

LAWRIE CHERNIACK

CONFLICT RESOLUTION

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EDUCATION AND CERTIFICATES:

- 1966: B.A. (major, English; minor, Philosophy) Carleton College, Northfield, Minnesota.
- 1967: M.A. (English) University of Chicago. Through a Ford Foundation Scholarship, additional courses emphasizing teaching of Undergraduate English.
- 1975: LL.B. University of Manitoba. Called to the Manitoba Bar 1976.
- 1996: Certified as Chartered Arbitrator by the ADR Institute of Canada (previously the Arbitration and Mediation Institute of Canada).
- 2005: Certificate in Conflict Resolution Specializing in Mediation Skills awarded by Mediation Services, Winnipeg.
- 2007: Certified as Chartered Mediator by the ADR Institute of Canada.

EXPERIENCE:

In addition to my studies in Philosophy, English, and Law, I consider myself particularly fortunate in having been trained in, and used throughout my careers, three different but related skills—conflict resolution, advocacy, and teaching.

Conflict Resolution:

- 1970–71: Community Organizer, Institute of Urban Studies, University of Winnipeg. In charge of Roosevelt Park Action Research Project within core area of Winnipeg. Organized various community groups, some single-interest (such as tenants), and some community-based. Active as well in other action-area research projects initiated by the IUS (including Windsor Park, Community Television). *Extensive training in group work, facilitation, and strategy formulation.*

- 1984–91: On panel appointed by Manitoba Labour Board to sit as neutral *arbitrator* in labour-management matters, and acted as such in numerous labour arbitrations. *Extensive adjudication experience; mediation-arbitration experience as well.*
- 1988–89: Vice-Chair, Manitoba Labour Board. Sat as *chair* on numerous hearings involving labour relations, workplace safety and health, and employment standards. *Extensive adjudication experience; mediation experience as well.*
- 1998–2003: Partner, CMS Conflict Management Specialists, a partnership of labour law practitioners and *mediators* providing an interest-based approach to resolving conflict in labour-management relations.
- 2001–2006, 2012-: *Mediator, facilitator, and arbitrator*, in disputes in Human Rights, Northern Flood Agreement, and Treaty Land Entitlement matters.
- 2002–2005: Project *Facilitator* in the Qualifications Recognition Initiative of the Province of Manitoba; involved meeting with professional organizations, immigrant groups, Manitoba government departments, businesses, to deal with the issue of qualifications recognition for immigrants and to develop a consensus among government departments for dealing with the issue.
- 2007-: Conflict Resolution through Cherniack & Cherniack Law Corporation until 2016, and from 2017 to the present, through Cherniack and Cherniack Conflict Resolution. *Mediator* of disputes relating to construction, human rights, employment (employee-employee disputes, including disputes at the highest level of management, supervisor-employee disputes, and disputes within larger groups at the workplace), aboriginal, professional discipline, and community conflicts. Retired from the legal profession 2016. *Restricted practice in conflict resolution—mediation, arbitration, adjudication, investigation, facilitation .*
- 2008-: *The Workplace Ombudsman* service providing a complete service to small and mid-size employers for resolving conflict at the workplace.
- 2008–2020: *Adjudicator* hearing claims from survivors of Indian Residential Schools concerning sexual and physical abuse. Appointed through the Indian Residential Schools Adjudication Secretariat. *Investigatorial adjudication.*

Legal Advocacy:

- 1975–84: Articled with, then employed by, and ultimately in partnership with, the law firm which is now Myers LLP. *Extensive involvement in criminal, administrative, and labour law, with experience as well in civil litigation and family law, and some experience in corporate work. Appeared before all courts in Manitoba, and the Supreme Court of Canada.*

- 1984–85: Contract position as a senior solicitor with Public Interest Law Department, Legal Aid Manitoba. *Extensive involvement in public education, administrative law, and community and public rights.*
- 1985–2006: In partnership with Cherniack Smith. *Extensive involvement in labour law, administrative law, aboriginal law, and various consulting work in that area; involvement as well in civil litigation and constitutional law. Consulting for various non-profit organizations on corporate matters. Advisor to administrative tribunals.*
- 2007–2010 : Sole practitioner with Cherniack & Cherniack Law Corporation. *Legal advice to administrative tribunals.*

Teaching:

Co-founder and coördinator of the Winnipeg Free University, a volunteer organization which in the late 1960s at various times had over 50 teachers (many of them University professors) and over 400 students. Created and taught approximately ten courses at the Free University.

*At the University of Manitoba created and taught the following courses: Legal Research and Writing and Clinical Administrative Law (Faculty of Law—both in collaboration with other teachers); Labour Law (Economics Department Labour Certificate Programme, and Department of Continuing Education in both Labour Certificate and Human Resource Certificate programmes); English 110 (English Department); and co-created and taught *Negotiation and ADR* for the Faculty of Law in 2009.*

Created and taught many two- to ten-day courses to lay-people across the country concerning *conflict resolution, mediation, arbitration, negotiation, presentation of legal cases, strategy, organizing*, for various institutions, including: Grande Prairie College, Olds College, Grant McEwan Community College, Northern Alberta Institute of Technology, Arbitration and Mediation Institutes of Manitoba and Saskatchewan, Industrial Relations Institute, Canadian Union of Public Employees, Canadian Federation of Labour, Union of Northern Workers, Union of Taxation Employees, Public Service Commission of Saskatchewan, Nunavut College (Rankin Inlet), ADR Institute of Manitoba, and to lawyers through the Manitoba Bar Association.

Made one-hour to one-day presentations to numerous administrative tribunals on the *conduct of a hearing* and on *hearing cases* (including administrative legal principles, the conduct of a hearing, the laws of evidence, the assessment of evidence, writing a decision, and judicial review) through the Canadian Institute for the Administration of Justice and to numerous Manitoba statutory tribunals, including the Clean Environment Commission, the Liquor Control Commission, the Social Services Advisory Committee, the Workers Compensation Appeal Board, the Manitoba Association of Registered Nurses, the Manitoba Labour Board, The Employment Standards Division, and the Manitoba Council of Administrative Tribunals.

At various times, the co-head of, presenter of, and/or co-presenter of, workshops and seminars given to Bar Admission students and the law profession in general through the Law Society of Manitoba, on many subjects, including *Administrative Law, Wrongful Dismissal, Negotiations, and Ethics*.

Presented workshops on Conflict Resolution (*Understanding Misunderstandings* and *The Transformative Workplace*) to TEC Manitoba, the Human Resources Management Association of Manitoba, the Manitoba Association of Certified General Accountants, and Lorman Educational Services, and three-hour to three-day workshops on conflict resolution for the Executive Outreach Branch of the Asper School of Business, University of Manitoba, to both individual corporations and on an open enrolment basis.

COMMUNITY INVOLVEMENT:

Specific positions:

- 1971–74: City Councillor, City of Winnipeg.
- 1974–: Commentator (at times on a weekly basis) on various political and social issues for CBC Radio (local and national), CBC Television, CKY-TV, Global TV, *Winnipeg Free Press*, *Winnipeg Sun*, *the Voice*, *The Paper*.
- 1982–84: Vice-Chair, Manitoba Human Rights Commission.
- 1984–86: Chair, City of Winnipeg Act Review Committee. In that capacity responsible for a budget of approximately \$200,000.00, and for a staff of five and a committee of five. Chaired numerous hearings throughout Winnipeg. The Committee issued two major publications concerning the Act, and made a number of recommendations for changes.
- 1999: Ran for MLA in Fort Garry Constituency.
- 1999–2000: Chair, Governance Committee, Winnipeg Airports Authority.
- 2008–2011: Chair of the Board, Mediation Services.
- 2009–: Member of National Certification Committee for Chartered Mediator status, ADR Institute of Canada.
- 2010–2011: Chair, Human Resource and Compensation Committee, The Manitoba Museum.
- 2010–2012: Chair, ADR Subsection, Manitoba Bar Association.
- Boards:** On boards and executive of numerous community organizations, including Neighbourhood Services Centre, Health Sciences Centre, Inner City Library Subcommittee, Manitoba Theatre Centre, Manitoba Theatre Workshop (now Prairie Theatre Exchange), Winnipeg Symphony Orchestra, Winnipeg Jewish Community Council, Legal Data Resources Corporation, Inner City Voice, Arbitration and Mediation Institute of Manitoba, Manitoba Association of Social Workers/Manitoba Institute of Registered Social Workers, Community Unemployed Help Centre, Winnipeg Airports Authority Inc, The Manitoba Museum, I. L. Peretz Folk School Endowment Trust, Jewish Heritage Centre, Prairie Theatre Foundation Trust, Mediation Services.

Political Service: Served in the New Democratic Party's organizational structure in many capacities, chiefly related to long-range policy, at the municipal, provincial, and federal levels. Chaired numerous provincial conventions and the founding municipal convention, chaired the provincial long range policy and municipal committees, and was the Manitoba representative on the NDP Federal Council for four years. Also chaired an NDP Provincial Task Force on Children from 1998-99 which toured Manitoba seeking Manitobans' views on issues relating to children.

Counsel work: Counsel to numerous community organizations, including Manitoba Japanese Cultural Association, Canadian Association on Gerontology, Winnipeg Folk Festival, Manitoba Association of Organizations against Apartheid, Manitoba Association for Childbirth and Family Education, Nicaraguan Children's Fund, Manitoba Skeptics Society, West End Cultural Centre, Anishinaabe Child and Family Services, Interlake Reserves Tribal Council, Pineimuta Place Corporation, the Law Society of Manitoba, Association of Manitoba Book Publishers, Manitoba Chiropractors' Association, Plug-In Gallery, Riverborne Development Association, Clinic Community Health Centre, Nor'West Community Health Centre, Mediation Services of Manitoba, Society for Socialist Studies, Association of Manitoba Museums, Manitoba Institute for Social and Economic Research, Manitoba Association of School Superintendents, Social Services Appeal Board.

PUBLICATIONS:

"Common Law Marriages in Manitoba", *Manitoba Law Journal*, 1974 (co-authored with Cy Fein).

How to Get What You Want (1984), a short book for community activists, Public Interest Law Department, Legal Aid Manitoba, published for a conference (co-authored with Mel Holley).

Arbitration Tips (1986–2012), a book for laypersons, published for courses put on for the Canadian Union of Public Employees, the Canadian Federation of Labour, the Industrial Relations Institute, the University of Manitoba Faculty of Law, the Arbitration and Mediation Institute of Manitoba, and the Public Service Commission of Saskatchewan.

Our City in Review (1985) and *The City of Winnipeg Act Review Committee: Final Report* (1986), publications of the City of Winnipeg Act Review Committee (contributor along with other members of the Committee).

An Introduction to Organizing (1990), a short book for laypersons as well as a script for a cassette, published for courses put on by the International Union of Bricklayers & Allied Craftsmen.

Numerous articles on political, social, and cultural matters for the *Winnipeg Free Press*, the *Winnipeg Sun*, *Inner City Voice*, *The Paper*, and *The Globe and Mail*.

Various arbitration and Labour Board awards. The following have been published in the major report series:

- *Alcatel ITT Industries*, 9 L.A.C. (4th) 321 (Arbitration Award, 1989)
- *Fairview Home Inc.*, 21 L.A.C. (4th) 223 (Arbitration Award, 1991)
- *Dominion Malting*, 89 CLLC ¶16,051 (Manitoba Labour Board Decision, 1989)
- *Peter's Mechanical*, 90 CLLC ¶16,006 (Manitoba Labour Board Decision, 1990)

"ADR in Labour Law", *The Lawyer's Weekly*, June 15, 2007.

"The Truth, the Whole Truth, and Nothing But the Truth: What's the Best Strategy for Interviewing Employees", *HRMatters*, Fall, 2007.

"Dealing with Workplace Conflict", *HRMatters*, Spring, 2008.

"Meeting the Basic Needs: Hard Questions for Employee Retention", *HRMatters*, October, 2008.

"Preventing Termination", *HRMatters*, Spring, 2009.

How to Present a Case Before an Administrative Tribunal (2010), a book for laypersons based on *Arbitration Tips*, above, for courses in Advocacy put on by the Community Unemployed Help Centre for advocates.

Preventing Termination, a lengthy paper discussing a creative and potentially transformative approach to dealing with employees who present problems (including a discussion of documentation issues and whether the employee who presents problems is really the problem), originally published for Lorman Education Services, and available through request by e-mail to lawrie@cherniack.ca.