

Vancouver & District Labour Council

2024 Labour Education

Anita Yan Memorial Law Series

SPRING SESSION - Runs from March 5 to May 25, 2024

To register go to <https://vdlc.ca/education/>

WCB Level 1 - ZOOM Video Conference

March 5, Tuesday - 10:00am to 4:30pm

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

Facilitator: Sarah O'Leary, O'Leary Law

Sarah O'Leary was called to the bar in 1981 and has primarily been practicing Worker's Compensation and disability-related law for over 30 years. She has been a worker's 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.

Discipline & Discharge - IN PERSON at the Maritime Labour Centre

March 12, Tuesday - 9:30am to 4:00pm

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

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 officer 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.

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.

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Registration Open at www.vdlc.ca / Education

Privacy Rights in the Workplace - IN PERSON at the Maritime Labour Centre

April 3, Wednesday - 9:30am to 4:30pm

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

Promotion and Selection Grievances - IN PERSON at the Maritime Labour Centre

April 4, Thursday - 9:30am to 4:00pm

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

This course provides an overview of the different types of collective agreement language governing filling vacancies in the bargaining unit, and how to build a winning case depending on that language. Participants will practice analyzing fact patterns, applying the collective agreement, and arguing grievances

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 workers 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.

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Registration Open at www.vdlc.ca / Education

Bullying and Harassment - IN PERSON at the Maritime Labour Centre

April 8 and 9, Monday and Tuesday, 9:30am to 4:00pm

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

This course is designed to give union activists tools to address workplace harassment and bullying. The course will look at defining harassment under prohibited grounds, as well as the legal frameworks outside of the prohibited grounds. Participants will look at workplace policies, collective agreements, contributing factors, laws and regulations and strategies to resolve complaints and support members who come forward.

Facilitator: Dayna Sykes

Dayna Sykes is an Education and Equity Coordinator for the United Steelworkers Union in Canada. A union member since 1991, Dayna started as an activist and steward when she was a member of the BC Government and Employees Union. In 2002 she joined the staff of the BC Federation of Labour Health and Safety Centre where she developed the High School Education program that trained young union members to lead workshops in schools to talk to youth about their health and safety rights at work. She later served as the Federation's Director of Education, Young Workers and Human Rights.

Dayna began with the United Steelworkers Union in 2010 where her main focus is membership development and equity, through education and membership-focused campaigns. As part of the role in both Education and Equality, Dayna works with members and employers to create more inclusive workplaces. In 2018, she began a program partnering with the Ending Violence Association of BC, and Canadian football players, that educates men in the USW to speak up on gender-based violence "Be More Than a Bystander; Break the Silence on Gender Based Violence."

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

IN PERSON at the Maritime Labour Centre

April 12, Friday - 9:30 am to 4:00 pm

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

Charter I 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 needs to know how and why the Supreme Court of Canada has recognized that picketing is protected by the 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.

Facilitator: Craig Bavis, Victory Square Law Office

Craig Bavis represented the Saskatchewan Federation of Labour in the groundbreaking 2015 Supreme Court of Canada case which established the Charter protecting the right to strike.

May 3 | Charter of Rights & Freedoms: Part II - Enforcing Rights in the Workplace

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Registration Open at www.vdvc.ca / Education

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

April 23 & 24, Tuesday & Wednesday - 9:30 am to 4:00 pm

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

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: Jody Berry

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Registration Open at www.vdvc.ca / Education

The New Provisions on Duty to Accommodate in the Workers' Compensation Act / Bill 41 - Zoom Video Conference

April 25, Thursday - 1:00pm to 4:00 pm

Registration: 1 Days - \$65 for VDLC Affiliates / \$85 for Non-Affiliates

In November 2022, Bill 41 introduced two new Duties into the *Workers' Compensation Act* - a Duty to Co-operate for both workers and employers, and the Duty to Maintain Employment (of injured workers) for employers. Both Duties came into force on January 1st, 2024.

There is now 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.

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.

Facilitators: Sarah O'Leary, O'Leary Law and Janet Patterson

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.

Janet Patterson is a retired lawyer, adjudicator and labour educator. Janet began a second career in law, after her teaching and union experience as a sessional teacher at York University. She was called to the BC bar in 1988 and became a staff representative with the BCGEU, before serving as adjudicator with the Public Service Appeal Board, the Appeal Division (WCB), and the Workers Compensation Appeal Tribunal (WCAT). In 2005, she joined the law firm of Rush, Crane Guenther and represented injured workers and unions in a variety of legal proceedings and forums.

Throughout her career, Janet has been committed to labour education and social justice. She was a founding member of the Migrant Workers Centre and taught in the Labour Studies program at Capilano College. In 2019, Janet was appointed by the BC government to review aspects of the workers' compensation system and her findings may be found in her report, *New Directions: Report of the WCB Review 2019*.

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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 3, Friday - 9:30 am to 4:00 pm

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

Charter II 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 II 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, Victory Square Law Office

Craig Bavis represented the Saskatchewan Federation of Labour in the groundbreaking 2015 Supreme Court of Canada case which established the Charter protecting the right to strike.

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

May 6, Monday - 9:30am to 4:00pm

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

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.

Facilitators: Leo McGrady, Koskie Glavin Gordon and Carolyn Askew

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.

Carolyn Askew practiced labour, employment and human rights law for 40 years. She worked as Legislative Director for the BC Federation of Labour, as an organizer for the Telecommunications Workers Union (TWU-USW Local 1944), and as general counsel for the Health Sciences Association. She represented trade unions and their members before a range of administrative tribunals such as provincial and federal Labour Relations Boards, provincial Workers Compensation Appeal bodies, Employment Standard Boards and Human Rights tribunals.

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Registration Open at www.vdvc.ca / Education

Advocacy in Practice: Mock Arbitration Hearings - IN PERSON at the MLC

May 7 & 8, Tuesday and Wednesday - 9:30am to 4:00pm

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

Mock arbitration has been an important and popular feature in the VDLC Advocacy classes over the past 9 or 10 years. It has also been part of the class from which students learn a great deal. Recently, students have begun suggesting they would like to have a 2-day course consisting only of mock hearings.

This course will consist of four mock hearings, two each day. The first two will focus on arbitration hearings; the second two will focus on labour board hearings. Students will be provided with a different fact pattern for each of the four hearings. Students will also be asked to volunteer for the different roles. At the end of each mock hearing, the instructors and the other students will critique the students' work.

Facilitators: Leo McGrady, Koskie Glavin Gordon and Carolyn Askew

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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Legal Research - IN PERSON at the Maritime Labour Centre

THIS CLASS WILL BE RESCHEDULED TO THE FALL SESSION

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

This course will introduce participants to the basics of legal research. The course will include practical instructions for using public legal databases to look up statutes and cases relevant to unions. It will also provide a general framework for understanding how precedent develops. Ultimately, participants will emerge with the tools to answer questions about current arbitral and labour board case law.

PLEASE NOTE: Participants are asked to bring a laptop computer. You will also need to bring your own extension cord. If any participants do not have access to a laptop, please contact the VDLC office for us to put you in touch with the facilitator.

Facilitator: Lily Hassall, Koskie Glavin Gordon

Lily has been practicing labour law at Koskie Glavin Gordon since she was called to the bar in 2020. She represents trade unions across industries and jurisdictions in the areas of labour, employment, human rights and administrative law. She is currently licensed to practice in both British Columbia and the Yukon.

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Registration Open at www.vdlc.ca / Education

Striking with History - IN PERSON at the Maritime Labour Centre

May 11, Saturday - 9:30 am to 4:00 pm

Registration: 1 Day - FREE Registration

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 Unite-Here hotel strike to develop critical thinking and organizing skills for activists and organizers.

Facilitator: Mark Leier

Mark Leier is a professor of labour history at Simon Fraser University. He received the SFU Excellence in Teaching Award in 2004 and the Dean of Graduate Studies Award for Excellence in Graduate Supervision in 2018 and has worked with unions and activists for two decades. He is the author of four books on Labour and Left history, including *Rebel Life: The Life and Times of Robert Gosden, Revolutionary, Mystic, Labour Spy* and *Where the Fraser River Flows: The IWW in British Columbia*.

Law of Protest - IN PERSON at the Maritime Labour Centre

May 25, Saturday - 9:30 am to 4:00 pm

Registration: 1 Day - FREE Registration

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. 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.

FREE Registration Classes

If you register for a FREE workshop and find that you cannot attend, please email the VDLC office to let us know. These workshops fill up fast and we always have a waitlist. You can get in touch with Elizabeth at the office at office@vdlc.ca or call at 604-254-0703.

Thank you!

VDLC 2024 Spring 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