

THE FUTURE OF ARBITRATION IN B.C. Is the current selection model broken?

Wednesday May 2, 2018

Waiting a year or more to have your case heard? Discouraged by the unavailability of mutually acceptable Arbitrators in BC? Is the current Arbitrator selection model broke? Who will fill the gap when seasoned Arbitrators retire? Is there a better model? How can new and less experienced arbitrators develop and gain experience? Is a mentorship approach needed? Is a funding mechanism (arbitration surcharge) needed to support the mentorship of future arbitrators? How did we get to this state? Was it always this way? Can rotational appointments of new arbitrators for less complex cases be incorporated into the current selection process? What's needed to ensure BC maintains a robust list of arbitrators in the future? The panel will explore these issues and more.

THE PANEL:

Mark Clark

Mark has been with the LRB since the 1970s, serving as Deputy Registrar since 1992. As Deputy Registrar, Mark performs a broad range of administrative and dispute resolution duties in the Board's administration of the Labour Relations Code, including, from time to time, collective bargaining mediation. Since 2002, Mark has the added position of Director, Collective Agreement Arbitration Bureau, responsible for the appointment of arbitrators under the Code. Mark has both a BA and MA – UBC Political Science, which have provided a foundation for his interest in how systems are utilized to resolve differences fairly when applied in the context of labour/management relations. Mark is a regular speaker on behalf of the Board at academic Institutions, Union and Employer groups, CLC Winter School, and has acted as facilitator at joint labour/management conferences.

Irene Holden

Irene Holden has had a private practice offering Mediation, Arbitration, Investigation and Conflict Resolution for the past sixteen years. In this capacity Ms. Holden has mediated collective bargaining disputes, resolved grievances, acted as both rights and interest arbitrator, conducted harassment investigations and issued investigative reports, conducted workplace reviews and recommended improvements, and assisted parties to improve their relationships. Irene began her labour relations career as a Senior Advocate and Negotiator for a large provincial Crown Corporation and was also one of the two first female provincial Mediators at the Labour Relations Board. During her ten years at the Board, she also served as a Vice Chair and became the Associate Chair (Mediation) - responsible for 6 mediators and overseeing collective bargaining mediation in BC and conflict resolution programs throughout the province. Irene is currently the President of the Arbitrators Association of BC and sits on the Joint Advisory Committee to the Collective Agreement Arbitration Bureau as a representative of the arbitral community. She is a past president of BCIRA.

Don Munroe, Q.C.

Don Munroe is widely known as a leading arbitrator and mediator in labour relations matters, as well as in a broad range of commercial, employment, human rights, securities, commodity-pricing and other civil disputes. His decisions are frequently cited as authoritative statements of law and policy. Over the years, he has advised governments on a range of public policy issues, served as Chair of the BC Labour Relations Board (1978 to 1981), taught constitutional and labour law as a visiting professor at the University of Victoria (1982 to 1985). Since then, he has acted as arbitrator and mediator in hundreds of cases, including appointments by successive provincial and federal governments to assist in the resolution of complex disputes affecting the public interest.. Don is recognized as a leading practitioner in the area of Labour and Employment Law in the 2012, 2013 and 2014 editions of The Best Lawyers in Canada (Woodward/White).

Note: This dinner meeting is eligible for 1 hour of Continuing Professional Development credit from the Law Society of BC. **NEW VENUE:** This meeting will be at the **Coast Coal Harbour Hotel at 1180 West Hastings, Vancouver, BC.** A no host bar opens at 5:30pm with dinner at 6:30pm. Reservations and requested seating arrangements can be made using the enclosed form. Admission without a reservation will not be guaranteed and is more expensive. For further information, e-mail bcira@sauder.ubc.ca