

# 20<sup>th</sup> ANNUAL Mel Myers Labour Conference

March 16-17<sup>th</sup>, 2023

Victoria Inn Hotel & Convention Centre  
1808 Wellington Ave., Winnipeg, MB

## PLENARY PRESENTATION

### THURSDAY MARCH 16, 2023

#### Plenary: Unions on Political Activity

The labour movement plays a crucial role in advancing social and economic justice for all Canadians; it involves much more than administering collective agreements and fighting with employers at the Labour Board. Labour's ability to advocate for progressive and pro-worker policies, for both unionized and non-unionized employees, can have a meaningful impact on the political process. This session will include a brief discussion of the legal issues that can arise when unions and their members get involved in political activity, followed by a discussion about Labour's broader role in shaping our society for the better.

Niall Harney – Errol Black Chair in Labour Issues  
Bea Bruske – President – Canadian Labour Congress  
Greg Bartel – Partner – Myers LLP

## SESSION PRESENTATIONS

### THURSDAY MARCH 16, 2023

#### Session A/ - - - - -

#### A1/ Satisfying The Duty of Fair Representation

Shannon Carson – Partner – Myers LLP  
Cleyton Rückl – Associate – Myers LLP

Some DFR complaints are inevitable, but unions can always reduce the risk. This panel will explain the standard of representation that unions must provide, discuss pro-active DFR defence strategies before a complaint is filed, and offer tips on representing difficult grievors.

#### A2/ Workers Charged and Convicted of a Crime

Greg Bartel – Partner – Myers LLP  
Joel Deeley – Partner – Myers LLP  
Lisa LaBossiere – Partner – Myers LLP

This session will consider the complex challenges that can arise when employees are charged and/or convicted of a crime. What advice should be provided to employees? What information should they provide to their employers? To what extent can the employer take action against an employee for criminal conduct outside the workplace? And what steps can an employer take against an employee as a consequence of that conduct? This session will consider these issues and will demonstrate how the advice of union representatives can have a significant impact on the process. It will also include a walkthrough progression of criminal matters through the courts.

#### A3/ Interactive Discipline

Garth Smorang – Partner – Myers LLP  
Kristen Worbanski – Associate – Myers LLP  
Cast announced at the event

Back by popular demand! With full audience participation, we will watch and discuss a number of scenarios commonly faced by shop stewards in their often difficult role of representing, often difficult, members.

#### A4/ The Duty to Accommodate for Beginners - Back to Basics

Trevor Ray – Partner – Myers LLP  
Jeff Smorang – Associate – Myers LLP

What is the "duty to accommodate"? When and how does this duty exist? What is the role of the Union? This session will address basic questions as well as problems and situations that commonly arise.

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## Session B/ - - - - -

### **B1/ Strike Options: It's Not All or Nothing**

Susan Dawes – Partner – Myers LLP  
Greg Bartel – Partner – Myers LLP  
John Harvie – Partner – Myers LLP

What is a strike or lockout? When is a strike allowed? Do our members need to walk off the job completely? Are you prepared to manage a strike? Will you be able to control your members when people try to cross a legal picket line and what happens if you can't? Can the union and its executive be held responsible for the conduct of its members? What happens when the employer applies for an injunction? What is the process and what can you expect will result? Join this panel for a hands-on, practical discussion about options available to unions who are in a legal strike position, and the issues that frequently arise when workers are locked-out or on strike.

### **B2/ Unions 101**

Paul McKenna – Partner – Myers LLP  
Jeff Smorang – Associate – Myers LLP

Back by popular demand. Unions 101 is an introductory session designed for persons new to the workings of unions. The topics discussed will be of general application to all unions including the roles and responsibilities of unions. The speakers will also discuss some of the more contentious issues that seem to occur in most workplaces. Participants are welcome at all times to ask questions about areas of concern they may have experienced in dealing with management on a daily basis.

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## Session C/ - - - - -

### **C1/ Health and Safety Update**

Shannon Carson – Partner – Myers LLP  
Cleyton Rückl – Associate – Myers LLP

This session will provide an update on health and safety in the workplace and discuss strategies that unions and health and safety committee members can adopt to provide healthier, safer workplaces.

### **C2/ Ask a Labour Lawyer**

Paul McKenna – Partner – Myers LLP  
Helen Krahn – MGEU Legal Counsel

This session puts the panel in the hot seat by giving attendees the opportunity to ask the labour law questions on their minds. The panelists will answer questions about organizing, bargaining, collective agreements, discipline, management rights, workers' rights, employment-related statutes, and (almost) anything else you're wondering about. Please note this session is not intended to address specific fact situations and is intended as general advice only.

### **B3/ Workers Charged and Convicted of a Crime (REPEAT OF SESSION A2)**

Joel Deeley – Partner – Myers LLP  
Lisa LaBossiere – Partner – Myers LLP

This session will consider the complex challenges that can arise when employees are charged and/or convicted of a crime. What advice should be provided to employees? What information should they provide to their employers? To what extent can the employer take action against an employee for criminal conduct outside the workplace? And what steps can an employer take against an employee as a consequence of that conduct? This session will consider these issues and will demonstrate how the advice of union representatives can have a significant impact on the process. It will also include a walkthrough progression of criminal matters through the courts.

### **B4/ Interactive Discipline (REPEAT OF SESSION A3)**

Garth Smorang – Partner – Myers LLP  
Kristen Worbanski – Associate – Myers LLP  
Cleyton Rückl – Associate – Myers LLP  
Cast announced at the event

Back by popular demand! With full audience participation, we will watch and discuss a number of scenarios commonly faced by shop stewards in their often difficult role of representing, often difficult, members.

### **C3/ Interest Arbitration- What is it and Can it Work for Your Union?**

Susan Dawes – Partner – Myers LLP  
Joel Deeley – Partner – Myers LLP

The panel will explain interest arbitration, its principles, advantages and disadvantages. We will discuss the role of interest arbitration as an alternative to strikes. Finally, we will examine how the basic principles of interest arbitration can be used effectively during a First or Subsequent Contract hearing pursuant to The Labour Relations Act of Manitoba.

### **C4/ Duty to Accommodate – An Advanced Perspective**

Trevor Ray – Partner – Myers LLP  
Clair Cerilli – Associate – Myers LLP

A good session for Union Representatives looking to expand on a basic knowledge of the Duty to Accommodate. This panel will focus on issues specific to addictions and disabilities related to mental health including issues and problems that can arise related to "Last Chance Agreements". It will also focus on accommodation issues relating to the COVID 19 pandemic.

PLENARY PRESENTATION

## FRIDAY MARCH 17, 2023

### Surviving to Thriving: A Guide to Self Health during a Pandemic

Events ignited by COVID-19 since 2020 are impacting our lives, bodies and minds. Fatigue, brain fog, unexplained symptoms, and illness are impacting performance in the workplace and our lives at home. This keynote presentation will explain how stress affects the mind and body, provide practical solutions for dealing with stress, and provide tools for moving from survival to thriving.

Sylvia Marusyk - MindBody Works

SESSION PRESENTATIONS

## Friday March 17, 2023

### Session D/ - - - - -

#### D1/ Satisfying The Duty of Fair Representation (REPEAT OF A1)

Shannon Carson - Partner - Myers LLP  
Cleyton Rückl - Associate - Myers LLP

Some DFR complaints are inevitable, but unions can always reduce the risk. This panel will explain the standard of representation that unions must provide, discuss pro-active DFR defence strategies before a complaint is filed, and offer tips on representing difficult grievors.

#### D2/ Strike Options: It's Not All or Nothing (REPEAT OF B1)

Susan Dawes - Partner - Myers LLP  
Greg Bartel - Partner - Myers LLP  
John Harvie - Partner - Myers LLP

What is a strike or lockout? When is a strike allowed? Do our members need to walk off the job completely? Are you prepared to manage a strike? Will you be able to control your members when people try to cross a legal picket line and what happens if you can't? Can the union and its executive be held responsible for the conduct of its members? What happens when the employer applies for an injunction? What is the process and what can you expect will result? Join this panel for a hands-on, practical discussion about options available to unions who are in a legal strike position, and the issues that frequently arise when workers are locked-out or on strike.

#### D3/ Social Media

Kristen Worbanski - Associate - Myers LLP  
Clair Cerilli - Associate - Myers LLP

Social media use is ever-increasing and has made its way into the workplace. What used to be said around the water cooler can now be easily said to many people - including the employer - through an app on the phone in your pocket. The existence of these many online forums for communicating and expressing views raises privacy questions for employees and Unions. This session will consider the implications for employees of the blurred line between public and private communications on social media, including whether there is a reasonable expectation of privacy in respect of social media posts, the extent to which an employer can impose discipline for what employees say on social media platforms, and union communications on social media.

#### D4/ How to Lose an Arbitration

Garth Smorang - Myers LLP  
Paul McDonald - MGEU Legal Counsel

Sounds negative doesn't it? This session will examine all of the things that unions and stewards need to make sure they do properly, from the get go, so that by the time the lawyers get involved, the case isn't already in jeopardy.



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