



Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

Building Association Capacity

CAUT Grievance Handling Forum

Friday, December 8 – Saturday, December 9, 2023

Ottawa Marriott Hotel, Ottawa

The theme of this year's forum is *Building Association Capacity*. Through plenary sessions and group work, forum attendees will share experiences and develop new skills that will leave them better equipped to deal with handling grievances in-house, identifying policy grievances, juggling with competing member claims, managing grievances in a trauma-informed manner, and learning to use freedom of information laws to support grievance cases. The forum is intended for association grievance officers and leadership.

Agenda

Friday, December 8

- 08:00 – 09:00 **Registration & Breakfast**
- 09:00 – 09:15 **Territorial Acknowledgement, Welcome, Forum Overview, and Introductions**
- Peter McInnis, CAUT President
 - David Robinson, CAUT Executive Director
- 09:15 – 10:30 **Session One — Recent Developments in Labour Law**
This session will provide an overview of recent arbitration awards, labour board rulings, and labour-related court decisions.
- Sarah Godwin, Director of Legal Services and Labour Relations, General Counsel
 - Avril Dymond, Legal Counsel
- 10:30 – 11:00 **Refreshment Break**
- 11:00– 12:30 **Session Two — Filing FOI/FIPPA Requests**
This session will introduce scenarios and present guidance on how to file access to information requests.
- Michael Arfken, University of Prince Edward Island Faculty Association
- 12:30 – 13:30 **Lunch** (*provided*)

- 13:30 – 15:00 **Session Three – Managing Conflicts Between Members**
How should grievance officers best approach conflicts that involve competing member claims? What are best practices for representing multiple members during an investigation?
- Catherine Nolin, University of Northern British Columbia Faculty Association
 - Jon-Thomas Godin, Brandon University Faculty Association
- 15:00 – 15:30 **Refreshment Break**
- 15:30 – 17:00 **Session Four – Duty to Accommodate Grievances**
This session will discuss general principles for dealing with duty to accommodate grievances, highlighting in particular the legal “duty to inquire”.
- Helen Luu, Canadian Military Colleges Faculty Association
 - Karen Sisson, Queen’s University Faculty Association
- 17:00 – 18:30 **Reception**

Saturday, December 9

- 08:00 – 09:00 **Breakfast** (*provided*)
- 09:00 – 10:30 **Session Five – KVP, University and College Policies and Systemic Violations of the Collective Agreement**
In its 2013 decision in *Irving Pulp*, the Supreme Court of Canada affirmed the “KVP” test that sets out conditions for determining the enforceability of a policy or rule unilaterally introduced by the employer and not agreed to by the union. This session will discuss the KVP principles and provide guidance on conducting successful grievances of employer policies.
- Michael Lynk, Associate Professor, Faculty of Law at Western University
- 10:30 – 11:00 **Refreshment Break**
- 11:00 – 12:30 **Session Six – Trauma-Informed Grievance Representation**
Many grievors’ experiences with the grievance process may be informed by trauma, particularly where issues of workplace violence or harassment are concerned. What are the key issues and principles at play in trauma-informed grievance handling.
- Jesmen Mendoza, Toronto Metropolitan Faculty Association
- 12:30 – 13:30 **Lunch** (*provided*)

- 13:30 – 15:00 **Session Seven – When Not to Call the Lawyer**
How can associations improve their internal grievance handling capacity? How and when should associations pursue informal resolutions?
- Wassim Garzouzi, Raven Law LLP
 - Laura Ross, Canadian Union of Public Employees
- 15:00 – 15:30 **Refreshment Break**
- 15:30 – 16:15 **Open Plenary**
Participants are invited to raise issues or pose questions that are not on the agenda. This is an opportunity to flag emerging concerns and suggest topics for next year’s forum.
- 16:15 – 16:30 **Concluding Remarks**
- Peter McInnis, CAUT President
 - David Robinson, CAUT Executive Director