HANDLING OF LABOUR MATTERS AND LEGAL DISPUTES PROCEDURE

A. PURPOSE

To set out the authority and process for the handling and settlement of, and payment of arbitrator/mediator fees (“Fees”) and/or monetary settlements (“Settlements”) relating to, labour relations matters and uninsured legal matters, such as Human Rights Complaints, involving Grant MacEwan University and the Grant MacEwan University Foundation (collectively referred to as the “University”). This Procedure should be read along with the University’s Management of External Legal Counsel Procedure and the Legal Resources Policy (the “Legal Procedure and Policy”).

B. MATTER MANAGEMENT

Labour matters and other uninsured legal disputes will generally be managed by HR and Legal Services. If required, External Legal Counsel will be retained in the manner described in the Legal Procedure and Policy. If retained, the Vice President and General Counsel shall oversee External Legal Counsel’s representation of the University in accordance with the Legal Procedure and Policy and shall ensure that External Legal Counsel provides advice and recommendations to HR and the Vice President and General Counsel throughout the legal management of the matter.

C. CONSULTATION AND DECISION MAKING AUTHORITY

HR and the Office of General Counsel shall advise and consult with the Accountable Department/Program early on, and at every step of such labour relations matter or uninsured legal matter. The Office of General Counsel shall continue to provide legal advice and work with HR and the Accountable Department/Program to ensure the interests of the University as a whole are considered and protected in any such matter. The Accountable Department/Program and the Vice President and General Counsel shall have the joint authority to make settlement decisions in relation to such matters.

In the event the Accountable Department/Program and the Vice President and General Counsel do not agree on how to proceed with a matter, the matter will be referred to the Executive Officer responsible for the Accountable Department/Program for review. In the event of a disagreement between the Executive Officer responsible for the Accountable Department/Program and the Vice President and General Counsel with respect to a proposed settlement, the President shall have the final authority over whether a matter is to proceed to settlement or adjudication.

The Vice President and General Counsel must approve the form and content of all settlements prior to any settlement arrangements being finalized.

D. PAYMENT OF FEES AND SETTLEMENTS

As per the Legal Procedure and Policy, the Office of General Counsel shall be responsible for verifying, processing and paying all External Legal Counsel accounts relating to any labour relations matters and/or uninsured legal matters. However, the financial responsibility of the Office of General Counsel relating to such matters does not extend to the payment of Fees and/or Settlements.
The Accountable Department/Program whose employee initiates a dispute shall be responsible for payment of any Fees and/or Settlements if the dispute in question has arisen as a result of the Accountable Department/Program’s performance management (human resources) actions.

The University shall be responsible for payment (through centralized funding) of any Fees if the dispute in question has arisen out of an institutionally-related matter, such as collective bargaining.

Any disagreement in relation to what area of the University is responsible for the payment of Fees and/or Settlements shall be resolved by the President and Vice-Presidents group.

E. CONFIDENTIALITY

All persons involved in any manner with respect to settlement discussions, proposals or implementation of actual settlements of labour matters or legal disputes must maintain confidentiality over all information and documents related to or arising out of such deliberations, proposals and agreements. Any inquiries with respect to a settlement or proposed settlement must be directed to the Executive Officer responsible for the Accountable Department/Program or the Vice President and General Counsel.

F. ATTACHMENTS

Attachment “A” – Handling of Labour Matters and Legal Disputes Procedure Flowchart

G. ASSOCIATED POLICY AND PROCEDURES

- Legal Resources Policy (D7990)
- Management of External Legal Counsel Procedure

H. DEFINITIONS

Accountable Department/Program – The University department or program involved in a labour relations matter or legal dispute.

External Legal Counsel – Law firm or member of a law firm that has been approved by the Vice President and General Counsel to provide legal services to the University.
External Legal Counsel is retained by the VP & GC in accordance with the Legal Resources Policy and the Management of External Legal Counsel Procedure or matter handled internally by Legal Counsel

Legal Counsel (External or Internal), HR, VP & GC and Accountable Department/Program work together and consult throughout the matter

Monetary or non-monetary settlement is recommended or proposed

In consultation with HR, the Accountable Department/Program and the VP & GC make a determination regarding settlement with potential appeal to the President, if required.

Settlement reached

Monetary settlement paid by Accountable Department/Program

Matter proceeds to mediation, arbitration or hearing

University successful at proceeding and no settlement funds payable

University unsuccessful at proceeding and monetary amount payable

Mediator/Arbitrator Fees and/or monetary settlement paid by Accountable Department/Program

If retained, External Legal Counsel’s final account processed and paid by OGC as per Legal Resources Policy

MATTER CONCLUDED