



September 2, 2008

Parties Agree on Mediator/Arbitrator

The Law Society and the PEA continue to attempt to resolve the outstanding issues of how lawyers advance in the salary scale and the distribution of 2% of payroll referred to as flex funds. This money is intended to address internal equity issues, market issues and/or provide a general salary increase.

The PEA advised the Law Society of its intention to arbitrate this issue after consultations with members and meetings with representatives of the Law Society did not result in agreement between the Parties. The PEA proposed that the Parties seek the assistance of mediator Grant McArthur. Mr McArthur is knowledgeable about the issues, the history of bargaining/mediation and knows both the Parties and the negotiators for the Parties. The PEA believes that not only would Mr McArthur be advisable for these reasons, but that it would be preferable to resolve the matters through a problem-solving mediation process if possible, while recognizing that a determination by an arbitrator may be necessary. Alternatively, the PEA proposed that the Parties agree to seek mediation/arbitration under Section 105 of the Labour Relations Code. The intent of these proposals was to achieve conclusion of the issues that would preserve the largely positive relationship the Parties have established.

The Law Society subsequently proposed the alternative of using a private arbitrator, Mr David McPhillips. After reviewing this proposal, the PEA has again suggested that the Parties return to Mr McArthur. In the alternative, we suggested the Parties agree on one of three arbitrators who are very experienced in mediation processes and/or who have significant experience in dealing with issues of compensation.

The PEA proposed the following:

- **Mr Brian Foley:** Mr Foley is a former Associate Chair, B.C. Labour Relations Board. He has dealt with issues regarding level and distribution of compensation on many occasions, including complex matters involving the integration of professionals from the provincial government into the health sector and the resulting process for adjusting compensation.
- **Ms Irene Holden:** Ms Holden was a senior advocate and negotiator for a large provincial Crown Corporation dealing with several provincial union certifications throughout the job classification process. She was a mediator with the Labour Relations Board assisting parties to resolve differences in hundreds of bargaining disputes. She was also the Associate Chair (Mediation) of the Labour Relations Board.
- **Mr Bob Pেকেles:** Mr Pেকেles is an experienced mediator and arbitrator and is a former Vice-Chairperson of the Labour Relations Board.

The Law Society recently agreed to the appointment of Mr Pেকেles. The Parties are now seeking dates for mediation/arbitration with Mr Pেকেles.

Carmel Wiseman, LSL Chairperson
David Newell, LSL Vice-Chairperson
Jack Olsen, LSL Secretary Treasurer
Ernie Gorrie, Senior Labour Relations Officer