



One-Day Symposium
Friday, February 26, 2021 from 1:00 pm to 4:30 pm

Negotiation Strategies: Creating and Claiming Value

Good negotiations are a key component of strong working relationships with your organizations and unions.

Hear from some of Ontario's leading experts in labour and employment law about how to design the most appropriate negotiation strategies, how to build the necessary internal consensus to advance those strategies, and how to best present them at the bargaining table.

Our program includes concurrent sessions for emerging Human Resource leaders who aspire to join negotiating tables on behalf of their employers as well as sessions for OMHRA Members who are already engaged in the collective bargaining process.

Brought to you by our Gold Sponsors:



1:00 p.m. to 1:15 p.m.

Welcome

Colleen Hickey, Chair OMHRA Education Committee
Manager of Human Resources and Health and Safety
Services for the United Counties of Leeds and Grenville

Emerging Leaders Stream

Moderator:



Janet Ashfield is the Manager of Human Resources for the City of Markham. She has over 20-years experience in the public and private sector as a Business Partner with a strong labour and employee relations background. Her key strengths include negotiating, influencing and persuading skills to bring about successful agreements; an ability to develop high performing teams utilizing coaching, mentoring and collaborative team building skills; and as a trusted advisor.

1:15 p.m. to 2:00 p.m.

Want to join the Negotiating Table?

Are you interested in being part of negotiation meetings on behalf of your municipality or organization and wondering how to get there? This session will demystify the art of negotiations and discuss how you may hone your skills to actively participate in the collective bargaining process.

The learning objectives of the session are:

- Understand the realities of the negotiations process; and,
- Help identify the steps necessary to grow your career and your confidence.

Presented by Miller Thomson

Bronze Sponsor

As one of Canada's leading national full-service law firms, Miller Thomson's Labour Relations and Employment Group regularly advises employers in the municipal sector on a full range of labour and employment matters. Members of the Miller Thomson Labour and Employment Group have extensive experience assisting municipalities (large and small), police services boards, governments and government agencies, colleges and universities, hospitals, as well as commercial organizations.



André Nowakowski is a Partner with Miller Thomson. He has a specialized labour and employment practice, where he represents and advises management in unionized and non-unionized workplaces in all areas of labour relations and employment law. This includes labour relations, human rights, employment standards, workplace safety and insurance, collective agreement interpretation, unfair labour practices, certification applications, and a wide range of grievance matters. He also advises and assists clients to formulate workplace policies and employee handbooks.

OMHRA Mentor



Graham Dart is an Honourary OMHRA Member. He recently retired from the position of Director of Human Resources for the City of St. Thomas. Graham boasts nearly three decades in years of direct Municipal HR leadership experience, including serving as the municipality’s Chief Spokesperson and Chief Negotiator.

Prior to joining the municipal sector, Graham acted as a union representative in Provincial Central Negotiation for CUPE representing Hospital Support Employees.

2:00 p.m. to 2:45 p.m. Human Rights & Disability Management

Explore the rights and obligations of both employers and employees to create workplaces that are free of discrimination and advance your understanding of the employer’s duty to accommodate.

The learning objectives of the session are:

- Learn about recent developments in statutory, contractual and common law; and,
- Discuss the practicalities of applying the legal framework in the municipal/organizational setting, including policy design and implementation.

Presented by Emond Harnden

Bronze Sponsor

As a boutique labour and employment law firm, Emond Harnden has represented the interests of management in both official languages since 1987. Emond Harnden helps clients resolve workplace challenges in a cost-effective and strategic manner. It represents a critical resource for navigating the ever-changing human resources landscape.



Alanna Twohey is a Research Lawyer with Emond Harnden who provides support to the other lawyers of the firm in all aspects of labour and employment law. Prior to joining the firm, she practiced at a management-side labour and employment law boutique in Ottawa. Alanna has significant and diverse experience with employment, labour, human rights and occupational health and safety matters in both the federal and provincial jurisdictions.

OMHRA Mentor



Michelle Collette is the Director of Human Resources for the Town of East Gwillimbury and a member of the OMHRA Communications Working Group. She is a certified Human Resources Professional with over 25-years of experience in a variety of municipal organizations. Michelle is responsible for the general management of the human resource function one of Ontario's fastest growing Towns, including its strategic human resources, labour relations, mediation, compensation and benefits, health and safety as well as recruitment.

Practicing Negotiators Stream

Moderator:



Colleen Myers Hickey is a Member of the OMHRA Board of Directors and is the Chair of its Education Committee. She has served as Manager of Human Resources and Health and Safety for the United Counties of Leeds and Grenville since 2015. In this role, she provides human resource expertise in labour relations, contract negotiations, recruitment, benefits and compensation, organization development and payroll. She is also responsible for Health and Safety and Training and Development. Colleen has over 20 years of municipal HR experience and 10 years in private industry. She strives to support and assist management and staff in achieving legislative compliance and maintaining harmonious workplace relations.

1:15 p.m. to 2:00 p.m.

Areas where Employers can Benefit from Strategic Negotiations

This presentation will discuss strategies and tactics to contain increasing labour and benefit costs of municipal employers as they relate to benefit packages, Workplace Safety and Insurance Board (WSIB) Top Ups and Vacation/Lieu Day accrual during disability leaves (both short-term and long-term) and WSIB.

The topics of discussion are:

Benefit Packages Don't Always Have to Increase

- Pre-authorization of drugs has the potential to save some money with regard to the new and expensive drugs
- How is this different from just generic drugs with a “do not substitute”?
- What does “reasonable and customary” mean?

WSIB Top-Up

- Are you topping-up to net pay or gross pay?
- Are you giving employees off on compensation an annual \$23,000 bonus due to the tax treatment of WSIB benefits?
- What language do you need in your collective agreement to prevent this from happening?

Vacation/Lieu Day Accrual During STD/LTD/WSIB

- Are you paying 52 weeks of pay for every year that an employee is in receipt of these disability benefits?
- Are you allowing employees to accumulate them and get a large payout at the maximum rate of pay when they retire?
- Can you force employees to use or give up benefits?

The learning objectives of the session are:

- A deeper understanding of options available to municipal employers to control labour and benefits costs; and,
- Language for collective agreements.

Presentation by Hicks Morley

Silver Sponsor

Hicks Morley is Canada's largest firm focusing on the representation of management in human resources law and advocacy. Their lawyers represent municipalities in rights and interest arbitrations; occupational health and safety matters; WSIB issues; human rights; privacy and

wrongful and constructive dismissal actions. Hicks’s lawyers are often acting as spokesperson at municipal bargaining; as advisors in the back room or litigating interest arbitrations.



Sophia Duguay is a labour and employment lawyer with Hicks Morley.

She brings a practical and solution-focused approach to her advice and representation. She has represented numerous municipalities in collective bargaining, rights and interest arbitration, and WSIB appeals. She regularly provides proactive advice to assist municipalities in managing their human resources and workplace issues, including workplace investigations, disability management, human rights and accommodation. Sophia’s practice also includes wrongful dismissal litigation.



Andrew Movrin is a labour and employment lawyer in Hicks Morley.

He provides strategic advice and representation to employers in both the private and public sector on a wide-range of labour, employment and human rights issues, including grievance arbitrations, labour disputes, human rights and accommodation, employment standards and wrongful dismissal actions.



Grant Nuttall is a labour and employment lawyer in Hicks Morley.

He provides advice and representation to employers and management across the private and public sectors on a wide-range of labour, employment and human rights issues, including wrongful dismissal, grievance arbitrations, collective bargaining, labour disputes, occupational health and safety, human rights and accommodation, and employment standards.

2:00 p.m. to 2:45 p.m.

Talos Decision & its Impact on Retiree Benefits

The Human Rights Tribunal of Ontario’s landmark 2018 decision in *Talos v Grand Erie District School Board* (“*Talos*”) altered the legal landscape for workplace parties across the province with respect to negotiating benefits entitlement for employees 65 years of age and

older. Although limited in its legal effect, the decision calls into question the validity of provisions that reduce or eliminate entitlement to certain benefits at age 65. It is crucial for municipal employers preparing for or engaged in contract negotiations with respect to this issue to understand the impact of *Talos* and to adjust their negotiation strategies accordingly.

The learning objectives of the session are:

- to review and understand the scope and impact of the *Talos* decision and recent related case law; and
- to identify tips for drafting and negotiating effective language regarding benefits entitlement for older workers that is consistent with these recent legal developments.

Presentation by Rae Christen Jeffries

Bronze Sponsor

Rae Christen Jeffries LLP provides legal advice and representation to employers in all aspects of federal and provincial labour and employment law. We provide practical, strategic advice that is acutely focused on achieving our clients' goals, and favour a frank, precise and civil style of advocacy.



Daryn Jeffries, Founding Partner of Rae Christen Jeffries, is an experienced litigator who represents management in all matters relating to labour relations and employment law. He has a particular focus on the interpretation and application of collective agreements, the *Ontario Labour Relations Act* and the *Employment Standards Act*. Daryn is the Consulting Editor of *Employment Law for Business and Human Resources Professionals*, an employment law text used in post-secondary programs.

Plenary Sessions

3:00 p.m. to 3:45 p.m. What is the Difference in Planning in a Right to Strike World versus an Interest Arbitration World?

This presentation will help you determine if you can engage in soft or hard bargaining and how to mitigate risk in these different situations, and where mediation fits into the process. It will address the benefit of gathering comparative data and how to decide if an issue should be left on the table as a “trader” or abandoned as a proposal that you will not achieve. Can you change proposals or add to your proposals? How do you respond when the other side does that? Is that type of bargaining in bad faith? Discussion will also centre on the role that Council wants to play and what role you should have it play.

The learning objectives of the session are:

- to learn how to alter your approach to the negotiating task before you;
- how to strategically prepare for and execute bargaining agendas; and,
- how to protect yourself against unfair labour practice charges.

3:45 p.m. to 4:30 p.m. How do you Prepare for a Labour Dispute?

Explore the difference in planning for a strike versus a lockout and how to obtain a mandate from Council for each of these situations.

This presentation will address such questions as:

- Do you use replacement workers?
- Are there any essential services that must be kept going?
- How do you deal with the public?
- Do you engage or ignore the bargaining unit at the start of a strike?
- Do you continue benefits?
- What level of security do you need?
- How important are public relations during a labour dispute?
- What about employees who do not want to strike – can they cross the picket line?

The learning objectives of the session are:

- to provide an understanding of the options available in the event of a strike or lockout to minimize the impact on municipal operations and budgets.

Presentation by Hicks Morley
Silver Sponsor

Hicks Morley is Canada's largest firm focusing on the representation of management in human resources law and advocacy. Their lawyers represent municipalities in rights and interest arbitrations; occupational health and safety matters; WSIB issues; human rights; privacy and wrongful and constructive dismissal actions. Hicks's lawyers are often acting as spokesperson at municipal bargaining; as advisors in the back room or litigating interest arbitrations.



John Saunders is a senior labour and employment lawyer with Hicks Morley.

He has over three decades of experience advising public and private sector employers on a wide range of labour and employment issues. John's practice includes collective agreement negotiations, rights and interest arbitrations, human rights applications, and wrongful dismissal litigation. He has a particular expertise in municipal law with regard to fire and paramedic issues.



Lucy Wu is a labour and employment lawyer in Hicks Morley.

She provides advice and representation to employers in both the private and public sector on a wide-range of labour, employment and human rights issues. This includes grievance arbitrations, human rights and accommodation, employment standards and workers' compensation.