

THE OSGOODE CERTIFICATE IN LABOUR LAW



Two-time winner of the
Canadian HR Reporter
Readers' Choice Award
for preferred provider of
Labour Relations training
(2021 & 2022)

Learn from leading experts representing management, union and government – a Certificate program with emphasis on the practical.

Over five intensive one-day modules, you'll drill down into the key areas in labour law, including:

- Union organizing and applications for certification
- Collective bargaining
- Grievance arbitration: protecting rights and resolving conflicts
- Workplace investigations in unionized environments
- The law of industrial conflict
- Sale, transfer or closure of the business - implications in a unionized environment
- Key workplace privacy issues - what you need to know

Register today at:

osgoodepd.ca/labour-cert

PROGRAM DIRECTOR

John D.R. Craig
Mathews, Dinsdale & Clark LLP
and Assistant Professor, Faculty of
Law, Western University

REGISTRATION DETAILS

**February 28, March 6, 20, 27
and April 3, 2024:**
Online (Live)

Can't make the date?

*Registration includes 120-day
unlimited, online access to the
recorded program.*



The Osgoode Certificate in Labour Law

Celebrating its 13th anniversary, the *Osgoode Certificate in Labour Law* is an unrivalled resource for navigating this complex and challenging field.

All key areas are covered, including:

- Overview of the statutory and regulatory regimes
- The different models of collective bargaining in Ontario
- When collective bargaining fails: dispute resolution models
- How to protect rights and resolve conflicts in grievance arbitration
- Restructuring unionized environments
- Tools and strategies for conducting workplace investigations
- The law of industrial conflict, including lock-outs and back-to-work legislation
- Obligations and strategies for protecting privacy in the workplace
- Impact of COVID-19 on the labour landscape

A distinguished faculty of experts drawn from management, union, government and academia will impart essential legal information, insights, strategies and tactics.

This Certificate program provides a rare opportunity to see the big picture and how it applies to frequently-encountered and perennially-vexing situations – ensuring that you are well-equipped to deal with the daily challenges coming across your desk.

Discover why 400+ of your peers have completed this practical, award winning program.

Register today at:

[osgoodepd.ca/
labour-cert](https://osgoodepd.ca/labour-cert)



Past attendees say it best:

“This is a very well-presented program which not only provides a high-level overview of labour law fundamentals but also allows you to interact with expert professionals who “live” in this sector. I recommend the program to anyone who deals with labour challenges on a daily basis. A big thank you to John Craig and all of the wonderful speakers over the weeks, a fantastic job. I look forward to future Osgoode programs.”

Eric Maxemuck
Health, Safety & Environmental Manager, Archer Daniels Midland Company

“Love the fact that the program is [available] online. The fact that you can receive this kind of professional development at home is amazing.”

Julianna Naccarato
Human Resources Business Partner, Cornwall Community Hospital

“[The] content and variety of speakers has been excellent.”

Holly Walbourne
Thunder Bay Police Service

Who Should Attend

- VPs, Directors and Managers of Labour Relations
- VPs, Directors and Managers of Human Resources
- Union Presidents, Officials, Business Agents, Stewards and Committee Members
- In-House Counsel
- Lawyers in private practice
- Labour Relations Consultants
- Mediators, Arbitrators and Conciliators
- Government Representatives

Drawing on the expertise and experience of a distinguished faculty, including:

Program Director



John D.R. Craig

Mathews, Dinsdale & Clark LLP and
Assistant Professor, Faculty of Law,
Western University

Advisory Board

Diane Gee

Arbitrator, Mediator & Investigator

Donald B. Jarvis

Filion Wakely Thorup Angeletti LLP

Brian G. Johnston K.C.

Stewart McKelvey (Halifax, N.S.)

Caroline (Nini) V. Jones

Jones Pearce LLP

Register today at:

[osgoodepd.ca/
labour-cert](https://osgoodepd.ca/labour-cert)

Program Faculty

Kathryn J. Bird

Ogletree Deakins International LLP

Keith P. Burkhardt

Sherrard Kuzz LLP

Amanda P. Cohen

Hicks Morley Hamilton Stewart Storie LLP

John D.R. Craig

Mathews, Dinsdale & Clark LLP

Donald K. Eady

Paliare Roland Rosenberg Rothstein LLP

Katherine Ferreira

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Sundeep A. Gokhale

Sherrard Kuzz LLP

Professor Rafael Gomez

Director of the Centre of Industrial
Relations and Human Resources,
University of Toronto

Anne M. Gregory

Counsel, Manitoba Nurses Union

Aminah Hanif

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Michael J. Kennedy

Hicks Morley Hamilton Stewart Storie LLP

Mathias Link

Fasken Martineau DuMoulin LLP

Madeleine Loewenberg

Loewenberg Psarris Workplace Law LLP

Jodi Martin

Paliare Roland Rosenberg Rothstein LLP

Brendan McCutchen

Wright Henry LLP

Joseph K. Morrison

Mathews, Dinsdale & Clark LLP

Julia M. Nanos

Hicks Morley Hamilton Stewart Storie LLP

Christopher Pigott

Fasken Martineau DuMoulin LLP

Michael S. Richards

DLA Piper (Canada) LLP

David Ross

Vice-Chair, Ontario Labour
Relations Board

Natasha Savoline

Bernardi Human Resource Law LLP

Kate Shao

Paliare Roland Rosenberg Rothstein LLP

Rhonda Shirreff

Shirreff WLS

Krista Siedlak

Turnpenney Milne LLP

Agenda

MODULE 1

February 28, 2024
9:00 a.m. – 4:30 p.m. ET
Labour Law Foundations

Overview of the Statutory and Regulatory Regime

- Main elements (e.g. certification, negotiation, contents and operations of collective agreements, termination of bargaining rights, successor rights)
- Employees, independent contractors, employers and unions
- Key labour law statutes
- The constitutional framework
- Division of powers: Federally vs. provincially-regulated employers
- Application of the Charter (e.g. s. 2(d))
- Construction vs. industrial labour relations
- Sector-specific labour relations
- Agricultural employees, Crown employees, hospitals, teachers, colleges, emergency services

Union Organizing and Applications for Certification

- Union density statistics: where is unionization increasing or decreasing?
- Union organization in the construction sector
- Unfair labour practices, including automatic certification
- Remedies for unfair labour practices
- Interim relief
- Vote vs. card-based certification systems
- Displacement applications
- Termination applications

- Decertification processes
- Impact of COVID-19 on Labour Law

Faculty

John D.R. Craig

Mathews, Dinsdale & Clark LLP

Sundeep Gokhale

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Brendan McCutchen

Wright Henry LLP

Christopher Pigott

Fasken Martineau DuMoulin LLP

Rhonda Shirreff

Shirreff WLS

MODULE 2

March 6, 2024
9:00 a.m. – 4:30 p.m. ET
Collective Bargaining

- First contract arbitration
- Public sector vs. private sector bargaining
- Overview of different models of collective bargaining in Ontario
 - Single employer/single union (e.g. university sector)
 - Voluntary multi-employer/union by union (e.g. hospital sector)
 - Central bargaining by type of employee (e.g. colleges)
 - Co-ordinated bargaining (e.g. emergency services)
 - Province-wide bargaining (e.g., construction)
- The importance of pay equity in collective bargaining
- The role of government in collective bargaining

- When collective bargaining fails: dispute resolution models

Faculty

John D.R. Craig

Mathews, Dinsdale & Clark LLP

Keith P. Burkhardt

Sherrard Kuzz LLP

Katherine Ferreira

Koskie Minsky LLP

Jodi Martin

Paliare Roland Rosenberg Rothstein LLP

Julia M. Nanos

Hicks Morley Hamilton Stewart Storie LLP

David Ross

Vice-Chair, Ontario Labour Relations Board

MODULE 3

March 20, 2024
9:00 a.m. – 4:30 p.m. ET
Grievance Arbitration: Protecting Rights and Resolving Conflicts

- Overview of the grievance and arbitration system in Ontario
- S. 49 of the Labour Relations Act: referral of grievance to a single arbitrator
- Jurisdiction of arbitrators
- S. 133 of the LRA: referral of grievances to the Ontario Labour Relations Board
- Emerging models of grievance arbitration:
e.g. PWU and OPG expedited systems
- Litigating human rights claims at arbitration
- Arbitration vs. mediation
- Is the arbitration process dysfunctional?
If so, what reforms are possible?

Faculty

Kathryn J. Bird

Ogletree Deakins International LLP

Amanda P. Cohen

Hicks Morley Hamilton Stewart Storie LLP

Professor Rafael Gomez

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Michael J. Kennedy

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Madeleine Loewenberg

Loewenberg Psarris Workplace Law LLP

Kate Shao

Paliare Roland Rosenberg Rothstein LLP

MODULE 4

March 27, 2024

9:00 a.m. – 4:30 p.m. ET

Workplace Investigations in Unionized Environments

- The role and parameters of the union in a workplace investigation
 - Is there a right to union representation?
 - What are the parameters of involvement for a union in the investigative process?
 - The union's duties throughout the investigation
 - Best means of balancing competing interests within the bargaining unit
 - Role of the Ministry of Labour: the relationship between workplace and Ministry investigations
- The investigative process
 - Tips for pre-screening complaints
 - Objectives of the investigation
 - Role of advisors

- Use of experts
- Role of the investigator
- Preparing an investigation plan
- Surveillance
- Interviewing
 - Listening skills
 - How to handle difficult witnesses
 - The right questions
 - Confidentiality and privacy issues
 - Internal biases
 - Off-the-record statements
- Making a finding and preparing a report
 - Assessing credibility
 - Burden of proof
 - Similar fact evidence
- Post-investigation considerations
 - Remedies to consider
 - What if the complaint is malicious?
 - Preventing retaliation and further incidents
- Litigation
 - What aspects of an investigation might an employer be ordered to produce if the issue goes to arbitration?

Faculty

Anne M. Gregory

Counsel, Manitoba Nurses Union

Mathias Link

Fasken Martineau DuMoulin LLP

Natasha Savoline

Bernardi Human Resource Law LLP

Krista Siedlak

Turnpenney Milne LLP

Michael S. Richards

DLA Piper (Canada) LLP

MODULE 5

April 3, 2024

9:00 a.m. – 4:30 p.m. ET

Restructuring Unionized Environments: Sale, Transfer or Closure of the Business/ The Law of Industrial Conflict/ Workplace Privacy

Restructuring Unionized Environments

- Sale or closure of a business
- Related employers
- Sale of a business involving the Crown
- Sale or transfer involving employers in two different jurisdictions

The Law of Industrial Conflict

- Cease-and-desist applications
- Labour dispute injunctions under the *Courts of Justice Act*
- Use of back-to-work legislation
- Right to strike/lockout
- Picketing: Charter protection and limits

Workplace Privacy

- Origins of the right to privacy
- Key workplace privacy issues today
- Privacy in arbitration

Faculty

John D.R. Craig

Mathews, Dinsdale & Clark LLP

Donald K. Eady

Paliare Roland Rosenberg Rothstein LLP

Aminah Hanif

Cavalluzzo LLP

Donald B. Jarvis

Filion Wakely Thorup Angeletti LLP

Joseph K. Morrison

Mathews, Dinsdale & Clark LLP

Registration Details

Fee per Delegate

\$4,295 plus TAX

Newly Licensed*: \$2,147.50 plus TAX

**This fee applies to newly licensed professionals within the past 2 years.*

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts available. Visit www.osgoodepd.ca/group-discounts for details.

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: osgoodepd.ca/professional-development/fees-policies/financial-assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

David Thomas, Program Lawyer at 416 270 7316 or dthomas@osgoode.yorku.ca

Certificate Requirements

To receive an Osgoode Certificate, you must view all program modules (either live or archived) and pass the post-program multiple choice assessment May 3, 2024.

Register today at: osgoodepd.ca/labour-cert



Email: osgoodepd@osgoode.yorku.ca



Phone: 416 597 9724



Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 32h 20m CPD (30h 20m Substantive; 2h Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

This program has been approved for 30.5 continuing professional development (CPD) hours under Section A3 of the continuing professional development (CPD) log of the Human Resources Professionals Association (HRPA).



“Excellent content and case examples.”

Dr. Pauline Greaves
Faculty/President of the Langara
Faculty Association, Langara College,
Vancouver, B.C.

“Curriculum is great. Employer/union side perspectives incredibly helpful.”

Danielle Fox
Manager, Employee & Labour Relations,
Mt Sinai Hospital, Toronto

“The modules were well presented in the virtual format, backed with accompanying slide presentations and materials ... knowledgeable presenters with extensive professional experience ... made the online learning very engaging. A well planned and efficient syllabus made the cross-country time difference easy to accommodate to my work schedule.”

Chris Rhodes
President, Saskatoon Police Association

“I am new to labour law practice. The program gave me a great introduction to this practice area. I found the constitutional framework and union organizing topics most illuminating.”

Krithi Ram
Assistant City Solicitor,
City of Moose Jaw, Saskatchewan