

BULLETIN

## Flexing legal muscle for HSA members' rights

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Typically, when a dispute arises in the workplace, HSAs stewards are able to resolve the issue, either through discussion or through filing a grievance. Sometimes, in the case of a particularly difficult situation or one that involves regional issues, the steward consults a labour relations officer, who then works with the steward in addressing the problem.

Unfortunately, some grievances cannot be resolved through negotiation or mediation. These must be referred to arbitration by a third party. In these and other more complex or unusual instances, the labour relations officer turns to the unions legal counsel for guidance with the case.

As resource to HSA staff, the legal counsel often assist in reaching an alternate resolution, or exploring other processes that might allow resolution without going to a full arbitration hearing. They also provide crucial input to staff and the union leadership on a wide spectrum of legal issues that affect the union as a whole.

Working on an arbitration involves meticulous work. Once a grievance is referred to arbitration, the legal counsel coordinates the collection of evidence to support the grievance. This may involve meeting with the grievor and the labour relations officer, as well as the steward, and other witnesses.

However, arbitrations are not the only situation in which legal counsel are called upon to present evidence and arguments at a hearing.

The union often requires legal representation at the Labour Relations Board in matters relating to organizing new members, including questions with respect to employee status, levels of membership support, or whether an application meets the legal requirements. As well, where allegations of an unfair labour practice arise during an organizing drive - for example, where a new member of HSA is discriminated against because of her union activity - appropriate applications are made to the LRB for relief.

Other areas in which members may require the aid of HSA legal counsel include long term disability plan appeals and professional association discipline hearings.

HSAs Legal Counsel Jeanne Meyers and Sarah OLeary participate on HSAs grievance committee, whose role is to review various grievances and determine which ones should be referred to arbitration.

In their many roles, the legal counsel are aided by Alison Hietanen, HSAs legal assistant. Alison assists in labour relations board, arbitration, and long term disability claims matters, which can include drafting

applications, drafting documents to be filed in provincial or supreme court, and a great deal of legal research.

The legal assistant may draft memoranda of law, research the issues and summarize the findings which, in turn, helps the legal counsel decide how to approach the case at hand. The legal assistant also identifies and gathers relevant information and documents, and liaises with witnesses and grievors.

Rosemary De Yagher, HSAs legal secretary, is also an integral part of the legal team. As well as assisting with file management, Rosemary liaises with employer representatives in finalizing the selection of arbitrators for particular cases, and works with the staff of the chosen arbitrator in arranging hearing dates.

As hearing dates approach, she assists the lawyers in compiling materials (briefs of authorities and books of documents) that they will rely on to support their position at arbitration. Additionally, she forwards arbitration decisions to HSA staff, and maintains the library filing system for the legal department.

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