

Mind the Gap!

From Minding to Mending: Systemic Change in K-12

Lisa Southern - Southern Butler Price LLP

BCPSEA Symposium

November 7, 2024

Agenda: From Reaction to Capacity

**Three Areas
for
Change**

1

**Employee
Conduct**

2

Governance

3

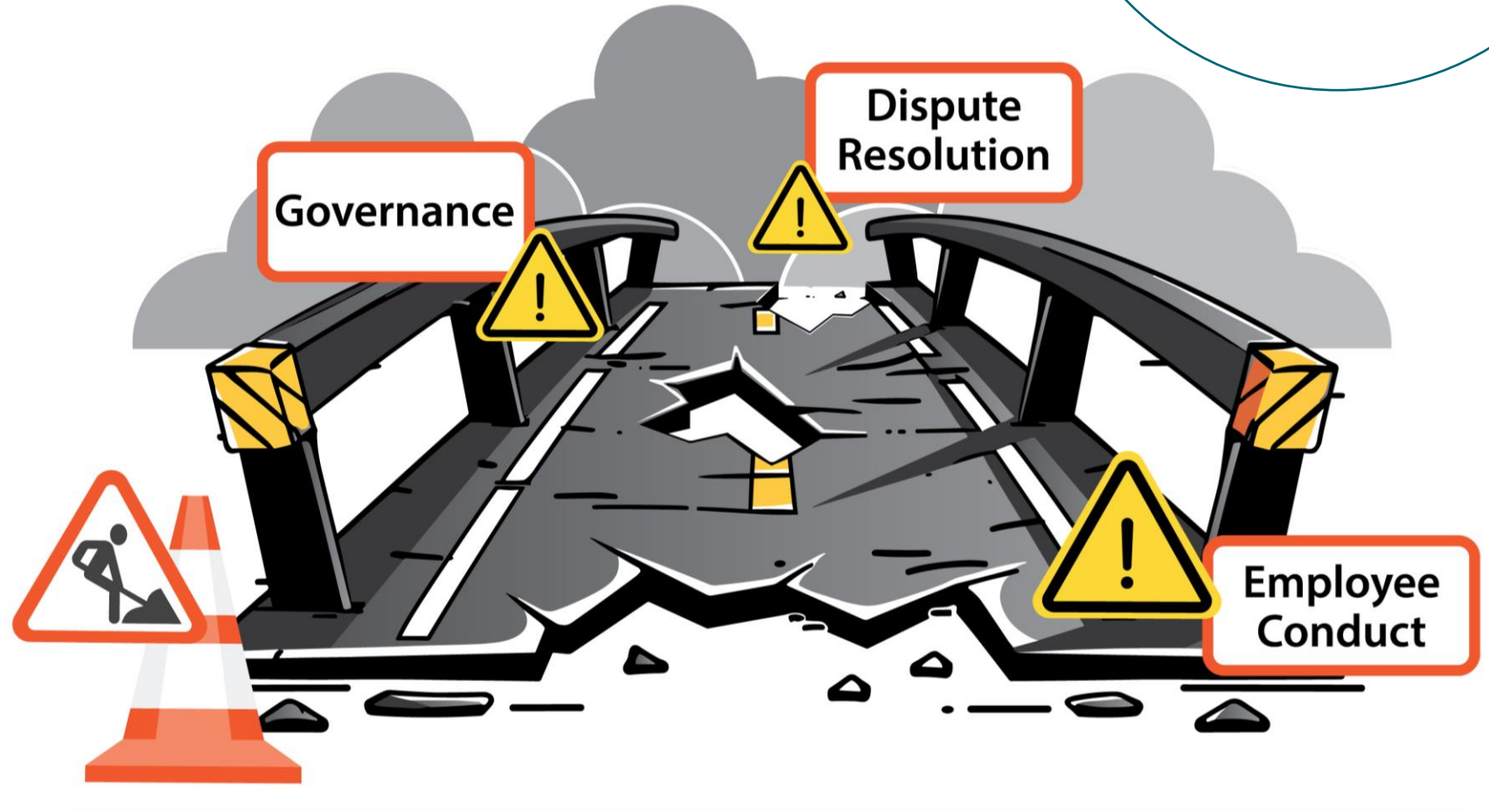
**Grievance
Dispute
Resolution**

Minding the Gaps

1
Employee
Conduct

2
Governance

3
Grievance
Dispute
Resolution

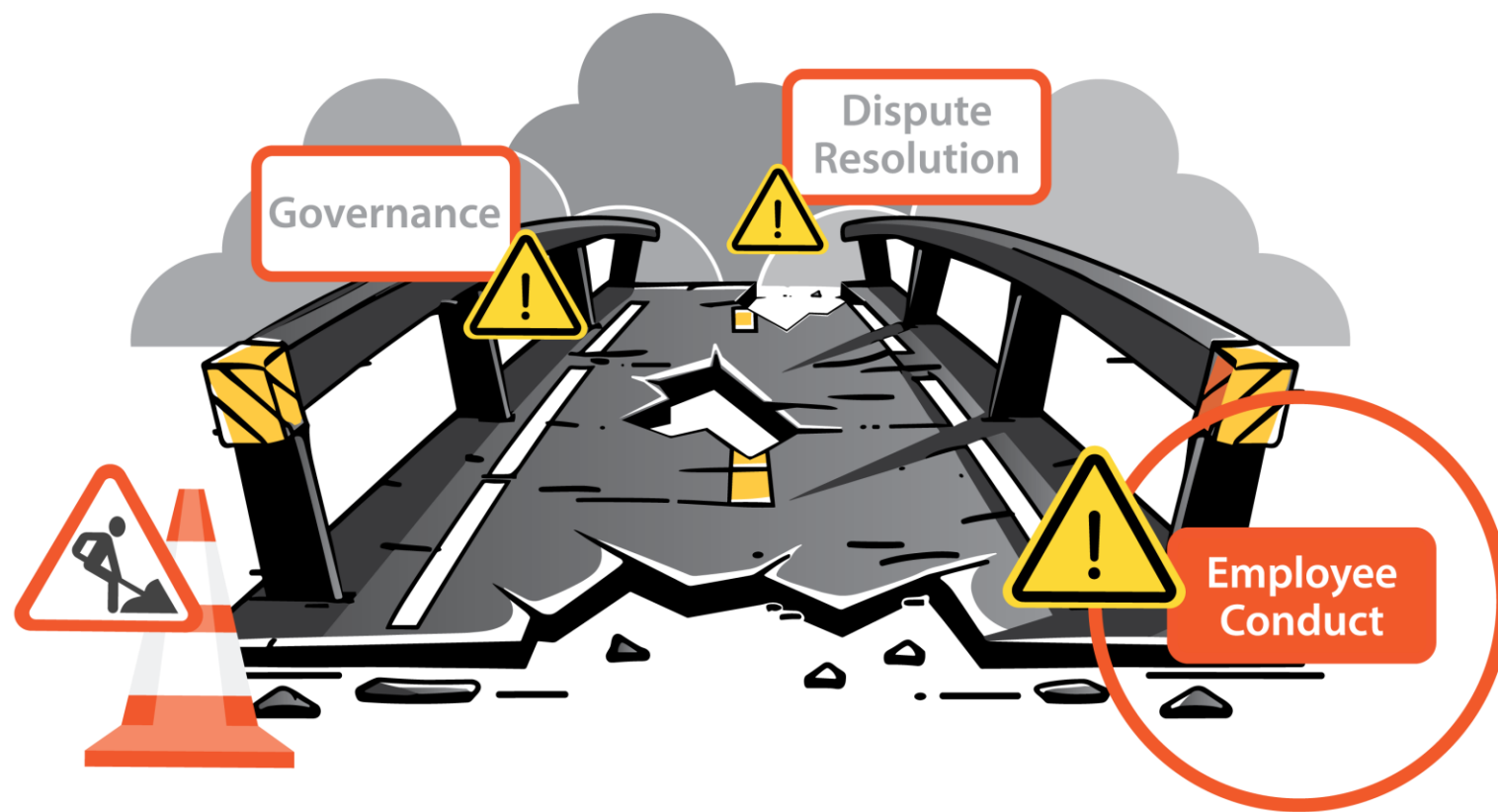


Employee Conduct

First Area of Change

Employee Conduct: Roadmap

- What hasn't changed
- What has changed
- Current social context
- Stats / patterns
- Systemic lens
- Bridging the gaps



Conduct: What hasn't changed

Teachers occupy a position of trust and play a significant role in maintaining the integrity of the education system in the eyes of the public.

Re School District No 30 and CUPE, Loc 733, unreported, March 4, 1980.

Conduct: What **hasn't** changed

*I agree with counsel for the employer that this **high standard of conduct applicable to teachers is equally applicable to all school district staff.** Teachers and other workers are expected to be role models. They are in a position of trust and authority and are required to conduct themselves in a manner which does not erode the public's trust in the school system. In the case before me, counsel submits the question of trust is of particular importance because of the vulnerability of the students involved in the specific circumstances of this case.*

*School District No. 43 (Coquitlam) v. Canadian Union of Public Employees,
Local 561 (Prasad Grievance), [2017] B.C.C.A.A.A. No. 72*

Conduct: What **has** changed

Current Social Context

- **October 2017** - #MeToo made headlines after +50 allegations of sexual harassment were made against film producer Harvey Weinstein
- **October 15, 2017** - Actress Alyssa Milano called on people to share their experiences with sexual assault and harassment and the hashtag #MeToo movement gained momentum



#MeToo movement has challenged the workplace, legal, and political systems

Current Social Context

Calgary (City) v Canadian Union of Public Employees Local 37, [2019] AJ No 1369

Social context is “intimately connected” to assessment of a grievance relating to sexual harassment

- The Court took notice of social facts, including that economically vulnerable women are most often the targets of sexual harassment
- The Court cautioned against relying on dated arbitral authorities and rejected inferences relating to the “expected” conduct of the victim, which have long been deemed impermissible in the criminal context

Current Social Context

Chicago Blackhawks fined \$2 million

- In light of a recent investigation, the NHL announced that the Blackhawks have been fined \$2 million
- This was a result of “the organization’s inadequate internal procedures and insufficient and untimely response in the handling of matters” related to sexual assault allegations by a former player against a former coach



What was then, what is now

Francis v British Columbia (Ministry of Justice), 2021 BCHRTD 16

- Mr. Francis was particularly vulnerable because of the nature of his job and his genuine fear that he could not count on his colleagues for help if something dangerous happened at work
- B.C. ordered to compensate Mr. Francis:
 - Paid Mr. Francis \$964K
 - Amount included a B.C. record of \$176,000 for injury to dignity
 - More than doubled the highest-ever award in the province

What were the old notions of appropriateness of relationships after graduation of student?

Did it make a difference if the student was 18? 19? 22?

What questions did we ask?

Did we ask any questions?

Current Social Context


- What is consent?
- Consideration of both vulnerability and power
- When and where and how did it start?
- Would it have started but for the connection with school?
- When does the fiduciary obligation end? Does it ever end?

What was then, what is now



Lisa Southern

Managing Partner at Southern Butler Price LLP and Integrity C...

1mo • 



Too good not to repost. So interesting how we didn't talk about power and consent in the same ways back then. The scrutiny of this relationship was framed in narratives of his infidelity to his wife, and lying under oath. There was zero discussion of consent and extreme (the most extreme) power dichotomy between a young intern and the president of the United States. Looking at this fact pattern from a 2023 lens changes the dialogue. And so should the record of watching that young female intern be vilified and bullied for much of her career.



Adam Grant  @AdamMGrant


What's the worst career advice you've ever received?



Monica Lewinsky (she/her)  

@MonicaLewinsky

Replying to @AdamMGrant

an internship at the white house will be amazing on your resume. 

A Very Public Forum



Former Saanich teacher and Boys and Girls Club leader Travis Mitchell was issued an 18-month conditional sentence for possession of child pornography on Oct. 13. (Black Press Media file photo)

Former B.C. teacher, kids club leader sentenced for child pornography possession

Travis Mitchell taught at Hillcrest Elementary, worked at Boys and Girls Club

JANE SKRYPNEK / Oct. 27, 2021 10:00 a.m. / NEWS



VANCOUVER | News

B.C. teacher suspended for 'inappropriate contact' with young students on Instagram



Andrew Weichel CTVNewsVancouver.ca Reporter and Senior Producer
@ctvandrew | Contact

Published Tuesday, May 11, 2021 3:23PM PDT



VANCOUVER

VANCOUVER | News

B.C. man banned from teaching for 15 years after inappropriate relationships with students

A Very Public Forum

British Columbia

Teacher suspended over 'persistent' messages to high school students: regulator

Marcel Sincaian messaged female students in person and via social media; took photos, videos without consent

CBC News · Posted: Oct 19, 2021 11:38 AM PDT | Last Updated: October 19, 2021



A teacher who once worked at a high school in Richmond, B.C., has had his teaching licence suspended for inappropriate behaviour toward students. (Evan Mitsui/CBC)



VANCOUVER | News

B.C. teacher suspended for 'inappropriate contact' with young students on Instagram



Andrew Weichel CTVNewsVancouver.ca Reporter and Senior Producer

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VANCOUVER

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B.C. man banned from teaching for 15 years after inappropriate relationships with students

Employee Conduct

Where are the gaps?

Our perspective on
conduct issues

Under-reporting

An absence of
metrics

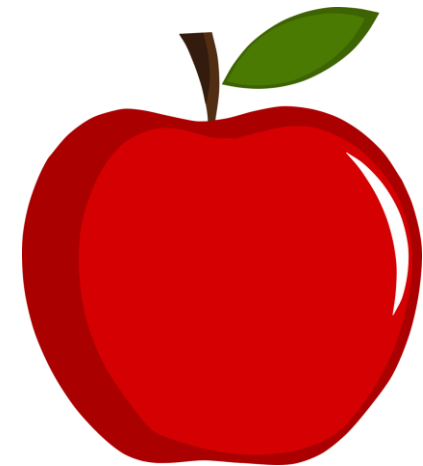
 Mind the Gap



Our Perspective on Conduct Issues

How we look at conduct issues in K-12:

- Anomalies
- Linked to a specific individual or individuals
- Unique, discrete, and contained
- One “bad apple”
- Response is targeted to the individual(s) involved



Mind the Gap

Under-Reporting

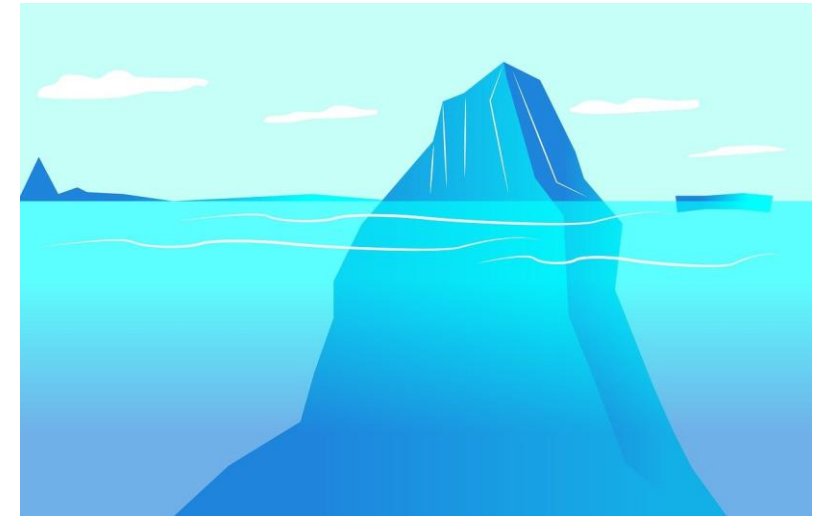
What do we know about what is happening?

Employees / students do not report because:

- It won't be taken seriously by the company
- No serious consequence for the respondent
- Fear of retaliation

Under-reporting and gaps in understanding:

- 94% of Canadian CEOs say harassment is not a problem at their company
(Gandalf Group 49th Quarterly C-Suite Survey, December 2017)
- 52% of Canadian women have been sexually harassed at work
(Angus Reid study, February 2018)

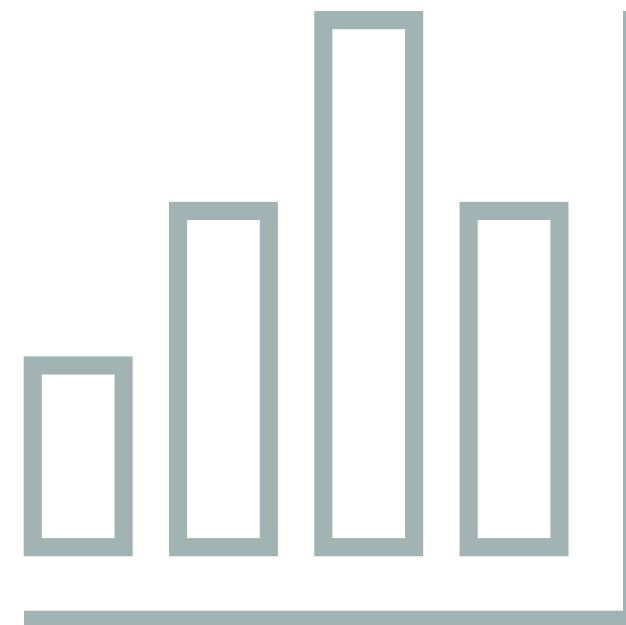


Mind the Gap

An Absence of Metrics on Conduct

No metrics of type of:

- Nature of issues reported
- Region / location of issues reported
- Complaints investigated
- Conduct founded



Mind the Gap

Employee Conduct

How do we bridge these gaps?

Systemic Overviews

- The view from SBP
- BC TRB data

A Different Perspective

- Using a systemic view
- Boundary breaches
- Lost opportunities
- Example: 2022 review / audit



A Systemic Look: the View from SBP

- Over 10 years of investigations
- 42 School Districts
- Ongoing need for investigations into serious conduct issues
- Continue to receive files where allegations of harm to students is involved
- Continue to make findings that allegations are founded

A Systemic Look: the View from SBP

- Conduct includes:
 - Staff to student
 - Staff to staff
 - Third parties
 - All levels of organization (CUPE, BCTF, Excluded, and senior leadership)
- Spikes in issues at certain times of the year (predictably)



A Systemic Look: BC TRB Data

Total number of reports (2022 to present): 87

	2022	2023	Total
Number of published reports	37	30	67
Number that were sexual in nature	13	8	21
Percentage	35%	26%	31%

A Different Perspective: Boundary Breaches

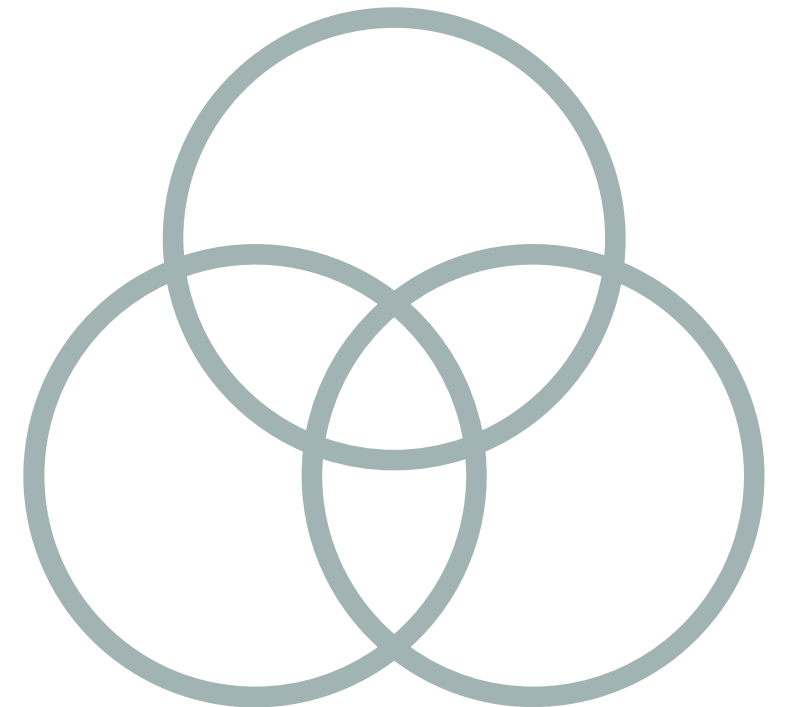
What patterns connect these incidents?

Unusual access

- Driving
- One-on-one meetings
- Meeting outside of school

Unusual communication

- Text
- Social media (WhatsApp, Snapchat)



A Different Perspective: Boundary Breaches

What patterns connect these incidents?

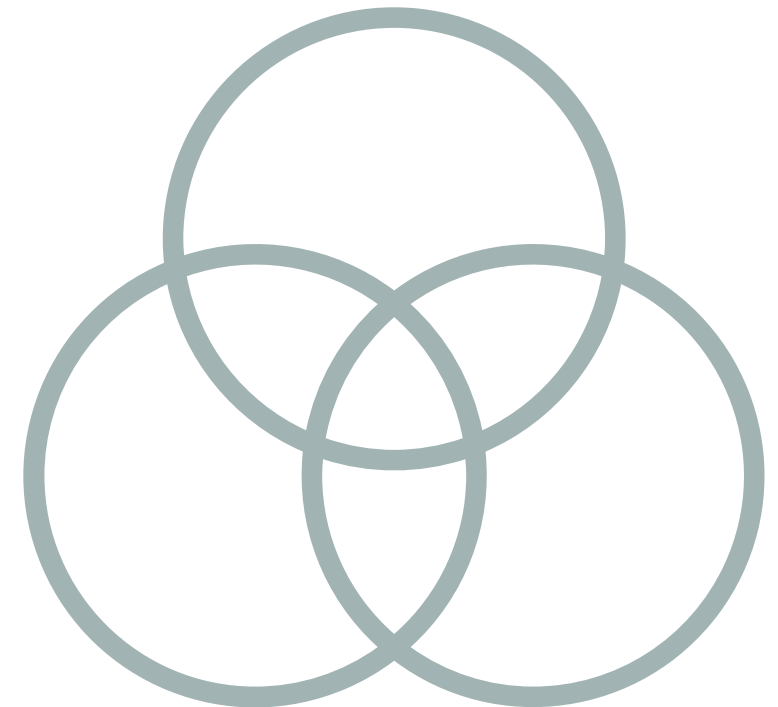
Unusual relationship

- Friends
- First names
- Gifts
- Unique attention

Unusual discussions

- Personal information
- Disclosures

Unusual physical contact / proximity



A Different Perspective: Lost Opportunities

When we frame the issues as isolated, we lose the chance to:

- Observe and consider the patterns
- Identify gaps / broader causes
- Review if timely reporting is happening and consider why if not
- Design proactive strategies
- Mitigate risk and reduce incidents



A Different Approach



A Different Approach

What we did:

2022 Review / Audit for an organization (different sector)

Review / Audit of Reporting Obligations under Employee Policies

- 29 leaders from across North America participated
- Participants provided anecdotal information about experiences applying the policies



A Different Approach

What did we learn?

- Gaps in knowledge:
 - On policies
 - Boundaries training is not included in orientation for all new employees
- More and varied training is required:
 - Inconsistencies in training and application
 - A need for enhanced skills / knowledge on how to respond and investigate
 - Tailored training to address identified gaps in understanding / behaviour



A Different Approach

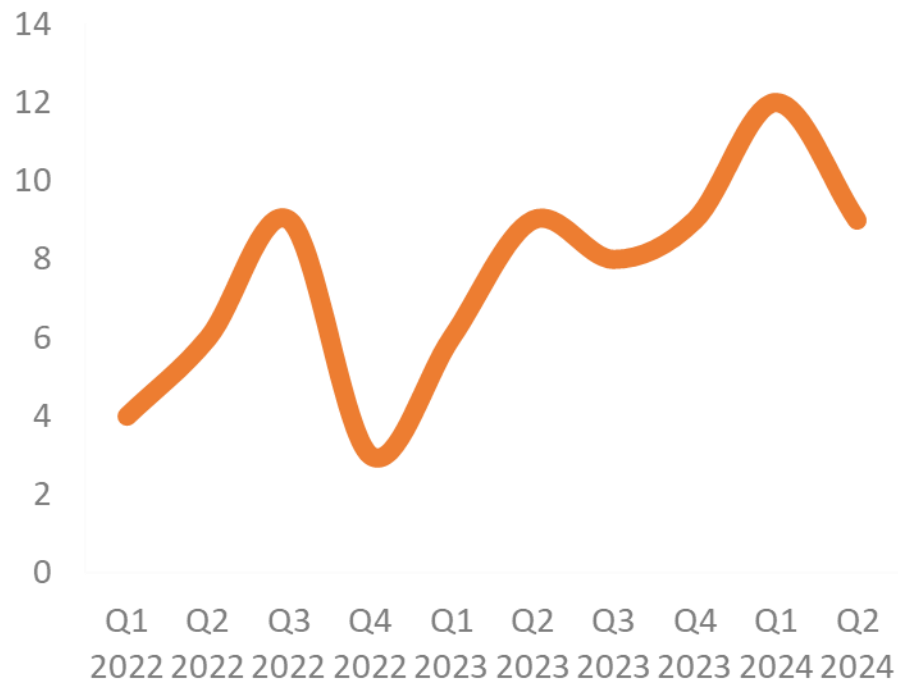
Data-Driven Insights: Themes Shaping our Workplace

Patterns and Trends in Bullying & Harassment Reports (2022-2024)



A Different Approach: The Power of Data

B&H Cases 2022-2024 YTD



Cases Substantiated

59% Includes "partially substantiated"

Corrective Action

93%

- 36%** Termination
- 18%** Suspension
- 20%** Written/Verbal Warning
- 18%** Coaching

A Different Approach: Implementing Recommendations

	Not Yet Started	Upcoming	Partially Done / In Progress / Case by Case	Done
Training				
Revisit training for hourly employees				✓
Consider training for contractors	✓			
Enhance training on investigations for investigators				✓
Implement consistent orientation for new hires				✓
Harmonize policies with Employee Handbooks			✓	

Prevention through Systemic View

Systemic View: Post incident takeaways

- What did we learn?
- How can we share what we learned for broader system growth?
- How can we prevent / mitigate reoccurrence?
- Beyond those directly involved, were there conditions / factors that contributed to the incident?



Bridging the Gap

How can these lessons be applied elsewhere?

Prevention through Systemic View

Systemic View: Post incident takeaways

- Tailored training to shore the gaps
 - Orientation
 - Boundaries training (when, who, how often)
- Consider broader system / structure / policy for future prevention
- Use of audits to check in for system creep (no puns intended!)



Prevention through Systemic View

June Spike

A predictable pattern in spike of incidents reported each June

- What is it about June that contributes to the “spike”?
- What can we do to mitigate those conditions?



Governance

Codes of Conduct for Elected Officials

Second Area of Change

Introductions

Appointed January 1, 2022
**Integrity Commissioner for the
City of Vancouver**



Introductions

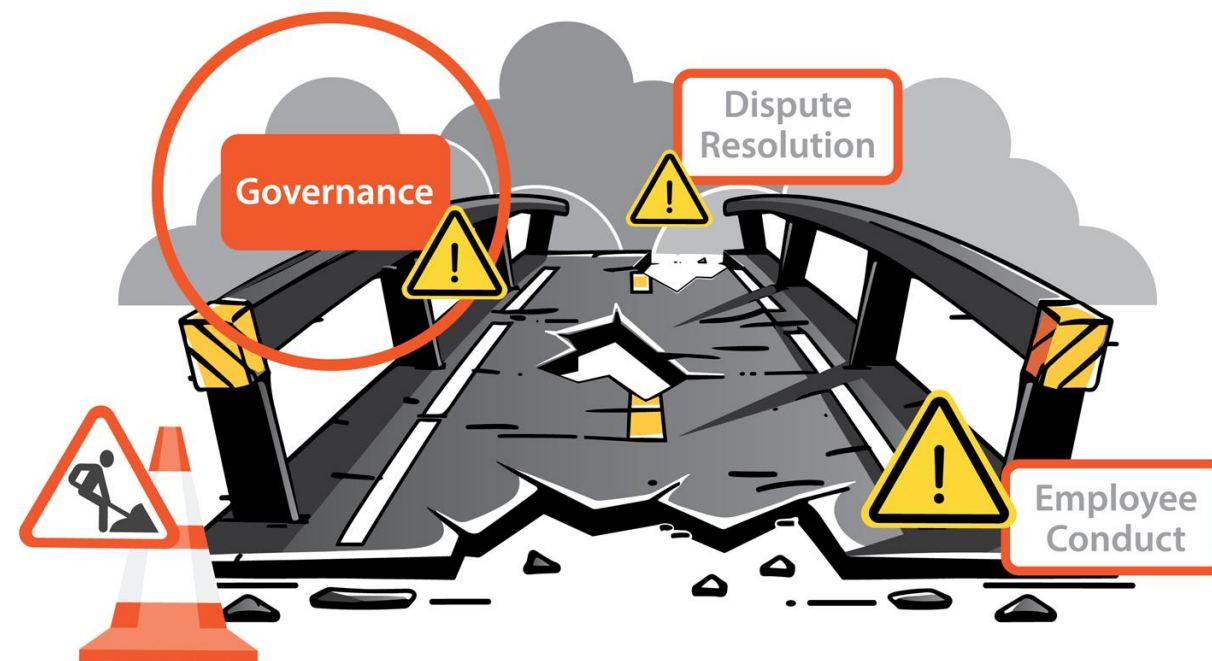
Appointed January 1, 2022
Integrity Commissioner for the
City of Vancouver

Appointed July 4, 2023
Integrity Commissioner for the
Parks Board



Governance: Roadmap

- Why good governance matters
- Codes of Conduct
- Supportive training
- Established protocols for complaint resolution
- Established sanctions



The Importance of Ethics

- Ethical conduct occurs through:
 - A shared set of beliefs, values, and practices that comprise an ethical culture
- Ethical culture is supported by the conduct and vigilance of leaders
- Leaders acting with the highest ethical standards:
 - Gain support and trust from constituents and employees
 - Role model ethical standards
 - Build stronger organizations

The Importance of Ethics

- System incapable or strained when conduct or conflict is at governance level
- Impact beyond Board
- Time / resources of already burdened system
- Four years to hold office / have impact taken off mission

Elected Officials: Kamloops Mayor 2024

“The City of Kamloops is moving Mayor Reid-Hamer Jackson's office to the basement of city hall ... "to protect staff" from bullying and harassment.”

MAYOR MOVED INTO BASEMENT

Numerous bullying allegations against mayor prompt city to move his office

Michael Potestio and Kristen Holliday - Oct 4, 2024 / 1:54 pm



Photo: KTW file
Kamloops Mayor Reid Hamer-Jackson

Elected Officials: Lion's Bay Council 2023

- “Councillors have refused to recognize standing committees; [...] relations between council members have been rancorous and one councillor resigned weeks after the election”
- “There have been reports of councillors micromanaging issues that are municipal staff’s responsibility”

This small B.C. village is split between a feuding council. It's not the only one

'There seems to be unprecedented chaos running through our democratic institutions,' says the advisor dispatched to Lions Bay to help its fractured council

Gordon McIntyre

Published Sep 25, 2023 • Last updated Sep 25, 2023 • 6 minute read

20 Comments



The village council in Lions Bay has been described as dysfunctional since the municipal election last October. PHOTO BY ARLEN REDEKOP /PNG

Elected Officials: UBCM 2024

British Columbia

B.C.'s local politicians seek to address council dysfunction

UBCM discusses mandatory codes of conduct, possible provincial integrity commissioner



Chad Pawson · CBC News · Posted: Sep 18, 2024 5:04 PM PDT | Last Updated: September 18



Attendees are pictured at the Union of B.C. Municipalities conference at the Vancouver Convention Centre on Thursday, Sept. 17, 2024. (Ben Nelms/CBC News)

“A discussion paper from the Union of B.C. Municipalities and the Local Government Management Association of British Columbia **delves into the problem and consequences of rancour, disrespect and the resulting impasse that many local councils are facing as they try to govern together.**”

School Board Trustees: Manitoba 2024

- “Residential schools — they were good”
- “He questioned the findings of the Truth and Reconciliation Commission on residential schools”

Manitoba

Manitoba school trustee faces calls to resign after comments on residential schools, reconciliation

Province will launch review of board after incident, education minister says



[Arturo Chang](#) · CBC News · Posted: Apr 25, 2024 3:00 AM PDT | Last Updated: April 25



Paul Coffey, a trustee with the Dauphin-based Mountain View School Division, gave a presentation during a board meeting on Monday in which he questioned the findings of the Truth and Reconciliation Commission on residential schools. (Mountain View School Division)

School Board Trustees: Ontario 2024

Ontario school board trustees under fire for \$100K religious art purchase on Italy trip

- Four trustees travelled to Italy to purchase art for two new Catholic schools
- “The ... Board not only failed students and parents but the community with a serious lack of fiscal responsibility and judgement”



Independent Ethics Offices



Office of the Integrity Commissioner



OFFICE OF THE INTEGRITY COMMISSIONER FOR THE VANCOUVER PARK BOARD



Investing in your Board

Support a productive working environment / culture by:

- Managing a challenging dynamic through working collectively
 - You are elected as individuals or as part of a party
 - Once elected, you must work together with other trustees as part of a corporate board
 - Hard and challenging conversations are necessary and important
 - Do we know how to disagree well? Do we know how to test and challenge respectfully?

Investing in your Board

Support a productive working environment / culture by:

- Having the proper tools – Ministry Trustees Code of Conduct Project
 - Started in 2022
 - Inventory, evaluation, and best practices identified
 - Established Provincial Criteria
 - Project improved quality, consistency, and accountability measures

Investing in your Board

Support a productive working environment / culture by:

- Having the proper tools – Ministry Trustees Code of Conduct Project
 - Flagged ongoing areas for improvement:
 - Trustee training and onboarding
 - Mechanisms for review and affirmation of Codes of Conduct
 - Breaches and sanctions

Training for Trustees

Question: How robust is your onboarding / ongoing education for Trustees?



Mind the Gap

Training for Trustees

Question: How robust is your onboarding / ongoing education for Trustees?

- Training with “traction”
 - How best to onboard and refresh

Training for Trustees

Question: How robust is your onboarding / ongoing education for Trustees?

- Training with “traction”
- Training in core areas of governance
 - Conflicts of interest
 - Confidentiality
 - Respectful conduct



Training for Trustees

Question: How robust is your onboarding / ongoing education for Trustees?

- Training with “traction”
- Training in core areas of governance
- Training in core skills
 - Difficult public meetings
 - Active listening
 - Effective conversations
 - Alternative dispute resolution skills

Training for Staff

Question: How robust is your change management strategy for staff?

- Readyng the organization for change
- What do we do to prepare staff for a change in leadership and direction
- How do we help them move from established norms / goals to a new direction

Established Protocols for Complaint Resolution

Question: Do you have a process for resolving conflicts / disputes that may arise?

For Board members, no established methods of:

- Resolving conflict
- Making complaints
- Processing complaints



Mind the Gap

Established Protocols for Complaint Resolution

Question: Do you have a process for resolving conflicts / disputes that may arise?

Proactively establishing protocols ensures:

- Eliminates need for reactive decision making on process
- Better ensures fairness
- Supports certainty / consistency
- Accountability (and transparency?) over the Board's work

Established Sanctions

Question: Does your Board have established sanctions?



Mind the Gap

Established Sanctions

Question: Does your Board have established sanctions?

Sanctions can be wide ranging:

- Writing a letter of apology
- Participating in a restorative justice process
- Participating in specific training, coaching, or counselling as directed by the Board

Established Sanctions

Question: Does your Board have established sanctions?

More serious breaches and actions result in:

- Being subject to a motion of censure
- Being removed from one, some, or all board committees or other appointments
- Removal from engaging with staff / access to buildings

These are passed by a majority of the voting trustees

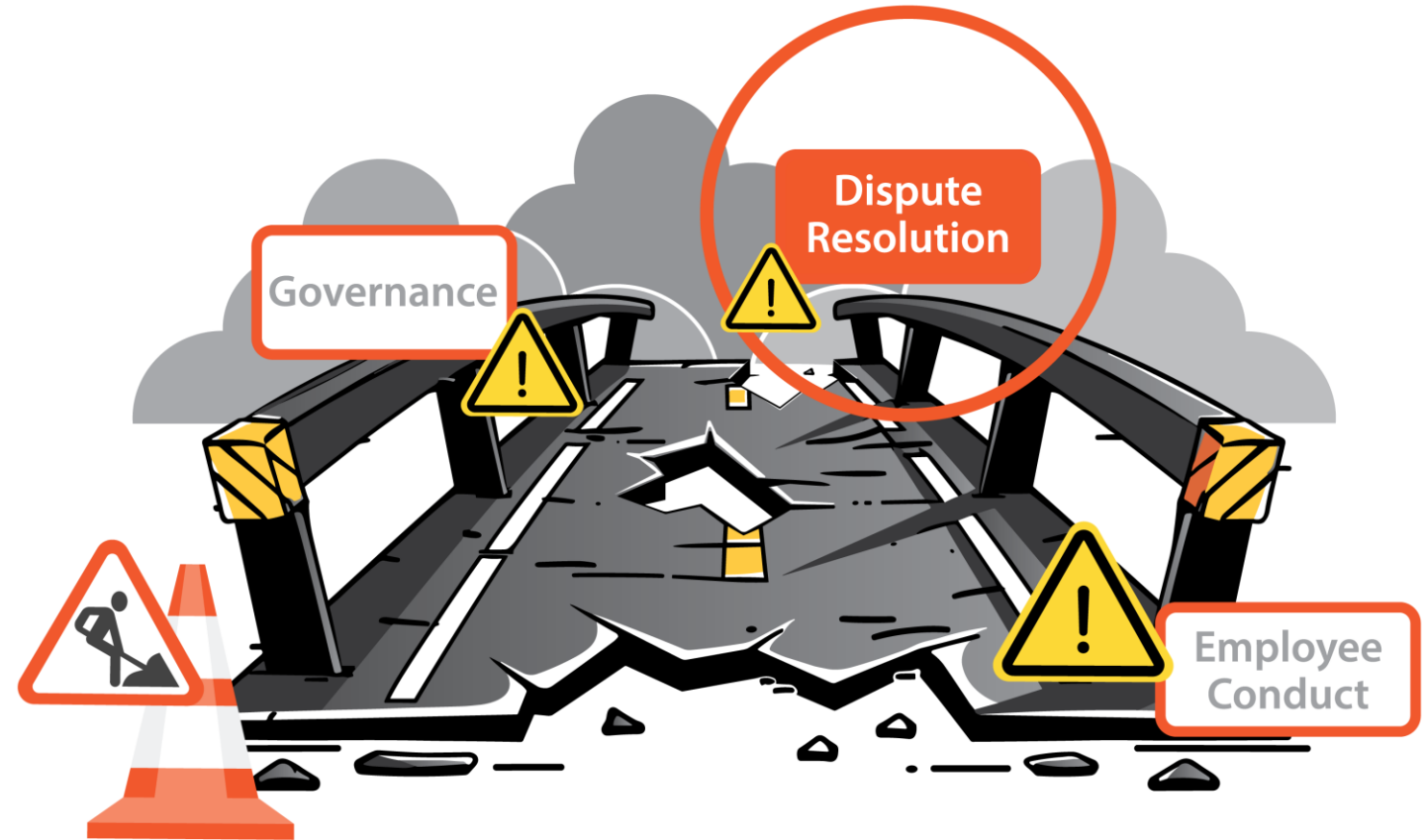
Grievance Dispute Resolution

The Story of BCHOA

Third Area of Change

Grievance Dispute Resolution: Roadmap

- CAPSLE 2011 PAPER
- A Case Study: BCHOA
 - Timeline
 - Expedited Arbitration
 - BCNU and HEABC Case Management Meeting Process Guidelines



CAPSLE 2011 PAPER

CAPSLE 2011

**Protecting Rights without Breaking the Budget:
Controlling the Volume and Scale of Legal
Proceedings**

CAPSLE 2011 PAPER

*Unresolved disputes **fester and spread the infection of discontent**. They cry out for resolution. Disputes in the field of labour relations are particularly sensitive. Work is an essential ingredient in the lives of most Canadians. . . . If these disputes are not resolved quickly and finally **they can lead to frustration, hostility and violence**. Both the members of the workforce and management have every right to expect that their differences will be, as they should, settled expeditiously. Further, **the provision of goods and services in our complex society can be seriously disrupted by long running labour disputes and strikes**. Thus society as a whole, as well as the parties, has an interest in their prompt resolution. (Paragraph 93)*

Dayco (Canada) Limited v. National Automobile, Aerospace and Agricultural Implement Workers Union of Canada (CAW-Canada), [1993] 2 S.C.R. 230

CAPSLE 2011 PAPER

“It becomes obvious where we have failed. Can we say that the traditional labour arbitration model is resolving disputes “quickly”? Have we met the requirement to resolve our differences “expeditiously”? In our opinion, the current traditional labour arbitration model has failed to achieve those objectives.”

“The Future of Labour Arbitration”, presented at the 2010 Administrative, Labour and Employment and Privacy Access Law Conference, Ronald A. Pink, QC and David C. Wallbridge

CAPSLE 2011 PAPER

- *Retainer with the Arbitrator*
- *Different process for selection of Arbitrator*
- *Mandatory case management*
- *Mandatory use of agreed statement of facts / will says*
- *Use of joint expert*
- *The type of decision required*
- *Alternatives to arbitration*

A Case Study: The British Columbia Healthcare Office of Arbitration (BCHOA)

BCHOA

- Created to assist in reducing backlog of grievances in health care
- Backlog of files
- Six-week time-line for resolution

BCHOA Beginnings

BCHOA



The Setup:

- Registrar was appointed May 4, 2017
- Two arbitrators: Corinne Bell and Vince Ready
- Met four times a month, usually for full days
- Full day hearings were set for every month and took place

BCHOA Beginnings

BCHOA



The Setup:

- Registrar was appointed May 4, 2017
- Two arbitrators: Corinne Bell and Vince Ready
- Met four times a month, usually for full days
- Full day hearings were set for every month and took place

Room for Growth:

- No agreed process for exchange or how hearings were to be run
- Parties not on the same page about what evidence needed to be called or what matters could be referred
- Feedback from the arbitrators about ineffectiveness of process

BCHOA 2017 to Present

BCHOA



- Elimination of backlog by 2019
- Addition of more arbitrators (Julie Nichols and Mark Brown)
- Reduction in CMM days from four per month to two per month
- Limited hearings
- Agreed process for sharing information and reducing what is in dispute

BCHOA 2017 to Present

BCHOA



- Very few hearings required
- Mediation explored more frequently
- Creation and agreement on guidelines
- Seamless shift to online meetings
- Ongoing pro-d for participants to develop shared skills / understandings

10.02 Expedited Arbitration

- **All grievances** are suitable for expedited arbitration, except grievances referred under Article 9.03 or Article 9.07
- HEABC or the Union may require that a grievance referred to expedited arbitration be resolved by full arbitration, provided it notifies the other party and the BCHOA at least twenty (20) calendar days prior to the day scheduled for the expedited hearing. Alternatively, the parties may agree that a matter referred to full arbitration be resolved by expedited arbitration

10.02 Expedited Arbitration

BCHOA

The Registrar shall administer a process that fosters conditions favourable to the orderly, constructive and expeditious settlement of disputes

10.02 Expedited Arbitration: Roles of the Registrar

BCHOA

- As requested, or as part of the CMM, they may review materials:
 - Documents
 - Particulars
 - Will say statements
 - Joint statements of fact
- Make preliminary and procedural orders
- If the parties agree, assist with pre-hearing mediation of a case
- Hold CMM
- Assign cases to hearing dates previously confirmed by HEABC and the Union
- Assist the parties in reaching agreements, where possible, on pre-hearing matters including:
 - The articulation of the issue or question in dispute
 - The material facts
 - Disclosure of relevant and material documents
 - The evidence to be lead at the hearing (will says, limited viva voce evidence)

9.11 Information Sharing and Referral to Registrar

BCHOA

- Each party agrees to share all legally permissible information during the grievance procedure
- If, in the opinion of either party, the grievance procedure has failed to provide sufficient information to understand the merits of the other party's case, either party may apply to the Registrar of the BCHOA for an order for the production of documents and/or particulars
- No referral to arbitration to arb required

BCNU and HEABC Case Management Meeting Process Guidelines



**BC NURSES'
UNION**

HEABC
HEALTH EMPLOYERS
ASSOCIATION OF BC

Guidelines: Purpose

BCHOA



|
May 2, 2019
The parties established
clear guidelines for process

The Purpose:
To describe the over-arching principles and process of BCHOA

Goal of BCHOA

BCHOA

The goal of the Office is to support a process for expedited grievance resolution

Where the parties:

- Share information
- Work collaboratively to narrow what is in dispute
- Resolve the dispute either through agreement or expedited arbitration

Foundational Principles of BCHOA

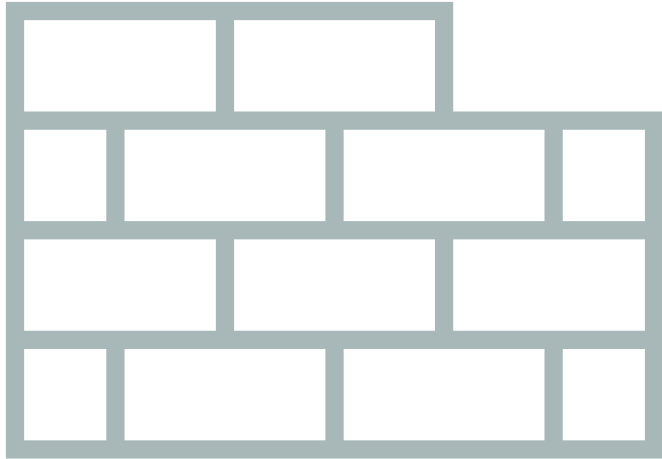
BCHOA

All matters will be conducted with consideration of:

Fairness
requirements

Proportionality

Efficiency



Conduct

BCHOA

- The participants will demonstrate respectful and courteous behavior in their discussions and presentations
- The parties will attempt to discuss and resolve issues themselves, prior to requiring assistance from the Registrar or Arbitrator
- Where assistance from the Registrar or Arbitrator is required, the parties are to ensure that reasonable notice is provided first between the parties and then to the Registrar or Arbitrator

Referral Process

- Matters are referred to the Office using the agreed referral form and by emailing the form to the parties using the contact information on the form



Case Management Meetings

- Minutes for every CMM meeting are taken by the Office Administrator with a draft for review to be circulated to the parties within two business days after the meeting
- The parties are encouraged to jointly review the draft minutes and reach agreement or provide feedback for review by the Registrar before sending the minutes to the Registrar within three business days after the CMM meeting

February 22 CMM

- Parties have connected and will provide update at the March 21 CMM.

March 21 CMM

- Parties are in touch and will provide update at the next CMM.

April 4 CMM

- Parties are working together in pursuit of resolve.
- Parties are in touch and will provide update at the next CMM.

April 18 CMM

- Both parties absent;
- Union to review offer proposed by Employer and provide update at next CMM.

Case Management Meetings

At the CMM:

- Initial discussion about the nature of the case
- Tentative date may be set
- Time frames set for disclosure of various documents and information including:
 - Particulars
 - Relevant documents
 - A Joint Statement of Facts
 - A common book of documents
 - Opening statements
 - A common question / questions

Item	Responsibility	Date
Employer Documents and Particulars	Employer	July 16
Union Documents and Particulars	Union	July 30
Employer Will-Say statements	Employer	Aug 6
Union Will-Say statements	Union	Aug 16
1 st Draft JSOF	Employer	Aug 23
Finalize JSOF	Both	Aug 30
Advise if cross-examinations needed	Both	Sept 6
Opening Statements	Both	Sept 6
Exchange of Legal Authorities	Both	Sept 6
Send package to Arbitrator's Office	Both	Sept 9

If Union Onus

Union particulars and documents

Employer particulars and documents

Union Will Says exchanged

Employer Will Says exchanged

- [One party agrees] to draft JSOF and sends it to the opposing party
- JSOF is finalized and facts in dispute are identified
- JBOD is finalized

- Parties to advise if cross-examination of witnesses is required
- Common question(s) agreed to
- Written Opening Statements exchanged
- Legal authorities exchanged
- Agreement on a date to send the package to the Arbitrator in advance of the hearing (at least seven days)

If Employer Onus

Employer particulars and documents

Union particulars and documents

Employer Will Says exchanged

Union Will Says exchanged

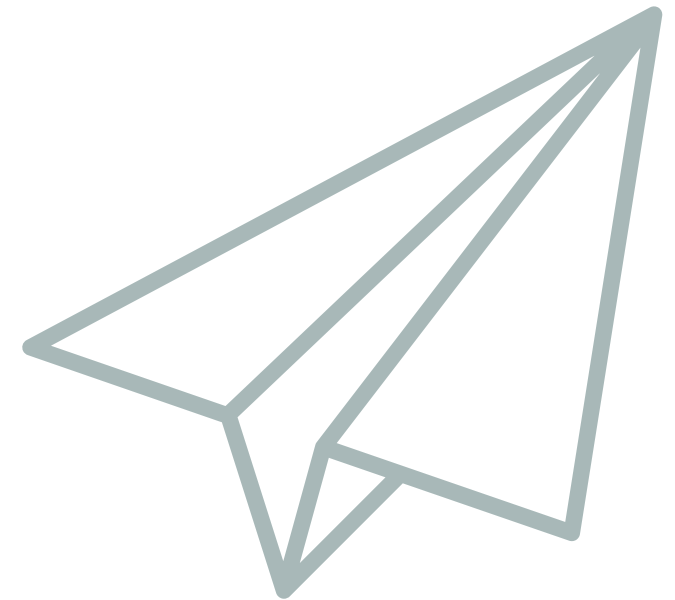
Anchor the dates from now,
not from the hearing date

BCHOA



What goes to the Arbitrator?

- Common question
- Opening statements
- Common book of documents
- Joint statement of facts
- Will says
- Any relevant orders



Final Thoughts

A
REPORT TO
THE HONOURABLE
HARRY BAINS
MINISTER OF LABOUR

**RECOMMENDATIONS
FOR
AMENDMENTS TO THE
LABOUR RELATIONS CODE**

Submitted by the
Labour Relations Code Review Panel
Michael Fleming, Sandra Banister Q.C., Barry Dong

August 31, 2018

“The Health Employers Association and B.C Nurses Union have developed an expedited arbitration process with a registrar who engages in active case management.”

Final Thoughts

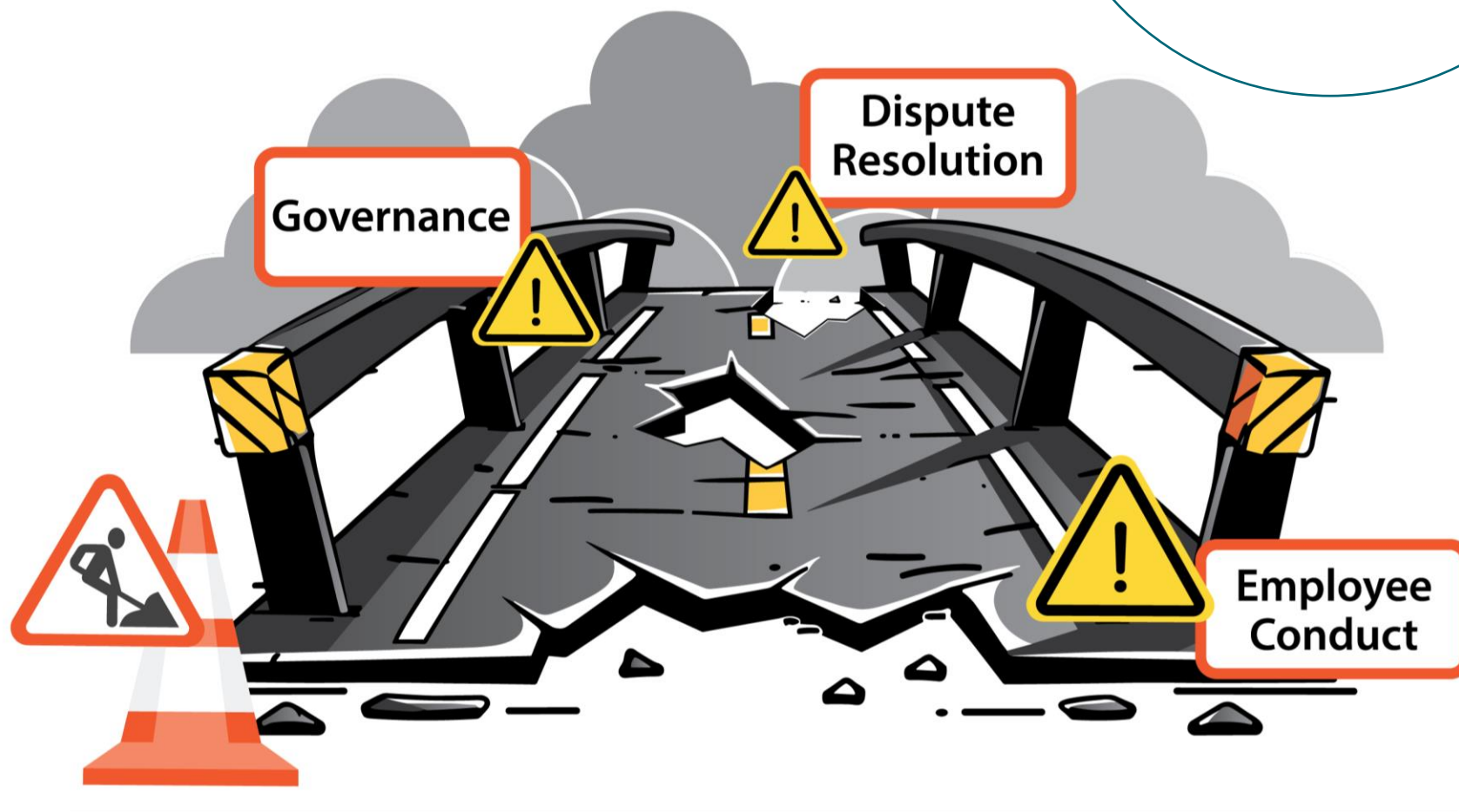
- Since 2017, hundreds of grievances resolved through BCHOA
- On average one hearing with arbitrator a year (or less)
- Innovative use of Registrar in the grievance process
- Through regular and consistent exchange of information, parties find resolve, but more importantly: build capacity, trust, and mutual respect
- Mitigates disruption / festering of unresolved conflict
- Process becomes model for other, larger disputes (Add Pay)

From Minding to Mending

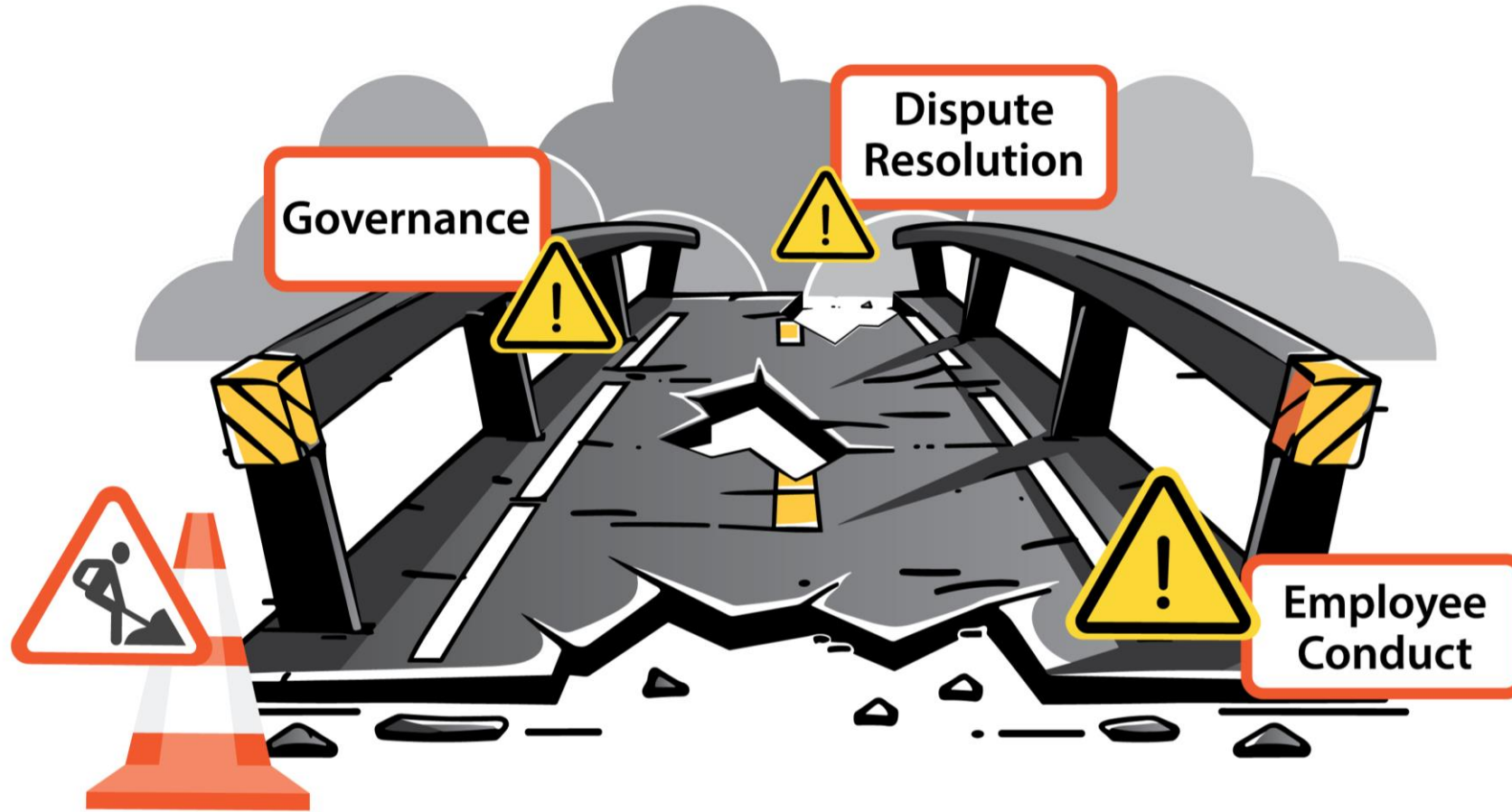
1
Employee
Conduct

2
Governance

3
Grievance
Dispute
Resolution



By identifying these gaps ...



we are on the road to bridging them.

With gratitude

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