

## **Labour & Employment Law Section Report 2020-2021**

In September 2020, the MBA Labour & Employment Law Section was very pleased to welcome a number of new members to its Executive:

Daniel Chornopyski of Chornopyski Law;

Meira Gisser of The Professional Institute of the Public Service of Canada;

Krista Klassen of Shared Health Inc.;

Shantel Saliga of Arctic Co-operatives Limited;

Dany M. Théberge of MLT Aikins LLP; and

Johanna Willows of City of Winnipeg, Legal Services.

We were also very fortunate to have the continued participation of the Past Chair, Jason Gisser of University of Manitoba Faculty Association and Sarah Carr of MLT Aikins LLP.

To kick off the year, our Section, in partnership with the Administrative Law Section, co-hosted a virtual CPD on October 28, 2020. This session provided a comprehensive overview of the complaints process of the Manitoba Human Rights Commission. Our presenters, Heather Unger, former legal counsel for the Manitoba Human Rights Commission and Kristin Gibson, MLT Aikins LLP, adjudicator with the Manitoba Human Rights Commission, engaged in a lively discussion of the challenges that complainants and respondents face. They also offered insights on dealing with self-represented parties and how legal counsel can best advance their clients' interests in the process. John Isfeld of Boudreau Law and Chair of the MBA Administrative Law Section moderated the session.

The second event of 2020 was held on November 23, 2020. This session was geared towards law students and articling students, although all members of the MBA were invited to attend. In this session, members of our Executive Daniel Chornopyski, Meira Gisser, Krista Klassen, and Dany Théberge hosted a virtual primer on the basics of practicing in the areas of labour and employment law. The panel had a candid discussion about their personal experiences and how their practices have evolved as a result of the COVID-19 pandemic. An engaging Q&A period was held to wrap up the session.

In the fall, the Executive was also busy planning for the Mid-Winter Conference. At this key event, our Section hosted a CPD session on workplace investigations. Members of the Executive Jason Gisser of the University of Manitoba Faculty Association and Krista Klassen of Shared Health Inc. stepped forward for a second time to present along with a dedicated workplace investigator, Elissa Neville of Rachlis Neville LLP. The session was moderated by Co-Chairs Kristen Worbanski and Darcie Yale. The panel shared their perspectives on different types of workplace investigations. Included in the issues addressed were statutory requirements, the retention and role of external investigators, fair process principles, privacy considerations, unions' role or lack thereof, investigation

reports, underlying documents, and unique considerations that should be borne in mind depending on the nature of the issue(s) being investigated. The speakers also shared their experiences as to the challenges confronting the conduct of workplace investigations in the context of the COVID-19 pandemic.

With the arrival of spring, the Labour & Employment Law Section has planning underway to offer a joint CPD session with the Constitutional and Human Rights Law Section on June 11, 2021 entitled *Best Practices in JADR for Employment Law Practitioners*. Experienced litigators, Michael Clark of Myers LLP and Ryan Savage of Taylor McCaffery LLP will be presenting together with the Honourable Justice James Edmond. Topics will be varied but will include recommendations on how to get the most value out of the JADR process, how to prepare for JADR, recommendations on client management, and insights from the Court on the JADR process. Bryton Moen, Chair of the Constitutional and Human Rights Law Section along with the Co-Chair of this Section, Kristen Worbanski, will moderate the panel discussion.

Our sincere thanks to all of our speakers and the members of the MBA Labour & Employment Law Section Executive for their time volunteered and valued contributions they have made.

It has been an interesting and informative year. We wish you all good health and look forward to the rest of 2021 in hopes that we will soon be able to meet in person again.

Submitted by,

Kristen Worbanski, Co-Chair, MBA Labour & Employment Law Section

Darcie Yale, Co-Chair, MBA Labour & Employment Law Section