests a policy will need to pass in order to hold up in arbitration. We will learn the "KVP test" utilized by arbitrators and look at more recent developments in case law.

### Facilitator: Melissa VanderHouwen, Moore Edgar Lyster LLP

**Melissa VanderHouwen** (she/her) provide practical advice and cost-effective advocacy to unions regarding a wide variety of labour matters including discipline and discharge, collective agreement interpretation, policy grievances, organizing efforts, and unfair labour practice disputes. She has a particular interest in advising and advocating for unions and individuals on a variety of human rights issues. She has appeared before the BC Supreme Court and Court of Appeal, the BC Human Rights Tribunal, the Canadian Human Rights Commission, the BC Labour Relations Board, and in federal and provincial grievance arbitrations.

In the community, Melissa serves as Co-Chair of the CBABC Women Lawyers Forum Mentoring Committee. She has volunteered for LEAF, West Coast LEAF, Muddbunnies Running Club (BC), the Canadian Red Cross, and as President of her varsity rowing teams at the University of Ottawa and Simon Fraser University.

# VDLC Education - Fall 2022 Session

Registration Open at [www.vdlc.ca](http://www.vdlc.ca) / Education

## WCB Pensions Update - Via Zoom Video Conference

November 9, Wednesday - 1:00pm to 3:00pm

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

A few significant changes have been made to pensions in the past couple of years. For example, you've probably been contacted by members who have received letters from the WCB as they approach their 63rd birthday, asking them if they intend to work past age 65. This brief course will touch on what the recent changes are and how they have affected the way we have to argue pensions cases on appeal.

**Facilitator: Sarah O'Leary, Harrison O'Leary**

**Sarah O'Leary** was called to the bar in 1981 and has been primarily practising Workers' Compensation and disability-related law for the last 30 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at the Legal Services Society, as well as at a major health care union, and has been teaching workers' compensation advocacy to labour unions for over two decades.

## WCB Issues with Vocational Rehabilitation - Via Zoom Video Conference

November 16, Wednesday - 1:00pm to 3:00pm

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

Vocational rehabilitation consultants have to follow a 5-step process when an injured worker is referred to VR. They can offer a number of aids to help "maximise and injured worker's earning." How a VRC deals with each case depends on the facts. It's always best for a worker to be well-prepared, in order to try and get their preferred vocational rehabilitation plan. This course will look at the process and how to advise an injured worker to deal with it.

**Facilitator: Sarah O'Leary, Harrison O'Leary**

**Sarah O'Leary** was called to the bar in 1981 and has been primarily practising Workers' Compensation and disability-related law for the last 30 years. She has been a workers advisor, a Vice-Chair at the Appeal Division, a staff lawyer at the Legal Services Society, as well as at a major health care union, and has been teaching workers' compensation advocacy to labour unions for over two decades.

# VDLC 2022 Fall Education Session

## 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](mailto:office@vdlc.ca) or call 604-254-0703*

*Payment can be made by credit card or invoice (your union must be an affiliate). If you wish your union to be invoiced please contact the VDLC at [office@vdlc.ca](mailto:office@vdlc.ca) or 604-254-0703. 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](mailto:office@vdlc.ca)***

***Phone: 604-254-0703***