

# Strategic Grievance Handling

Developing Techniques and Processes to Manage Grievances Efficiently

Toronto: May 1-4, 2012

Toronto: Oct. 16-19, 2012

Victoria: Nov. 20-23, 2012



**Register at: [irc.queensu.ca](http://irc.queensu.ca) or call toll-free: 1-888-858-7838**



Queen's IRC open programs and practice-based research help next-generation leaders **resolve** disputes, **champion** change, and **align** people and purpose.

The number of outstanding grievances is one of the most telling indicators of the state of labour relations in a unionized environment. Considering legal costs and reduced productivity, it is also a very expensive indicator for both employers and unions. Like taxes, grievances are impossible to avoid. But strategic practitioners can reduce their frequency. There are measures you can take before grievances are launched. There are measures you can take during the grievance procedure, and during mediation and arbitration process to lessen the impact on employees, the union, and the organization. That's where this program comes in.

Strategic grievance handling is a thoughtful approach to labour relations. It involves identifying workplace-wide issues and problems, then analyzing the way in which individual grievance management can address those issues. A long-term goal can then be developed for solving the systemic issues. You will come away from this program with the big-picture perspective, as well as the skills that you can use back at work to confidently handle all steps in the grievance process.

## Learning Outcomes

By the end of this four-day program, you will be better positioned to:

- Diagnose when and how conflict escalates
- Understand the context and purpose of a grievance
- Consider your options when a grievance is filed
- Prepare for and take control of the grievance meeting
- Deploy your skills most effectively during the grievance process
- Strategically choose mediation or arbitration as an option for resolution
- Conduct a grievance analysis before a round of collective bargaining

## Organizational and Union Benefits

- Enhanced in-house capacity to handle grievances
- Reduced time and legal costs spent on arbitration
- Poised and well-grounded responses to changing labour laws and legal issues
- Well-grounded positions going into collective bargaining

### Essentials

#### Date and Location

Four Days

**Toronto:** May 1-4, 2012

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Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca), for the latest information on venues.

#### Fee

\$4,495

### Who Benefits

Supervisors and managers who oversee unionized staff as well as union officials, shop stewards, and others who represent workers.

### Takeaways

- Five-Stage Conflict Escalation Model
- Grievance Preparation Checklist



# Tour of the

## a) The Rules of the Road

Much of the grievance process is grounded in law, so that's where we start. In no time, you'll have an understanding of the basic legal foundation.

- What is a grievance?
- How is it linked to collective bargaining?
- What are the typical boundaries and scope of a grievance?
- Which sorts of outcomes are predictable?
- When can a grievance be reviewed?

## b) Conflict Escalation and Containment

There's both art and science to recognizing, assessing, and preventing conflict from escalating into a formal grievance. Learn to identify the stages in conflict escalation and acquire the techniques for controlling conflict. Come away with a practical five-stage conflict escalation model with immediate practical benefit for reducing workplace "temperature."

Best of all, test your understanding of this tool in a scripted scenario and, in a safe workshop setting, discuss methods of intervention. And working in a small group, compare your judgment in real-life cases against actual decisions made by arbitrators.

## c) Case Studies: Learning From Disasters

From a Safe Workplace Advocate at a hospital, hear the story about how an "ordinary" grievance process contributed to a workplace tragedy.

From a Union Counsel, learn how the merger of two Canadian airlines generated hundreds of grievances relating to seniority, layoffs, pensions, and benefits.

- What creative solutions were developed to work through these situations?
- What was learned?

- How can each of us translate these lessons into practical applications in our own workplaces?

## d) How to Access Options Clearly Under Pressure

It's then time to get your hands dirty: working in a group, you will be presented with a unique workplace disaster scenario. You will have one hour to brainstorm systematic grievance procedure designs and solutions to the problem. Reconvene with session leaders to discuss the options you developed. Learn how your colleagues addressed the issues.

## e) How to be a Strong Advocate

The basis of effective grievance handling are thorough preparation and solid advocacy, communication, and negotiating skills.

In this session, you learn:

- How to conduct a preliminary complaint investigation;
- How to prepare for grievance meetings;
- How to apply strategic analysis of grievances for early resolution; and
- How to negotiate at grievance meetings.

Join the session leader in a discussion on key issues and questions that inevitably arise.

- What information should or should not be revealed at early stages?
- What should the grieving party or supervisor say and do in grievance meetings?
- Which types of negotiating strategies can be employed during grievance meetings?
- What is the best way to communicate for maximum impact?

# Program

## f) Following the Mediation and Arbitration Routes

Grievance mediation and arbitration each demand a specific skill-set and understanding. Learn — and practice — the difference between the two in role plays. You are asked to take on a role and, guided by confidential information, and play out a scenario that will be resolved through the mediation process. Then, the exact same scenario is played out through an arbitration process. Get on-the-spot coaching along the way.

- What are the strengths and weaknesses of grievance mediation and arbitration?
- When would you choose either process?
- When would you make a process shift, and move from one process to the other?
- How should you make that shift?

## g) Feeding the Collective Agreement

Strategic grievance handling inevitably translates into strategic labour relations. In this closing session, we make the connection to the all-important bargaining relationship and review the processes that nurture that relationship.

- What are the best practices in tracking grievances, planning the negotiating agenda, and achieving consensus in your grievance and bargaining committees?
- Which processes work best in the private and public sectors?
- What are the economic realities of grievance mediation or arbitration?

## Interactive Learning

Participate in a number of grievance role plays that allow you to practice negotiating techniques and test assumptions in a safe environment, and receive on-the-spot coaching. Learn how to use the conflict escalation model in a scripted scenario by deciding, in your small group, the best intervention to make, and then learn how the professionals approached the same scenario.



# Facilitators and Speakers

## **Frances Gallop**

Frances is a partner with Filion Wakely Thorup Angeletti LLP. She has over 25 years' experience advising and representing employers in legal matters relating to the workplace, including advising and representing employers in collective bargaining negotiations. She has appeared as counsel before every level of court in Ontario, and numerous boards and tribunals including: arbitration boards, the Human Rights Tribunal of Ontario, the Workplace Safety and Insurance Appeals Tribunal, the Labour Relations Board, Public Service Staff Relations Board, Public Service Grievance Settlement Board and the Financial Services Tribunal of Ontario. Frances was called to the bar in 1985.

Frances is certified by the Law Society of Upper Canada as a Specialist in Labour Law. She serves clients in diverse sectors, including financial services, hospitality, retail, health care, manufacturing, government, education and social services. She has been a speaker at numerous conferences on workplace legal issues, and has appeared on CBC's program "Face Off" to debate workplace legal issues.

## **Elaine Newman**

Elaine is a very experienced full-time arbitrator and mediator, specializing in labour relations, employment, and human rights matters. She is a teacher, an author, and frequent speaker on labour, employment and human rights issues. Elaine was called to the bar in Ontario in 1979.

Elaine was associate director of the LLM program in Labour Relations and Employment Law at Osgoode Hall Law School 2002 to 2008. In 2009, she served as Chair of the Ontario Bar Association Task Force on Wrongful Dismissal.

She is lead instructor for the Advanced Dispute Resolution Course at Atkinson Faculty, York University, where she teaches the Ethics of Mediation course, and the Advanced Practicum course. She is currently designing the Mediators' Ethics Educational Program for Ontario's ADR Institute.

*The roster of speakers may change. We will do our best to keep you informed of program changes.*

# Registration Kiosk

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**We offer four easy ways to register:**

**Web:** Complete the online form at: [irc.queensu.ca](http://irc.queensu.ca)

**Telephone:** Reserve by calling toll-free: 1-888-858-7838

**Fax:** (613) 533-6812

**E-mail:** [irc@queensu.ca](mailto:irc@queensu.ca)

Confirmation and information on program location, check-in time, and agenda will follow.

### Registration and Fees

Program fees include tuition, workbook materials, lunches, and some dinners. For all programs, payment in full is required one month before the program begins.

Register and pay two months before the start of a program and save \$300 on the tuition of four- and five-day programs, and \$150 on two- and three-day programs.

Register three people **from the same organization in the same program at the same time**, and receive a **10% discount** on program fees. Register five or more people **in the same program at the same time**, and receive a **20% discount**.

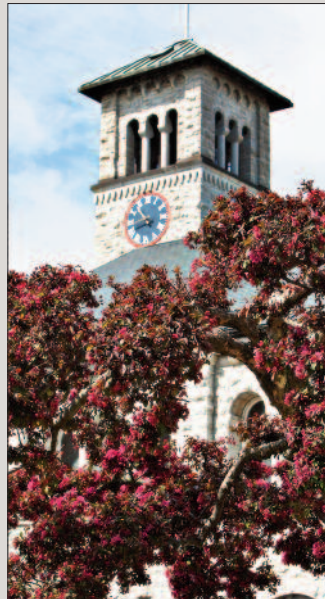
If you know you will be pursuing a Queen's Certificate and would like to remit tuition in one payment before your first program, we offer a special fee with a considerable saving. Contact our Program Administration office for details.

**Note:** Only *one* discount may be applied.

**Cancellations and No-Shows:** Substitutions are permitted with no penalty at any time. Transfers and cancellations are permitted with no penalty **up to 3 weeks prior to the program start date**. There will be a \$500 fee charged for cancellations, transfers, and no-shows **within 3 weeks of the program start date**.

### Location and Accommodation

Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca), for the latest information on venues.



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