

Vancouver & District Labour Council

2025 Labour Education

Anita Yan Memorial Law Series

WINTER SESSION - Runs from February 25 to June 11

Defamation Law for Unions - IN PERSON at the Maritime Labour Centre

February 25, Tuesday - 9:30am to 4:00pm

Registration: 1 Day - \$200 per VDLC Affiliate / \$250 per 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. However, two things have changed in recent years. With the increased use of social media for organizing campaigns, regular communications with members, bargaining, and in strikes/lockouts, 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 that they are publishing. It will deal with the definition of defamation, as well as the various defenses to an action for defamation. It will concentrate on the defenses 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.

WCB Level 1 - ZOOM Video Conference

March 4, Tuesday - 10:00am to 3:00pm

Registration: 5 Hours - \$90 per VDLC Affiliate / \$115 per Non-Affiliate

This course provides a basic overview of the Workers' Compensation system as it applies to workers who are injured or develop an occupation 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.

Facilitator: Sarah O'Leary, O'Leary Law

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 16 years at Rush Crane Guenther and Harrison O'Leary LLP. She is currently in private practice in Vancouver. Sarah has been teaching workers' compensation advocacy to labour unions for over three decades.

VDLC Education - Winter 2025

Registration Open at www.vdvc.ca / Education

Navigating Repetitive Strain Injuries (ASTDs) in the WCB Appeal System - ZOOM

March 7, Friday - 9:00am to 1:00pm

Registration: 4 Hours - \$75 per VDLC Affiliate / \$100 per Non-Affiliate

This course will summarize how the WCB adjudicates repetitive strain injuries (ie: Activity-Related Soft Tissue Disorders or ASTDs). ASTDs in policy are defined as a diverse group of soft tissue disorders of the extremities which may have been caused or aggravated by employment activities. For example, Tendinopathy, Epicondylopathy, Bursitis, Carpal Tunnel Syndrome, De Quervain's Tenosynovitis, etc., can be considered ASTDs. Generally, ASTDs develop over time and are due to repetitive work activities. Occupational diseases under s.136 of the *Workers' Compensation Act* are compensable if evidence demonstrates they are due to the nature of the worker's employment. These claims are complex, can be the result of multiple contributing factors and the WCB often denies them. We will discuss our usual steps on appealing ASTD claim denials, including the type of evidence required, such as ergonomic risk factor assessments and medical-legal opinions.

1. Law, Policy Practice Directive
2. Summary of what the WCB Looks for in adjudicating ASTDs
3. Types of evidence for appeal
4. Workers' Compensation Appeal Tribunal (WCAT), noteworthy cases on ASTDs
5. Case law, including Judicial Reviews of WCAT decisions

Facilitators: Pamela Yong, HEU and Niki Schnurr, HEU

Pamela Yong graduated from the UBC Faculty of Law in 2001 and was called to the B.C. Bar in 2002. She practiced civil litigation in Vancouver, including personal injury, real estate, and corporate law. In 2006, she moved to Toronto and worked almost six years with a mid-sized Toronto firm specializing in class action litigation. In 2012, she moved back to her hometown of Vancouver and was employed by Teamsters Locals 213 and 231 as their in-house Workers' Advocate. She has specialized in workers' compensation advocacy for over seven years. She recently joined the Hospital Employees Union in 2021 and assists members with their WCB and Long-Term Disability appeals. In her spare time, she enjoys running, hiking, dancing, Muay Thai kickboxing and travelling.

Niki Schnurr joined the Hospital Employees Union WCB and Long-Term Disability Appeals team in 2021. She has 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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Registration Open at www.vdvc.ca / Education

Discipline & Discharge - Zoom Video Conference

March 12, Wednesday, 9:30am to 4:00pm

Registration: 1 Day - \$150 per VDLC Affiliate / \$200 per 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.

Facilitator: Karen Segal, Allevato, Quail & Roy

Karen Segal is a union-side labour lawyer working at Allevato, Quail & Roy. 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.

History, Teachings and How to Work Towards Reconciliation Through an Indigenous Lens - IN PERSON at the Maritime Labour Centre

April 8 & 9, Tuesday & Wednesday - 9:30 am to 4:00 pm

Registration: 2 Days - \$225 per VDLC Affiliate / \$275 per Non-Affiliate

This course will examine the history, knowledge, and teachings from an Indigenous lens; the impact of colonization, the inter-generational impacts of the Residential School system, the work of the Truth & Reconciliation Commission, and an overview of current Aboriginal issues. We will examine the relevance and barriers for Indigenous people concerning issues in the labour movement and groups will brainstorm ways in what is learned, and how it can be used in the workplace to work towards Reconciliation.

Facilitator: Anjeanette Dawson, BCGEU

Spelexiłh, Anjeanette Dawson is an Indigenous Educator, traditional wool weaver, knowledge keeper and BCGEU's Indigenous Education Officer. Anjeanette has over 35 years of work experience as well as a lifetime of lived experiences that she shares during her presentations. Anjeanette has been facilitating workshops all over BC to cross components, delivering keynote speeches and sharing her knowledge of pre-contact history, the effects of colonization and Residential Schools. Anjeanette is creating relationships to support the 800-900 Indigenous BCGEU members across the province, working and brainstorming with Indigenous colleagues to work together to be an advocate for Indigenous BCGEU members.

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Registration Open at www.vdvc.ca / Education

Parliamentary Procedure and Effective Meetings - IN PERSON

April 15, Tuesday - 9:30am to 4:00pm

Registration: 1 Day - \$200 per VDLC Affiliate / \$250 per Non-Affiliate

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 is a transgender human rights activist and social justice lawyer. They argued a BC human rights case which clarified employers obligations to recognize correct pronouns for transgender and non-binary workers. 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, and made submissions in defence of transgender children under section 15 of the Charter. As a trade union activist, they advocate for transgender inclusion in our unions and workplaces. Adrienne is the litigation director at the Catherine White Holman Wellness Clinic where they give free legal advice, take on human rights cases, and notarize name and gender documents for trans people.

They hold a double honours undergraduate degree in English Literature and Geography (2000), a Masters in Human Geography (2005), and a Juris Doctor (2013) all from the University of British Columbia; and a Legum Magister (Masters of Law) from Osgoode Hall at York University (2024). They held a UBC 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 British Columbia 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; the Vancouver and District Labour Council Syd Thompson Award for Community Service; the BC Federation of Labour Joy Langan Award for Social Justice, The Canadian Bar Association's Sexual and Gender Diversity Alliance Section Hero Award for support to the 2SLGBT+ community, and The Advocates Society Joe Arvay Award for advancing the law under challenging circumstances.

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Registration Open at www.vdvc.ca / Education

Update on Duty to Accommodate in the Workers' Compensation Act / Bill 41

Zoom Video Conference

April 24, Thursday - 10:00am to 12:00pm

Registration: 2 Hours - \$50 per VDLC Affiliate / \$75 per Non-Affiliate

On January 1, 2024 two significant changes were made to the *Workers' Compensation Act*. Bill 41 introduced the:

- Duty to Co-operate for both workers and employers, and the
- Duty to Maintain Employment (of injured workers) for employers

There is a lot of new policy and a detailed Practice Directive about both new Duties, but there are still a lot of questions, including how these Duties overlap with Collective Agreements and with the human rights/collective agreement duty to accommodate. We are all watching how the WCB is going to implement this law and policy.

This course will cover the content of both new Duties and address some key questions:

- What do workers need to know about first steps after an injury?
- How will WCB officers investigate suitable duties and what evidence is needed?
- How are injured workers going to deal with employers who are demanding they come back to work to inappropriate jobs?
- How will the dispute be resolved if a worker says they can do certain modified job duties and the employer disagrees?
- Is the WCB obligated to involve the union in this process? What is the union's role in both Duties?

We are all just learning how WorkSafeBC officers are going to deal with these situations. It's crucial that unions be on top of this process in order to prevent their members from being ill-treated by employers and the Board with the threat of termination of benefits hanging over them.

In this course we will try to cover all aspects of the changes and will welcome discussion about what others are seeing in their workplaces.

Facilitator: Sara O'Leary, O'Leary Law

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 in private practice.

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Charter of Rights & Freedoms: Part 1 - Protecting Freedoms on the Picket Line

IN PERSON at the Maritime Labour Centre

April 25, Friday - 9:30am to 4:00pm

Registration: 1 Day - \$200 per VDLC Affiliate / \$250 per Non-Affiliate

Charter 1 examines how the Charter of Rights and Freedoms protects the ability of unions to strike and picket. Participants will learn how the law is applied by the Courts and the Labour Relations Board to allow or restrict picketing at primary, secondary, and common sites. Every union representative organizing a picket line need to know how and why the Supreme Court of Canada has recognized that picketing is protected by Freedom of expression and striking is protected by Freedom of association. The purpose of this course is to enable unions to run picket lines with maximum effectiveness while minimizing the opportunities for employers to bring legal action against unions.

Facilitators: Craig Bavis & Rebecca Kantweg, Victory Square Law Office

Craig Bavis has been a Partner at Victory Square Law Office since 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 British Columbia in labour matters. Craig also works in Saskatchewan where he is involved in Charter litigation.

Rebecca Kantweg (she/they) joined the firm as an associate in 2018, after articling and working in-house for a large union in British Columbia. Rebecca has represented clients at numerous mediations, and has appeared before labour arbitrators, the BC Labour Relations Board, the BC Human Rights Tribunal, the Canada Human Rights Tribunal, the Canada Industrial Relations Board, the BC Court of Appeal, and the Federal Court of Appeal. Rebecca also has experience intervening in matters at the BC Court of Appeal and responding in BC Supreme Court to last minute applications for injunctions against picketing and protesting.

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Registration Open at www.vdvc.ca / Education

Duty to Accommodate & Return to Work - IN PERSON at the MLC

April 29 & 30, Tuesday & Wednesday - 9:30am to 4:00pm

Registration: 2 Days - \$225 per VDLC Affiliate / \$275 per 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 of the Employer, the Union and the accommodation-seeker.

Facilitator: Jodie Berry

Jodie Berry is the Interim Managing Lawyer at the Disability Law Clinic, a program of Disability Alliance BC. The Disability Law Clinic provides free summary advice and limited representation in rare cases to people with disabilities in BC on certain disability-related areas of the law including discrimination/human rights, access to services, and accommodation in the workplace. Jodie previously supervised law students working on civil legal matters with the Law Student's Legal Advice Program. In her free time, Jodie enjoys hiking the many beautiful trails of the unceded traditional territories of the xʷməθkʷəyəm (Musqueam), Sk̓wx̓wú7mesh (Squamish), and səliłwətał (Tseil-Waututh) Nations.

Collective Bargaining - IN Person at the Maritime Labour Centre

May 6 & 7, Tuesday & Wednesday - 9:30am to 4:00pm

Registration: 2 Days - \$225 per VDLC Affiliate / \$275 per Non-Affiliate

This workshop will introduce participants to the bargaining process and legal framework for bargaining. Participants will learn about the importance of preparation and planning, what to expect at the table, and tools for having your committee work as a team. The workshop will also emphasize the importance of being strategic, both in negotiations and in your union's work to build your bargaining power.

Facilitators: David Fleming & Michelle Anderson, CUPE

David Fleming is a National Representative for the Canadian Union of Public Employees (CUPE). David has facilitated labour education for both CUPE and the Canadian Labour Congress. He has experience bargaining and administering collective agreements in both the public and private sector. David currently works as CUPE's Legislative Coordinator in British Columbia.

Michelle Anderson

Bio TBA

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Registration Open at www.vdvc.ca / Education

Striking with History - IN Person at the Maritime Labour Centre

May 10, Saturday - 9:30am to 4:00pm

Registration: 1 Day - \$25 for VDLC Affiliates & Non-Affiliates

Striking with History combines training for activists with labour history to help people think creatively about today's struggles and tactics. It will draw on the experiences of the participants, interactive role-play, and history from the struggle for the 9-hour day to the recent UniteHere hotel strike to develop critical thinking and organizing skills for activists and organizers.

Facilitator: Mark Leier

Mark Leier is a history professor at Simon Fraser University. He has been a member of several unions over his working life, including the Glaziers, CUPE, TSSU, Carpenters, and SFUFA. Noted for his use of the banjo and labour songs in his classes, Mark is an award-winning teacher who has taught labour history at the CLC Winter School and for several unions. His books include *Where the Fraser River Flows*, a history of the IWW in BC; *Bakunin: A Creative Passion*, a biography of the 19th-century Russian anarchist, and *Rebel Life: The Life and Times of Robert Gosden*, a BC radical and police spy. His most recent project, with labour studies instructor John-Henry Harter, is *Roles of Resistance: Game Plans for Teachers and Troublemakers*.

Intro to Arbitration & Labour Board Advocacy - IN Person at the MLC

May 12 & 13, Monday & Tuesday - 9:30am to 4:00pm

Registration: 2 Days - \$225 per VDLC Affiliate / \$275 per Non-Affiliate

Many shop stewards become skilled advocates in winning the unions 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

Leo McGrady specializes in labour law, human rights, class actions, intellectual property, and libel law, all on behalf of unions and employees. Leo has taught advocacy skills at the Faculty of Law UBC, and in the Labour Studies Program at Capilano University. He has been counsel on several thousands of trials, hearings and appeals throughout his career.

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Registration Open at www.vdlc.ca / Education

Job Steward Level I - IN PERSON at the Maritime Labour Centre

May 20 & 21, Tuesday & Wednesday - 9:30 am to 4:00 pm

Registration: 2 Days - \$225 for VDLC Affiliates / \$275 for Non-Affiliates

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: Bal Sandhu, President PEA - HESU Chapter

Bal Sandhu is the chapter president of the Professional Employees' Association—Hospital Employees' Staff Union, a position he was elected to in November 2023. He previously served on the HEU's Provincial Executive Board from January 2019 to February 2021, when he was hired to the HEU staff. He has previously served on the HEU's Provincial Executive Board. He has been active within his local serving in several positions, including Secretary-treasurer, Chairperson, Shop Steward, Lead Steward and Occupational Health and Safety representative. Outside of his HEU work, Bal served for six years at 1st Vice-President of the Vancouver and District Labour Council and continues as a member-at-large.

Freedom of Information Requests - Zoom Video Conference

May 22, Thursday - 10:00am to 2:00pm

Registration: 4 Hours - \$75 for VDLC Affiliate / \$100 for Non-Affiliate

Course description tba

Facilitator: Alicia Massie

Bio tba

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Registration Open at www.vdvc.ca / Education

Charter of Rights & Freedoms: Part 2 - Enforcing Rights in the Workplace

IN Person at the Maritime Labour Centre

May 23, Friday - 9:30 am to 4:00 pm

Registration: 1 Day - \$200 for VDLC Affiliates / \$250 for Non-Affiliates

Charter Part 2 explores how the Charter of Rights and Freedoms is used to change laws that infringe the rights of workers and their unions. In 2007, BC Health Care unions successfully argued that the Charter protects collective agreements from government interference and contract stripping. Unions have won challenges to law which limit the right to strike, prevent workers from unionizing and that have restricted collective bargaining. Charter Part 2 reviews the process of using the Charter in a court action, labour board hearing, or arbitration to challenge employer action to government laws. The purpose of this course is to enable unions to understand the significant challenges and implications of using the Charter, which may ultimately end at the Supreme Court of Canada.

Facilitator: Craig Bavis & Rebecca Kantweg, Victory Square Law Office

Craig Bavis has been a Partner at Victory Square Law Office since 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 British Columbia in labour matters. Craig also works in Saskatchewan where he is involved in Charter litigation.

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Registration Open at www.vdvc.ca / Education

How Society Works - IN Person at the Maritime Labour Centre

May 24, Saturday - 9:30 am to 4:00 pm

Registration: 1 Day - \$25 for both VDLC Affiliates and Non-Affiliates

Course description TBA

Facilitator: Kayla Hilstob

Bio TBA

Drug & Alcohol Policies and Testing - Zoom Video Conference

June 11, Wednesday - 1:00pm to 3:30pm

Registration: 2.5 Hours - \$60 for VDLC Affiliates / \$85 for Non-Affiliates

Drug and alcohol policies are found in most safety sensitive workplaces. The policies and their application engage significant privacy interests of workers. This course addresses when a drug and alcohol policy may run afoul of the law, when an employee may have the right to test, what it can test for, 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.

Facilitator: Daniel McBain

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.

VDLC Winter 2025 Education Session

INFORMATION PAGE

Pre-registration is required as course space is limited - registration is open to all, union membership is not necessary.

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 or 604-254-0703. Many unions will pay or reimburse tuition. Some financial subsidies are available.

***IN Person Class Location** - Maritime Labour Centre 111 Victoria Drive, Vancouver. 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 north of Powell/ 3 blocks south of Hastings.*

***Course Material and Zoom Links** - For those classes that are held by zoom, you will receive any material and the zoom link a few days prior to the scheduled day of class. You will not receive it via our website or STRIPE. If you do not receive any material or the zoom link prior to the day of class, **PLEASE CHECK YOUR JUNK FOLDER** before you contact the office.*

If you have any questions, please email the office at office@vdlc.ca or call 604-254-0703.

CANCELLATION/REFUND POLICY

- ◆ You must notify the office of cancellation 72 HOURS prior to your class in order to receive a full refund. Due to limited seating, we often have a waitlist and this gives us the opportunity to fill the class.
- ◆ Any cancellation made with less than 72 HOURS notice will be subject to a cancellation/processing fee. If you purchased your registration through our website with your credit card and are cancelling with less than 72 hours notice, your refund will be processed through STRIPE and will incur a cancellation fee.
- ◆ NO SHOWS will be charged the FULL COURSE FEE - NO EXCEPTIONS (This includes classes held by Zoom Video Conference).

Email: office@vdlc.ca

Phone: 604-254-0703