Labour Arbitration

Learning the advocate’s art and science of building and presenting winning arbitration cases
Why Choose Queen’s IRC?

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

- 85 years of evidence-based and practitioner-focused training
- In-person, virtual and custom programs available
- Coaching from industry leaders with real-world experience
- Certificate-based programs in HR, LR and OD
- Practical simulations and tools that apply to your work environment
Effective advocacy before an arbitrator requires the same blend of skills, 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. In this dynamic program, leading advocates and arbitrators will coach you through the preparation and presentation of a challenging arbitration case.

**Learning Objectives**
- Prepare effectively for the hearing and develop the theory of the case
- Make opening and closing statements
- Examine and cross-examine witnesses effectively
- 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

**Takeaway Tools**
- Case studies and handouts

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**Program Details**

**4 Credits**

**Date, Location and Fee**
For information on program dates, location and fees, visit:
[https://irc.queensu.ca/labour-arbitration-skills/](https://irc.queensu.ca/labour-arbitration-skills/)

**Program Delivery**

**In-person**
For information on in-person and virtual programs visit our FAQ page.

**Registration**
For information on registration, payment and discounts:
call toll-free: 1-888-858-7838
**e-mail:** irc@queensu.ca or visit our FAQ page.
To register for a program visit our registration page

**Who Should Attend**
Labour lawyers and labour relations professionals who are involved in the grievance process or who prepare and present cases before boards of arbitrators.
Program Overview

Our module-by-module overview introduces the topics that will be explored in depth over the course of the program.

**MODULE 1**

The Fundamentals of Arbitration and Introduction to the Arbitration Hearing

- Understand the basics of an arbitration hearing, including:
  - The role and powers of the arbitrator
  - The purpose of arbitration
  - Governing legislation
  - Development of arbitral jurisprudence

**MODULE 2**

Preparing for the Hearing: Learning the Steps of Foolproof Case Prepping

- Identify and collect the essential facts good and “bad”
- Develop your arbitration theory based on the “what” and “why” thereby leading to favourable outcomes for the organization
- Consider precedents and preliminaries
- Narrow your focus
- Prepare your witnesses
- Use research to formulate effective opening statements and closing arguments
- Discover tips and resources to help streamline your research plan to save time and money

**MODULE 3**

Mastering the Hearing: Learning How to Prepare Your Witness for Evidence

- Prepare your witnesses and evidence through highly effective techniques designed to help order your evidence and hold the attention of the arbitrator
- Deliver effective opening and closing statements
- Examine, cross-examine, and reexamine witnesses
- Understand key aspects of the rules of evidence
- Object at the right time and in the right way

**MODULE 4**

Mock Arbitration, Awards & Debriefing

- Research your case with a partner, and prepare an opening statement, examination-in-chief, cross examination, and closing argument
- Deliver your case before an experienced arbitrator
- 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?
Facilitators and Speakers

**Professor Deborah Leighton (Lead Facilitator)**

Deborah is a member of the Employment Relations Program in the Faculty of Arts and Science, 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 is 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.

In addition to her private practice as a mediator and arbitrator, Deborah has acted in these roles for a number of public boards. She is a listed arbitrator at the Ontario Crown Employees’ Grievance Settlement Board (since 1996). She served as a Vice-Chair, at the Ontario Public Service Grievance Board from 1992 to 2017. She served two terms as an Adjudicator, for the Ontario Human Rights Tribunal between 1992 and 1998.

Deborah’s education includes a BA in Law from Oxford University, and an LLM from the University of Texas at Austin.

**Macey Nielissen (Speaker)**

Macey is a labour relations professional with extensive experience in employer-side employment and labour law matters. She completed her Master of Industrial Relations at Queen’s University and has worked in the labour relations departments for both public and private sector organizations for the last 10 years.

Macey has been involved in very complex labour matters and has a particularly vast experience representing the employer at arbitrations and mediations in a variety of sectors. This skill set allows her to bring a hands-on style of teaching as a facilitator of the Queen’s IRC Labour Arbitration Skills program.

In addition to her primary role as the Senior Labour Relations Manager for Kwantlen Polytechnic, Macey is a member of ADR BC and is a trained qualified mediator.

**Craig Flood (Speaker)**

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.

Craig represents trade unions and employees in the acquisition and preservation of bargaining rights, unfair labour practice complaints, discipline and discharge, occupational health and safety, essential services, and grievance arbitration. He has appeared before various tribunals, such as the Ontario Labour Relations Board, the Canada Industrial Relations Board, the Crown Employees’ Grievance Settlement Board and the College of Nurses of Ontario. He has acted as counsel in judicial review matters, including before the Supreme Court of Canada.

Craig represents workers throughout the provincial workers’ compensation system, including the Workplace Safety & Insurance Appeals Tribunal.

Craig is past Chair of the Administrative Law Section of the Ontario Bar Association and has acted as counsel to the Canadian Bar Association – Ontario before the Court of Appeal for Ontario. He is a regular commentator and writer on labour and administrative law matters, and frequently speaks on workers’ compensation, occupational health and safety, labour law and administrative law issues before a wide range of audiences. He coordinates the Koskie Minsky University Lecture in Labour Law at the University of Western Ontario and is actively involved with the Canadian Association of Labour Lawyers.

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