Labour Arbitration Skills
Learning the Advocate’s Art and Science of Building and Presenting Winning Arbitration Cases

IRC
industrial relations centre

Queens University

FACULTY OF
Arts and Science

irc.queensu.ca
Why Choose Queen’s IRC?

Queen’s IRC focuses on developing and delivering human resources, labour relations, and organizational development programs for busy practitioners.

Get the Queen’s IRC advantage:

- 80 years of evidence-based training
- Custom solutions delivered across Canada
- Coaching from industry leaders with real-world experience
- Practical simulations and tools that apply to your work environment

Enrol at: irc.queensu.ca
Effective advocacy before an arbitrator requires the same blend of skills, street smarts, and techniques as advocacy before a judge in a courtroom. It requires careful and extensive preparation before the hearing, concise opening statements, organized and efficient presentation of evidence, and persuasive argument. Leading advocates and arbitrators will coach you through the preparation and presentation of a challenging arbitration case. In this dynamic program, you will build presentation and advocacy skills and get immediate feedback from an experienced arbitrator.

Transforming Knowledge into Action
By the end of the week, you will be better positioned to:

- Prepare effectively for the hearing and develop the theory of the case
- Assess your opponent’s case
- Make opening and closing statements
- Examine and cross-examine effectively
- Establish the facts at the hearing
- Tender evidence and object to evidence
- Prepare and present a mock arbitration before an experienced arbitrator

Organizational Benefits
- Significant savings in grievance arbitration costs
- Faster and more streamlined preparation for hearings
- Better labour management relations
- Greater knowledge of employment law nuances

Essentials
4 Days / 4 Credits
Date & Location
June 1-4, 2020: Kingston
Fee: $5,295
Who Should Attend
Labour lawyers and LR professionals who are involved in the grievance process or who prepare and present cases before boards of arbitrators

Takeaway Tools
- Labour Arbitration Workbook

Please refer to our website, irc.queensu.ca for the latest information on venues.
Learn. Design.

a) The First Principles of Arbitration
To ensure you have a solid foundation for the coming week, the opening session offers a picture of the environment in which an arbitrator must operate.

By the end of this session, you will have a foundation in:

- The role and powers of the arbitrator
- The purpose of arbitration
- Governing legislation
- Development of arbitral jurisprudence
- The evolution of doctrine

b) Introduction to the Arbitration Hearing
To give a sense of the “look and feel” of the typical labour arbitration hearing, we offer this overview of the process and normal procedures to follow. At the same time, you get a chance to pick up a few pointers on typical presentation pitfalls to avoid.

c) Advanced Topics in Arbitration
For more experienced advocates, we offer a parallel workshop on advanced topics such as streamlining the hearing. You will negotiate an agreed statement of facts and argue a preliminary motion on the admissibility of video surveillance.

d) Preparing for the Hearing
Do you know the types of evidence that arbitrators require? What types of evidence will be excluded? What are the rules governing hearsay? We show you how to get essential facts into the evidentiary record, and how to assess your opponent’s theory of the case.

Learn the following eight steps of foolproof case prepping:

- Learn the facts
- Develop your theory
- Consider precedents
- Take stock of possible flaws or amendments
- Consider preliminaries
- Narrow your focus
- Prepare your witnesses
- Prepare opening/cross/closing

e) Becoming a Research Hound
Legal research can be costly in terms of time and money. We offer a series of questions to help shape a research plan, introduce you to a basic research model, and give you tips and resources to get you going in the right direction.

f) Arbitration and Human Rights
Delve deeper into the issues surrounding arbitration and human rights, such as sexual harassment and discrimination against people with disabilities. Take away an invaluable resource booklet on “the duty to accommodate at arbitration.”

g) Mastering the Hearing
Learn how to prepare your witnesses and evidence. Practice what you have learned in a role play, and get a live demonstration of how to qualify an expert witness. Find out how to order your evidence and how to hold the attention of the arbitrator. We offer techniques on questioning and presenting exhibits that are highly effective.
Learn more about:

- Delivering effective opening and closing statements
- Examining, cross-examining, and reexamining witnesses
- Understanding key aspects of the rules of evidence
- Objecting at the right time and in the right way

**h) Mock Arbitration**

Here is your once-in-a-lifetime chance to practice your new advocacy skills and get expert coaching along the way. With a partner, research your case and prepare an opening statement, examination-in-chief, cross examination, and closing argument. Deliver your case before an experienced arbitrator.

**i) Awards and Debriefing**

In the final session, assemble with your colleagues to hear the arbitrators’ awards and share impressions of the mock hearing. How did you fare? Did you encounter any surprises?

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**Interactive Learning**

Your learning team will present a mock arbitration case before an experienced arbitrator. You will present an opening statement, examine and cross-examine witnesses, and finish the mock hearing with a persuasive closing argument. The week concludes with a roundtable discussion and Arbitrators’ Awards.

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**Learning Beyond the Classroom**

Our learning programs are focused on your growth:

- Opportunities to network with high-level colleagues from across the country
- Coaching from internationally-renowned facilitators with real-world experience
- Skills and strategies that directly apply to work environments
- Experience-based programming to test theories and ideas
- Mentoring beyond classroom sessions
Facilitators and Guest Speakers

Deborah Leighton (Lead Facilitator)
Professor Deborah Leighton is a member of the faculty of the School of Policy Studies, at Queen’s University, teaching in the Master of Industrial Relations program since 1994. She has been a labour mediator and arbitrator since 1992, and has been a named arbitrator for many parties including Air Canada and ACPA, University of Toronto and CUPE, and the Ontario Colleges of Applied Arts and Technology (CAAT-Academic) and OPSEU.
https://irc.queensu.ca/facilitators/deborah-leighton

Guest Speakers

Donald Carter
Donald Carter is a Professor Emeritus at the Queen’s University Faculty of Law. From 1993 to 1998 he served as Dean of Law at Queen’s and from 1985 to 1990 was Director of the Queen’s Industrial Relations Centre / School of Industrial Relations. He has served as Chair of the Ontario Labour Relations Board (1976-79), as President of the Canadian Industrial Relations Association (1991-92), and as Chair of Ontario’s Public Service Grievance Board (2002 -13).
https://irc.queensu.ca/facilitators/donald-carter

Craig Flood
Craig practises in the area of labour law with a special expertise in the area of workplace safety and insurance. In June 2016, he assumed the role of Managing Partner of Koskie Minsky LLP, and he is a long-time member of the Executive Committee. Craig is a proud graduate of Queen’s University (B.A. Honours, 1982) and the Faculty of Law, University of Toronto. (LLB, 1986). He was admitted as a member of the Law Society of Upper Canada in 1988.
https://irc.queensu.ca/facilitators/craig-flood

William Hayter
William Hayter is a labour and employment lawyer who acts for employers in disputes with their employees. He practised on the employer side for a large labour and employment firm in Toronto before moving to the Niagara region. He continues to be engaged in a broad spectrum of disputes associated with the employment relationship, including the arbitration of disputes under collective agreements, the representation of employers in wrongful dismissal actions or human rights complaints before the Ontario Human Rights Tribunal.
https://irc.queensu.ca/facilitators/william-hayter

Megan Telford
Megan is the Vice President, Global Head of Employee Relations for the Toronto-Dominion Bank Group. Megan joined TD in 2007 as the Bank’s employment law counsel and then went on to work on the mergers and acquisitions team before joining employee relations.

Previously, Megan was a lawyer in the labour and employment law group at the law firm of Heenan Blaikie in Toronto and was a sessional instructor in the Queen’s University Faculty of Law. In addition, Megan worked for the Permanent Court of Arbitration in The Hague, Netherlands.
https://irc.queensu.ca/facilitators/megan-telford

The roster of guest 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
Telephone: Reserve by calling toll-free: 1-888-858-7838
Fax: (613) 533-6812
E-mail: 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 60 days prior to 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.

Cancellation Policy
Substitutions are permitted with no penalty 8 days or more from the program start date.

Substitutions 7 days or less before the program start date will be subject to a $500 charge.

Transfers and cancellations are permitted with no penalty up to 15 days prior to the program start date.

Transfers and cancellations 14 days or less from the program start date will be subject to a 100% charge of the program fee.

Location and Accommodation
Please refer to our website, irc.queensu.ca, for the latest information on venues.