



Local Government Winning Grievances and Arbitrations Workshop

March 9, 10 and 11, 2016
Vancouver Marriott Pinnacle Downtown
1128 West Hastings, Vancouver, BC

No local government wants to be faced with a grievance, and grievances that lead to arbitration are not only financially draining but the results of the arbitration can have a significant impact on the morale and operations of the organization. It is in the best interests of both parties to a grievance to resolve disputes as quickly as possible. However, in some circumstances if you must defend a business decision and take a grievance to arbitration, then you must be prepared to win.

This three day comprehensive program will highlight the considerations that you need to make before you take a grievance to arbitration. You will learn how to undertake effective grievance investigations, the critical considerations in preparing for arbitration, and what to expect in an arbitration hearing. The program includes an arbitration hearing simulation to help you prepare for a real-life arbitration.

NOTE: This program is open to CAOs, Corporate Officers, Human Resource Managers and other exempt senior managers.

A detailed three day program agenda follows.

Date and Time: March 9, 10 and 11, 8:30 a.m. – 4:30 p.m. (includes light breakfast and lunch)

Cost: \$899 per registrant plus GST

Registration: Register before Thursday, March 3, 2016

Accommodations: Participants are asked to make their own hotel accommodations at any downtown Vancouver property.



Mohamed Doma is a recognized expert in labour negotiations, and his areas of expertise include organizational design, strategic planning, contract negotiations, performance management and labour relations. Mohamed has also served as a chief negotiator, negotiating collective agreements with provincial and national unions. He has worked extensively with organizations such as the Police Services Division, the B.C. Chiefs of Police, the R.C.M.P., and the Simon Fraser Health Region, providing both advice and tactical guidance.

Three-Day Program Outline

Grievance Management

- 7 steps to an effective grievance investigation
- Understanding grievances and hidden issues
- What the Union and Management are responsible for in this process
- Writing effective grievance replies
- What information you must gain from interviewing the grievor and the witnesses
- How to effectively use 'Step 1' and 'Step 2' grievance meetings
- Who should be involved

Using Third Step Grievances to Resolve Disputes

- Conducting 3rd step grievance meetings
- What information you should and must reveal
- Preparing grievance settlements
- Who has the authority to sign settlement letters
- Understanding the full meaning of 'without prejudice'
- Principled versus business decisions
- Three purposes of grievance meetings
- Using 3rd step meetings to develop last chance agreements

Preparing for Arbitration

- Selecting a single Arbitrator versus an Arbitration Board
- Understanding the law
- Gathering the evidence that you will require
- Preparing witnesses and gathering facts
- Preparing witness statements
- Developing the theory for your case
- Preparing exhibits – finding the smoking gun
- Researching legal authorities – Case Law
- Final preparation and presentation in advance
- Avoiding pitfalls of asking the wrong questions
- How to help an Arbitrator understand the theory of your case

Conducting the Arbitration Hearing

- Understanding the process
- Designing an opening statement
- Presenting your evidence
- Asking the right questions in direct examination
- Cross examining witnesses
- Re-examination – when you should do it
- How to use rebuttal evidence to your advantage
- Designing your rebuttal argument
- Knowing when you have talked enough

The Arbitration Process

- The rules of natural justice – what they are
- Preliminary objections – when and how to use them
- Production of documents – what you need to give to the other side
- What you must include in your arbitration brief
- Subpoena – when you should give one
- Exclusion of witnesses
- When an arbitration award should be reviewed or set aside
- Decision making process and the award

The Rules of Evidence

- Who has the burden of proof
- Balance of probabilities – how Arbitrators make decisions
- The rules against hearsay
- What power does an Arbitrator have to admit evidence
- How to submit documentary evidence
- Video surveillance evidence and tape recordings – when and if these are admissible
- Parole evidence – what it is and how to use it
- What is the estoppel argument

Arbitration Simulation is scheduled for the final day.