

## Labour Relations

**Local. National. Legal Services for Employers.**



Unions are sophisticated actors with significant resources and legal rights, whose sole focus is organizing and representing employees. Employers, on the other hand, have more than one priority, which can put them at a disadvantage in their encounters with unions. Mathews Dinsdale can help level the playing field.

Mathews Dinsdale is recognized as a leader in Canada for its expertise in Labour Relations matters. It has been our firm's core business since 1956. Although our practice has grown to include all workplace law practice areas, we continue to serve all possible needs of management in Labour Relations matters.

Employers can find themselves squaring off against unions in organizing drives, certification applications, labour board litigation, collective bargaining, contract administration, workplace investigations, grievance arbitration, health and safety, strikes, lockouts, secondary picketing, and other areas.

We help to ensure that employers are on equal footing.

### **Organizing and Certification**

Union organizers at the entrance to the parking lot; union cards in the lunchroom; employees wearing pro-union t-shirts or buttons; these are typical scenes from a union drive. Organizing drives can be stressful and unpredictable for management, who

need to observe strict rules governing what they can say and do in response. Unions may threaten or commence litigation at a labour relations tribunal, and may even try to unionize the workplace based solely on alleged employer misconduct.

The stakes are high, both for the business and for its leaders. But there are lawful and effective strategies they can deploy to bring the employer's message to the workforce, and remind employees of the negative aspects of union representation.

At Mathews Dinsdale, we help employers develop and execute their plans for maintaining a union-free workplace, both before and during organizing drives. We provide practical training and guidance to supervisors and management on the "do's and don'ts" of responding to union organizing. We manage the process of certification applications and secret ballot votes, as well as any labour litigation targeted at the business. We help employers win the battle of persuasion, and continue to do business while it goes on.

### **Collective Bargaining**

For unionized employers, we act as advisors and spokespersons at the negotiation table, helping them to craft and communicate their bargaining positions, and respond effectively to the Union's proposals. We believe that an organized and businesslike approach to bargaining is the most effective way to achieve employers' objectives.

We pride ourselves on negotiating cost-effective agreements that allow the business the flexibility to operate and innovate,

while avoiding unnecessary conflict and helping to solidify a professional relationship with the union.

In high-stakes bargaining, we help employers manage the risks of advancing difficult or unpopular proposals, with the goal of achieving the required business objectives without a labour dispute.

For public and health-sector employers, we manage and lead the process of interest arbitration.

### **Contract Administration/Grievance Arbitration**

Although a union agreement is an important document, most employers want to manage their operation in a way that minimizes the agreement's impact on flexibility, productivity and innovation.

We provide practical advice to management on how to operate effectively within the confines of a collective agreement, and avoid unnecessary grievances wherever possible. We assist with responding to and managing grievances, and represent management at arbitration, always with the goal of getting the best result with least cost and disruption to the workplace.

Recognizing the union-management relationship has to function effectively over the long term, we promote a professional and businesslike approach to advancing the employer's interests with unions and their members. This may not always result in agreement, but it promotes credibility and respect for the company and its management.

### **Labour Disputes and Injunctions**

Unfortunately, there are times when labour disputes are unavoidable. When necessary, we assist employers in developing picket line protocols, liaise with the police, gather and preserve evidence of picket line misconduct, and seek labour injunctions and other remedies from the courts or labour relations tribunals.

We ensure union officials and members know unlawful behaviour during a strike or lockout will not go unanswered. At the same time, since most labour disputes eventually come to an end, we promote employers' interests in a way that does not impede the ability of the parties to get back to work, and resume their relationship on a solid footing.

### **Strategic Planning**

When employers are planning major changes to the workplace, or a transaction that could have a significant effect on the bargaining relationship, we provide guidance on how to assess and manage employment and labour-related risks. We assist in calculating severance liability, negotiating closure agreements, and managing the process of announcing changes to employees and the union.

### **Related Services**

The list of workplace issues that can involve the union-management relationship seems to grow every year. We help employers deal with union issues in the context of workplace accidents, OH&S inspections, harassment investigations, pay equity complaints, and all other areas where unionized employers cannot simply act on their own.

## **Connect with us**

For more information about how we can serve you in Labour Relations, please contact your Mathews Dinsdale lawyer or visit our website at [mathewsdinsdale.com](http://mathewsdinsdale.com).

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