



POSITION: Labour Relations and Human Resource Consultant
DEPARTMENT: Labour Relations and Human Resource Services
DATE: January 2022

POSITION SUMMARY

Reporting to the Director of Labour Relations and Human Resources and working with school boards, the Labour Relations Consultant (LRC) provides labour relations and human resource advice to school divisions regarding union and non-union employee workplace issues, collective agreement and legislation interpretation, grievances, arbitration matters, and Manitoba Labour Board issues. The LRC, as an agent for the board, coordinates and serves as the lead negotiator/spokesperson for the collective bargaining of collective agreements and represents school divisions in conciliation, mediation, and interest arbitration.

MAJOR ACCOUNTABILITIES

- Serves as lead negotiator and spokesperson for collective agreements on behalf of school boards
- Coordinates and facilitates provincial, regional and local strategic planning regarding collective bargaining, emergent labour relations issues, and legislative changes
- Represents school boards in conciliation, mediation, and at Manitoba Labour Board hearings
- Participates in the interest arbitration process
- Assists legal counsel and the division in rights arbitrations
- Provides labour relations and human resource advice to school boards, senior school division administration, and human resource personnel
- Coordinates and facilitates the MSBA Pension Plan for Non-Teaching Employees of Public School Boards in Manitoba
- Represents MSBA on committees for the provincial group life insurance plan, provincial dental/extended health trust, and the provincial LTD plan for non-teaching staff of school divisions
- Coordinates committees including the Manitoba Universal Standards Trust Fund and the Manitoba School Divisions Human Resource Liaison Committee
- Develops and presents seminars regarding collective bargaining, relevant legislative changes, and labour relations and human resources topics

NATURE & SCOPE OF POSITION

Labour Relations Consultants act as lead negotiator and spokesperson for the majority of school divisions in Manitoba; they negotiate employee collective agreements. This position also provides direction and advice to school divisions who bargain on their own. The impact of collective bargaining affects nearly 30,000 school division employees representing \$2.4 billion in salaries and benefits.

This position works directly with publicly elected school trustees and senior administration and must be aware of a diversity of interests that may not always be aligned. While the scope of bargaining is divisionally autonomous, the LRC must be cognizant that bargaining outcomes may impact other school divisions and may set provincial precedent.

The LRC updates the Director of Labour Relations on all matters of significance to MSBA, the Executive of MSBA, and to the Provincial Government.

The LRC's advice and strategies can have a significant impact on the operations and/or finances of a school division or may set provincial precedent for all divisions.

KEY DUTIES & RESPONSIBILITIES FUNCTIONS

A. Collective Bargaining

- ***Lead Negotiator & Spokesperson:***
 - Serves as lead negotiator for collective agreements on behalf of assigned school boards
 - Provides broad and specific issue bargaining strategies as it may relate to individual specific boards and provincial strategies for the board to consider
 - Prepares and presents updates and progress reports to bargaining committees, school boards and other employer stakeholders
 - Reviews the analysis and costing of union and employer positions/proposals and responses and makes recommendations to the board
 - Analyses bargaining positions and makes recommendations
 - Presents employer positions and responses to unions at bargaining tables
 - Works with union counterparts to assess opportunities and solutions to resolve bargaining issues
 - Meets with a school board for direction if bargaining may exceed their pre-established bargaining mandate
 - Represents school divisions during bargaining impasse situations such as strike, lockout, and/or conciliation or mediation
 - Concludes collective agreements within the established financial and stakeholder mandates
 - Prepares an 'Agreement in Committee' for a division once bargaining is complete
 - Prepares salary bulletins to notify and inform other divisions and other stakeholders as to relevant provisions negotiated at the bargaining table for a particular school division
 - Ensures collective agreements accurately reflect what has been negotiated

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- ***Collective Bargaining Research & Preparation:***
 - Maintains up-to-date knowledge of bargaining at other school division bargaining tables, trends in provincial public sector collective bargaining, and national trends in teacher and support staff collective bargaining
 - Maintains an up-to-date knowledge of relevant education and legislative changes that impact collective bargaining
 - Maintains an up-to-date knowledge of economic impact information and data from relevant economic and organizational sectors
 - Conducts research to prepare or to advise school boards on local or provincial bargaining strategies and on the preparation of issue-specific bargaining positions
 - Assists school boards with the review of existing collective agreements, board policies, labour and bargaining trends, legislation and legal jurisprudence
 - Facilitates the development of school board bargaining goals including:
 - ensures financial costing of existing benefits and union/division bargaining proposals,
 - reviews 'bring-forward' bargaining issues and assesses past and potential grievances, and
 - Reviews issues with collective agreement language or interpretation
 - Works with school boards to develop their bargaining mandates
 - Analyzes the implications and potential impact of union demands
 - Provides orientation and education support to trustees to familiarize them with the collective bargaining process
 - Prepares collective bargaining documents throughout the bargaining process

- ***Conciliation/Mediation:***
 - Works with a conciliator in outlining bargaining history, proposals and positions of the parties, tactics applied and obstacles to overcome
 - Represents school boards at official conciliation and/or mediation meetings
 - Consults with the conciliator throughout the process offering suggestions for the conciliator to take to the other side
 - Provides advice to bargaining committee regarding suggestions from a conciliator
 - Works to problem solve and finalize a collective agreement

- ***Interest Arbitration:***
 - Recommends management nominees and arbitrator chairpersons for interest arbitration
 - Plans out best strategic timeline for interest arbitration
 - Develops strategies for interest arbitration
 - Creates narratives and themes for division demographics, bargaining proposals, arbitral jurisprudence, economic data, replication comparators, etc.
 - Analyzes proposals

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- Prepares all MSBA and divisional presenters including script preparation and outlining objectives and outcomes
- Develops arguments for issues in dispute
- Leads all subcommittees ensuring that information is consistent and in alignment with overall strategies
- Creates opening and closing arguments
- Develops, leads and presents the division's case before interest arbitration board
- Develops rebuttal arguments and exhibits to union arguments and exhibits
- Debriefs school board(s) and school division administration on the outcomes of interest arbitration awards and the implications and implementation of said awards

- **Strike/Lockout:**
 - Works with division to prepare Strike/Lockout Manual
 - Works with division to create Stakeholder Communication Plans
 - Works with division to seek out potential resolutions to the strike/lockout
 - Updates Director of Labour Relations and updates external stakeholders including the Government as to the status of the impasse as may be necessary

- **Follow-Up:**
 - Coordinates the implementation of new collective agreements including resolving issues of dispute between the parties in the final compilation of the collective agreements
 - Provides contract interpretation sessions to division personnel regarding the revised collective agreement as necessary

- **Manitoba Labour Board Representation:**
 - Represents school divisions at the Manitoba Labour Board (MLB) on issues such as union certification initiatives, first collective agreements and unfair labour practice allegations providing direction to counsel and advice to divisions or MLB appeals

B. Labour Relations & Human Resource Consultation

- Advises on the interpretation of collective agreement language (which includes bargaining history, comparison of contracts, legal jurisprudence, etc.) and legislation in situations concerning unionized employees with respect to matters such as leaves of absence, layoffs, transfers, etc.
- Advises on the interpretation of legislation, individual employment contracts, and common law practices in situations concerning non-unionized employees
- Provides summary advice following receipt of Labour Board awards, amendments to legislation, grievance arbitration awards, legal opinions, Human Rights Commission decisions etc., in regards to applicability to the school division(s)
- Advises school division senior administration and human resource personnel on labour relations and human resource matters, applicable legislation, board policies, and legal jurisprudence
 - Provides advice regarding attendance management issues – including matters such as requests for medical information, review of medical assessments, and accommodations
 - Provides advice regarding performance and discipline issues, including attempting to reach resolutions with union representatives
- Assists in resolving complaints respecting the application and interpretation of collective agreements – before they become grievances
- **Complex Investigations:**
 - Leads the division in working through complex investigations involving allegations of culpable behaviour (including sexual assaults, theft, assaults, fraudulent activity, etc.) and/or harassment complaints
 - Provides direction on speaking to witnesses, questions pertaining to investigation,
 - Provides guidance for the division in dealing with CFS, police or RCMP involvement
 - Advises when and how to involve the union in investigations
 - Strategizes action plans
 - Consults with the division about analysis of findings, options moving forward, writing discipline and communicating findings
 - Advises school boards in recommending appropriate suspensions or termination hearings (including Section 92 Hearings for Teachers)
- **Grievances:**
 - Meets with union representatives to resolve grievances where possible
 - Works on facilitating possible resolves to matters before the grievance escalates
 - Engages with school divisions regarding outstanding grievances

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- Advises and liaises with government representatives as necessary
- ***Grievance Arbitration/MLB Hearings/Mediation:***
 - Acts as a resource and/or agent in dealing with school division grievances in attempts to resolve grievances, or bring them forward to arbitration
 - Assists legal counsel in preparation for grievance arbitration, MLB hearings, or mediations
 - Facilitates possible resolves prior to arbitration hearing
 - Attends grievance arbitrations
 - Provides testimony at grievance arbitration as required
- Advises school divisions on classification, compensation and employee benefit matters including reviewing and making recommendations
- ***Working With A Board:***
 - Meets with Boards and provides advice regarding senior position contracts and contract negotiations facilitating engagement by legal counsel for final review
 - Assists school divisions with the recruitment of senior administration and human resource personnel and other positions as requested
 - Facilitates human resource management strategic planning processes with school boards and school divisions
 - Reviews current and draft divisional policies
 - Assists in the review, development, updating of policies and procedures as requested

C. Committees & Special Projects

- Participates in annual departmental staff planning setting out course of action for the department for the upcoming year
- Participates in regular departmental and MSBA staff meetings updating colleagues on activities within school divisions and potentially provincially precedent setting issues
- Works within school board regions to apprise them of collective bargaining issues and strategies being used by unions or other organizations. Provides advice, professional development, information, options, and direction where required
- Coordinates the Pension Committee and provides resources to pension trustees, liaises with all service providers, and is involved with all aspects of the pension plan
- Serves on the provincial benefit plan committees (dental, group life, LTD) as a plan trustee and provides direction. Provides ongoing maintenance with all aspects of these plans
- Coordinates the Manitoba Universal Standards Trust (MUST) Fund Committee to assess school division applications for reimbursements of legal costs related to labour relations issues, grievances, and arbitrations

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- Brings issues to the attention of school division human resource personnel pertaining to new legislation, labour relations, human resources, arbitration awards and collective bargaining
- Participates with school trustees, union representatives or school division personnel on special projects or committee work related to labour relations or human resource matters
- Performs special research tasks as assigned
- Acts as representative on committees such as Department of Education Certificate Review and Provincial Evaluations Committees and other ad hoc committees as assigned
- Develops appropriate labour relations resolutions for the MSBA convention for MSBA Executive consideration
- Participates on joint compensation committees with MSBA Executive members and takes a staff leadership role

D. Professional Development

- Develops and delivers professional development on labour relations and human resource management and relevant legislative changes for school trustees, division personnel or other provincial organizations such as MASBO and MASS
- Reviews relevant new stories, jurisprudence, and maintains up-to-date knowledge of labour relations and human resources in unionized and non-unionized sectors provincially, nationally, and internationally
- Participates and networks in professional development including but not limited to Labour Law Review, CPHR Manitoba, CAPSLE, Lancaster, NAEN, pension conferences, etc.

QUALIFICATIONS

- A college/university degree with labour relations/human resource courses or an equivalent level of education and extensive progressive labour relations and/or human resource experience, with experience as a lead spokesperson in collective bargaining and administration/interpretation of collective agreements and dispute resolution
- Knowledge of human resources best practices, business and management principles, labour legislation, labour trends and negotiation strategies is required
- Necessary expertise includes high levels of interpersonal, problem-solving, written and oral communication skills, judgment and tact
- CPHR designation is an asset
- Proficiency with various software programs related to communication and preparation of documents and use of latest technology including social media is required

COMPETENCIES

Working Conditions:

- The LRC must be prepared to work varying hours of work (day, evening, nights, and weekends) and must be prepared to travel extensively throughout Manitoba

Political Acumen:

- The LRC must operate with the greatest of tact and recognize explicit or implicit underlying politics recognizing individual and/or local and provincial politics

Facilitation & Consultation:

- The LRC may also be called upon to facilitate work/discussion groups at conferences or seminars

Negotiation:

- Incumbents are required to have the ability to lead all facets of the collective bargaining negotiation process

Communication:

- The LRC has proficient verbal, nonverbal, written and presentation and training skills. The incumbent must be able to think quickly and express appropriate answers or positions at the bargaining table. The consultant must also be able to develop clear, concise and focused collective agreement language and other documents

Conflict Resolution Skills:

- Incumbents are expected to be skilled in dealing with conflict situations, including mediation skills

Knowledge:

- The LRC must possess a current working understanding of HR and LR legislation and related jurisprudence and its application to collective bargaining, labour relations, and arbitration.

Team Work:

- The LRC requires strong team work skills in functioning both with other staff in the MSBA office as well as trustees, division staff, union representatives and other parties

OTHER:

Persons of Indigenous ancestry, or who identify with a visible minority community, or who are members of the disability community, are encouraged to self-identify when applying to this position.

Access to a vehicle is required. Alternative forms of transportation are acceptable by way of accommodation, provided this enables transportation province-wide within Manitoba and/or for business trips out of province.

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Location of work is based in Winnipeg (191 Provencher Boulevard). Flexible work location options can be considered.

A highly competitive compensation and benefits package will be offered to the successful candidate.

DEADLINE FOR APPLICATION:

No later than 4:30 p.m. on January 21, 2022

Applications, including a comprehensive covering letter and curriculum vitae, should be submitted electronically to:

Heather Hallatt, Administrative Assistant
Labour Relations/Human Resource Services

hhallatt@mbschoolboards.ca