

The Canadian Institute's Advanced Forum on

# Labour Relations

*Proven Techniques for Superior Labour-Management Relations and Effective Collective Bargaining in Times of Fiscal Restraint*

**Hear directly from senior government officials:**



*The Honourable Lisa Raitt*  
Minister of Labour  
Canada



*Reg Pearson*  
Assistant Deputy Minister of  
Policy and Dispute Resolution  
Services Division  
Ministry of Labour, Ontario

**Learn innovative and effective techniques to achieve productive relationships, through case studies and practical sessions:**

- **Settlement Strategies:** Practical advice to leverage the tools at your disposal and avoid or expedite resolution of costly grievances
- The new standard for local collective bargaining in Ontario: **Innovative approach to arbitration** by the Ontario English Catholic Teachers' Association
- **DARRPP and Random Drug Testing:** Hear directly from Joshua Phillips, counsel to the Canadian Civil Liberties Association on the random drug testing matter, to be heard by the Supreme Court of Canada

**Our faculty of industry leading experts will create a unique forum to help you gain critical insights on topical issues including:**

- **OVERCOMING** operational deficiencies by identifying commonalities between the federal and provincial labour relations regimes and implementing viable solutions
- **SUCCESSFULLY** managing increased costs while maintaining value in structuring new pension and employee benefit plans
- **MITIGATING YOUR RISK** in handling human rights claims, particularly concerning random drug testing
- **PROACTIVELY PLANNING** for Broader Public Sector Reform and the recommendations in the Drummond Report
- **DEPLOYING EFFECTIVE ADVOCACY METHODS** to protect your interests in a skilled labour shortage environment
- **UNDERSTANDING** the impact of global economic trends on the nature of the Canadian workforce



**IN-DEPTH WORKING GROUP**

Participate in targeted training and an open discussion session for proven strategies that you can actively apply to all of your bargaining and dispute resolution matters!

**Leveraging Trends in Industrial Relations: Learning from Recent Developments and Agreements**



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## “Canadian Labour Relations: After Rough 2012, Next Year Expected To Be Tumultuous As Well”

— The Canadian Press, December 3, 2012

Learn the Most Effective and Innovative Strategies to Promote Cooperation and Enhance Relationships Between Unions, Employers and Employees!

The cyclical turbulence in our global economy has placed additional strain on Canadian labour relations. Now more than ever, management and union representatives must find ways to work together to minimize the risks posed by strikes, and failures to negotiate collective agreements that satisfy both management and union priorities. Join us at **The Canadian Institute’s Advanced Forum on Labour Relations, April 16 & 17, 2013**, in Toronto, to ensure that your business productivity is not adversely affected by antagonistic negotiations.

Return to the office with the solutions you need to seamlessly manage your most pressing labour relations challenges, through timely sessions to help you:

- Identify **commonalities and differences between the federal and provincial labour relations regimes** to streamline and improve operational efficiencies
- Learn the **underlying intent of critical new case law** to manage risk
- Gain **practical strategies** to negotiate layoffs and mass terminations
- Understand how to **remain competitive when faced with an influx of foreign workers**
- Prepare for **broader public sector reform**
- **Benchmark your labour relations programs** as a proactive measure against **increasing labour strife**

**TARGETED TRAINING!** Participate in the in-depth Working Group for proven strategies to manage emerging issues that affect all labour relations stakeholders:

### Leveraging Trends in Industrial Relations: Learning from Recent Developments and Agreements

**Register now!** Ensure you are ready to conduct effective and efficient negotiations and amass the right tools to optimize your labour relations strategies by participating in this tailor-made program. Sign up today by calling **1-877-927-7936**, by fax at **1-877-927-1563** or online at **www.CanadianInstitute.com/Labour**.

We look forward to welcoming you to the event in April!

## DISTINGUISHED SPEAKER FACULTY

*The Honourable Lisa Raitt*  
Minister of Labour  
Canada

*Jacqueline Bart*  
Principal  
Bart & Associates

*Megan Burkett*  
Lawyer, Human  
Resources Law  
Keyser Mason Ball LLP

*Ed Chudak*  
Head, Contract Services  
Department  
Ontario English Catholic  
Teachers’ Association  
(OECTA)

*John D’Orsay*  
Litigation Labour  
Relations Officer  
Ontario Nurses’ Union

*Stephen Cryne*  
President  
Canadian Employee  
Relocation Council

*Evan Howard*  
Director, Policy  
CAAT Pension Plan

*Ian Edelist*  
Principal  
Eckler Ltd.

*Michael Kennedy*  
Partner  
Hicks Morley Hamilton  
Stewart Storie LLP

*Paula Knopf*  
Arbitrator and Mediator  
Director, Arbitration  
Development Program  
Ministry of Labour,  
Ontario

*Reg Pearson*  
Assistant Deputy  
Minister of Policy  
and Dispute Resolution  
Services Division  
Ministry of Labour,  
Ontario

*Sue Mackintosh*  
Chief Strategist and  
Shared Value Lead  
Oakbridges, Labour  
Relations Strategists

*Paul Moist*  
National President  
CUPE

*Joshua Phillips*  
Managing Partner  
Ursel Phillips Fellows  
Hopkinson LLP

*Hugh Secord*  
Chief Strategist and  
Managing Director  
Oakbridges, Labour  
Relations Strategists

*Colin Singer*  
Immigration Attorney  
CHRP, Canadian  
Citizenship and  
Immigration Resource  
Centre

*Sheila Stanislowski*  
Executive Director  
Civic Institute of  
Professional Personnel

*Kristin Taylor*  
Partner  
Cassels Brock &  
Blackwell LLP

*Adriana Wills*  
Partner  
Harris Workplace Law

*Visit our website for new speaker additions and updates.*

## WHO WILL YOU MEET?

- Human Resources/Industrial Relations Professionals, Executives
- Union Officers, Stewards and Representatives
- Arbitrators and Negotiators
- Vice Presidents, Directors, Managers, Advisors, Council, Analysts, Administrators, Coordinators of:
  - Labour Relations
  - Employee Relations
  - Staff Relations
  - Human Resources
  - Union Relations
  - Industrial Relations
- Dispute Resolution
- Human Rights
- Pensions
- Negotiations
- Collective Bargaining
- Recruitment and Retention
- Policy
- Payroll and Benefits
- Occupational Health and Safety
- Labour Lawyers
- Labour Relations and Human Resources Consultants
- Bargaining Committee Members
- Labour Associations

Register at 1-877-927-7936 (416-927-7936) or [www.CanadianInstitute.com/Labour](http://www.CanadianInstitute.com/Labour)

## Day One: Tuesday, April 16, 2013

7:30 **Registration Opens and Coffee Served** ☕

8:30 **Opening Remarks from the Co-Chairs**

8:45 **Global and Domestic Economic Developments Affecting the Dynamics of Labour Relations in Canada**



**The Honourable Lisa Raitt**  
Minister of Labour, Canada



**Reg Pearson**  
Assistant Deputy Minister of Policy and Dispute Resolution  
Services Division, Ministry of Labour, Ontario



**Paul Moist**  
National President, CUPE

*The nature of the Canadian workforce is rapidly changing on account of an increase in foreign workers, an aging population and youth unemployment, coupled with unprecedented levels of debt. In addition, the traditional manufacturing base is shrinking, and specialized employees are required as we embrace an economy shaped by rapidly advancing technologies. This session will provide you with a solid understanding of the primary drivers responsible for economic change, and most importantly, how labour relations stakeholders are adapting to these changes.*

- Youth joblessness and underemployment:
  - Examining the detrimental effect on Canada's economic activity and productivity
  - What are the obligations on management when displacing lower-skilled workers?
- Impact of increasing debt and poor retirement savings on labour force participation by seniors:
  - Proactive strategies for unions and management to effectively deal with the aging workforce
  - What are the trends when comparing eastern and western Canada?
- How manufacturing businesses can compete with foreign labour:
  - Is there a viable alternative to salary and direct-indirect tax advantages?
  - Successful negotiation strategies to overcome real business operational challenges

10:00 **Identifying Commonalities Between the Federal and Provincial Labour Relations Regimes to Improve Operational Efficiencies**



**Adriana Wills**  
Partner, Harris Workplace Law (BC)



**Kristin Taylor**  
Partner, Cassels Brock & Blackwell LLP (ON)

*All labour relations regimes in Canada share fundamental features protecting the right to organize, to bargain collectively, and to strike. Within this common framework of labour principles, jurisdictions vary significantly in procedures for certification of union majority support, in the regulation of strikes, as well as other key differences. Incorporating best practices from industry leaders across the country will help you to streamline your labour relations practices to avoid unnecessary overlap, preserve precious resources and gain tactical advantages.*

- How stakeholders in each region of the country are identifying and categorizing the common factors in each of:
  - Bargaining unit description — What factors are taken into consideration in deciding who is included to determine an appropriate unit for representation?

- Certification — Examples of proven strategies that increase the likelihood of achieving common approval for a designated exclusive bargaining agent
- When is automatic certification the best option?
- Representation processes and procedures — Discharging your obligations in fair treatment of all employees, both union and non-union members
- Managing the benefits and obligations under replacement worker legislation

11:00 **Networking Coffee Break** ☕

11:15 **Critical Labour Case Law, Arbitral Decisions and Legislative Update**



**Megan Burkett**  
Lawyer, Human Resources Law, Keyser Mason Ball LLP

- Duty to Accommodate: Understanding the implications of recent attendance management programs decisions
- Anticipating legislative change and understanding its impact
- Workplace privacy and employee use of computers: What is the impact of the Supreme Court of Canada decision in *R. v. Cole* on the unionized workplace?
- Factors to weigh when considering the admissibility of social media evidence and understanding the treatment of surreptitiously obtained evidence

12:15 **Networking Luncheon for Delegates and Speakers** 🍽️

1:30 **Proven Settlement Strategies to Promote Early and Cost Effective Issue Resolution**



**Michael Kennedy**  
Partner, Hicks Morley Hamilton Stewart Storie LLP

**Sheila Stanislowski**  
Executive Director, Civic Institute of Professional Personnel

- Practical advice to leverage the tools at your disposal to avoid or expedite resolution of costly grievances
- Strategically weighing when, how and whether to deploy any of the following:
  - Mediation
  - Arbitration
  - Collective bargaining
- Risk management strategies in executing settlements: What documents must be included?
- Weighing the strategic and costs benefits and drawbacks of multiple versus single issue negotiation
- Fine tuning settlement strategies to improve your chances of successful early resolution: Checklist of today's best practices
- Considerations in choosing the right mediator or arbitrator
  - Learning how to leverage the roles of all parties, especially the neutral third parties, to achieve early cost effective resolution

2:30 **CASE STUDY: Innovative Approach to Arbitration by the Ontario English Catholic Teachers' Association**



**Ed Chudak**  
Head, Contract Services Department  
Ontario English Catholic Teachers' Association (OECTA)

*This summer, OECTA and the province of Ontario entered into a Memorandum of Understanding that is now guiding local collective bargaining across the province.*

*Mr. Chudak will provide you with an understanding of OECTA's new approach for arbitration, created in conjunction with the*

Minster of Education, under the MoU. What principles can be extracted from the OECTA experience and directly applied to your unique labour relations framework?

3:00 **Networking Coffee Break ☕**

3:15 **Managing Human Rights In the Labour Relations Context**



**Joshua Phillips**

Managing Partner, Ursel Phillips Fellows Hopkinson LLP

- Balancing human rights law obligations with terms outlined in collective agreements concerning random drug testing:
  - What is the policy reason behind random testing?
  - Is it a breach of human rights laws?
  - What is considered a safety sensitive area?
  - Who is meant to be kept safe in the workplace and how?
  - Will the rest of the country follow Alberta's lead, and how will this impact labour relations?
- How far has the employer's duty to accommodate been extended?
  - Chronic absenteeism due to illness
  - What are the special considerations when addressing mental health issues such as depression or anxiety?
  - Requirement to provide sufficient medical evidence to support the illness
- Constraints on picket line treatment and unfair labour practices updates

*Mr. Phillips is counsel to the Canadian Civil Liberties Association on the random drug testing matter to be heard by the Supreme Court of Canada.*

4:00 **Strategies to Remain Competitive: Lessons from the West in Managing the Skilled Labour Shortage**



**Jacqueline Bart**

Principal, Bart & Associates



**Stephen Cryne**

President, Canadian Employee Relocation Council



**Colin Singer**

Immigration Attorney, CHRP

Canadian Citizenship and Immigration Resource Centre

- Future trends: Leveraging the expanding provincial nominee program to fill places in Ontario workplaces while maintaining positive labour relations
- What can be learned from management in Alberta's energy sector about importing and integrating outside labour?
- How are unions effectively advocating for their members to combat the increase in foreign workers?
- Understanding the impact of cross-border international labour issues in today's global marketplace:
  - Extracting useful international principles to improve human resource policy harmonization, employee transfers, establishment of international operations and international framework agreements
  - How are the new trade agreements, including CETA and the Trans Pacific Partnership (TPP), impacting Canadian labour relations?
  - LMOs/ALMOs and union input
  - Analysis of other trade in services and mobility exemptions enabling the entry of foreign workers

5:00 **Co-Chairs' Closing Remarks  
Forum Adjourns for the Day**

## Day Two: Wednesday, April 17, 2013

7:45 **Coffee Served ☕**

8:15 **Opening Remarks from the Co-Chairs**

8:30 **Broader Public Sector Reform: Adopting a Proactive Approach to Stay Ahead of the Changes to Bargaining and Negotiation**



**John D'Orsay**

Litigation Labour Relations Officer  
Ontario Nurses' Union



**Paula Knopf**

Arbitrator and Mediator, Director, Ontario Ministry of Labour's Arbitration Development Program

*In early 2012, the Commission on the Reform of Ontario's Public Services released the long-awaited Drummond Report, which identifies sweeping reform measures aimed at increasing efficiencies within the broader public service. This session will consider the impact of the recommendations on human resources issues, including labour relations and pensions, as well as the MASH sector.*

- Update on the status of the Drummond Report recommendations: Reflecting on the progress towards comprehensive reform
- Balancing privacy obligations against the right to information in support of bargaining
- How is interest arbitration evolving and what are the implications to collective bargaining in the broader public sector?
  - Does rights arbitration have a place in the new system?

9:30 **Networking Coffee Break ☕**

9:45 **Managing Cost Explosion While Maintaining Value: Reforms, Trends and Viable Alternatives in Pensions and Employee Benefit Plans**



**Evan Howard**

Director, Policy, CAAT Pension Plan



**Ian Edelist**

Principal, Eckler Ltd.

- Identifying the latest proposals for pension reform in Ontario
  - How will they impact labour relations?
- Understanding the key components of new hybrid or alternative plans to help you determine a mutually beneficial choice
- How Jointly Sponsored Pension Plans enable shared costs, risks and responsibilities
- Innovative techniques to treat pension and benefit plans at the bargaining table
- Future trends for benefit programs in Canada, taking account of shortfalls in funding, downturning economic conditions, and Canada's aging workforce
- Redefining legacy practices: Practical alternatives to total rewards, flex packages, and other continuous entitlements that have been traditionally embedded in collective agreements

10:45 **Layoffs and Mass Terminations in Government: Managing the Trickle Down Effect on the Private Sector**

- Strategies and practices to effectively streamline workforce adjustment as the public sector faces additional rounds of layoffs
- Downsizing in a restricted environment: Practical advice to effectively structure layoffs

- Innovative negotiation strategies for fair compensation
  - Considerations for union and management to achieve mutually beneficial wage protection terms in collective agreements
- How to discharge management obligations when accommodating treatment for survivor syndrome



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11:45 **Co-Chairs' Closing Remarks, Forum Concludes**

### Sponsorship & Exhibition Opportunities

Maximize your organization's visibility in front of key decision-makers in your target market. For more information, contact Director of Business Development **Daniel Gellman** at 416-927-0718 ext. 7389, toll-free 1-877-927-0718 ext. 7389 or by email at [d.gellman@CanadianInstitute.com](mailto:d.gellman@CanadianInstitute.com)

**Wednesday, April 17, 2013 – 1:00 - 4:00 p.m. | Registration opens at 12:30 p.m.**

## Working Group: Leveraging Trends in Industrial Relations: Learning from Recent Developments and Agreements

*A light lunch will be served for delegates and speakers participating in the Working Group*

### Working Group Leaders



#### **Hugh Secord**

Chief Strategist and Managing Director  
Oakbridges, Labour Relations Strategists

- Understanding the need for a new paradigm: Establishing the parameters through an introduction to the recent history of labour relations
- Identifying and addressing Legacy Issues:
  - Wage competitiveness, wage compression, scarcity of skilled labour
  - Pension costs
  - Productivity gaps
  - Competition from off-shore and from “Right to Work” states south of the border
  - Shifts in the Canadian economy resulting in reduced secondary manufacturing sector and booming primary industries shifting economic power to the Western Provinces; growth of the services / retail sectors
- Learning from recent changes in the Canadian Labour Relations landscape, particularly:
  - Shifts in bargaining power
  - Strategic responses from the Labour Movement through mergers and globalization
  - Shifts in the political environment via wage freeze/ restraint, strike bans, labour legislation reform, and threats to eliminate the Rand formula
  - Reduced work stoppages: What does this actually signal?
  - Public and private sector settlements out of alignment
  - Increasing “merit” employer movement



#### **Sue Mackintosh**

Chief Strategist and Shared Value Lead  
Oakbridges, Labour Relations Strategists

- Strategic options to increase operational efficiencies, concerning:
  - Employee Engagement, closing the productivity gap
  - Outsourcing options;
  - Long-term bargaining strategies
  - Restructuring
  - Strikes / lockouts / Interest Arbitration
  - Relocating part or all of the business
- Adopting a holistic approach and a solid framework for your Industrial Relations strategy
  - Identifying the Stakeholder interests
  - Situational assessment
  - Defining competitive advantage
  - Considerations in creating a plan

*Mr. Secord is a labour relations subject matter expert with over 30 years of experience in manufacturing, resources and logistics. In his practice as a management consultant he has helped many organizations develop and execute innovative approaches to industrial relations that create competitive advantage.*

*Ms. Mackintosh has over 20 years of experience in industrial relations and human resources management gained in manufacturing and the retail sector. Her strength in industrial relations is complimented by her all round knowledge of best practices in HRM.*

### Legal Accreditation



This program may be eligible toward the CPD Requirement as 9 Substantive Hours, as required by the **Law Society of Upper Canada**. Please note that this program is not accredited for Professionalism Hours or the New Member requirement.

This program has been approved by the **Law Society of Saskatchewan** for 9 CPD hours for the conference. Members will also receive 3 additional CPD credit hours for attendance at the Working Group.

The same number of hours may be applied toward your continuing legal education requirements in **British Columbia**.

The **Barreau du Québec** automatically recognizes the same number of hours for this training activity, the latter having been accredited by another Law Society subject to MCLE.

Attendance at this program by members of the **Law Society of Alberta** may be submitted to the Law Society for Continuing Professional Development credits.

**Register at 1-877-927-7936 (416-927-7936) or [www.CanadianInstitute.com/Labour](http://www.CanadianInstitute.com/Labour)**



The Canadian Institute's Advanced Forum on

# Labour Relations

*Proven Techniques for Superior Labour-Management Relations and Effective Collective Bargaining in Times of Fiscal Restraint*

## REGISTRATION FORM

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YES! Register the following delegate for **LABOUR RELATIONS**

FEE PER DELEGATE	Register & Pay by February 13, 2013	Register & Pay after February 13, 2013
<input type="checkbox"/> Program (on site)	\$1610	\$1895
<input type="checkbox"/> ELITEPASS*: Program + Workshop	\$2120	\$2495
<input type="checkbox"/> Live Webcast (Program Only)	\$1595	
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*Program Proceedings are published and shipped 4 weeks from the program		
<input type="checkbox"/> I cannot attend but would like information on purchasing a copy of the Program Proceedings		

\*ELITEPASS is recommended for maximum learning and networking value.

### CONTACT DETAILS

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ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ PROVINCE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

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TYPE OF BUSINESS \_\_\_\_\_ NO. OF EMPLOYEES \_\_\_\_\_

APPROVING MANAGER \_\_\_\_\_ POSITION \_\_\_\_\_

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## Top Reasons to Attend

- ✓ **UNDERSTAND** your obligations to accommodate under human rights legislation
- ✓ **LEARN SUPERIOR STRATEGIES** to be an effective advocate in times of fiscal restraint
- ✓ **SUCCESSFULLY** negotiate new pension and employee benefit plans
- ✓ **PREPARE TO ADAPT** to Broader Public Sector Reform
- ✓ **UNPARALLELED OPPORTUNITY** to build relationships and network with industry leaders

## 5 EASY WAYS TO REGISTER

- Phone:** 1-877-927-7936 or 416-927-7936
- Fax:** 1-877-927-1563 or 416-927-1563
- Email:** CustomerService@CanadianInstitute.com
- Mail:** **The Canadian Institute**  
1329 Bay Street  
Toronto, Ontario M5R 2C4
- Online:** [www.CanadianInstitute.com/Labour](http://www.CanadianInstitute.com/Labour)

PROGRAM CODE: 441L13-TOR

### ADMINISTRATIVE DETAILS

VENUE: Marriott Bloor Yorkville  
ADDRESS: 90 Bloor Street East, Toronto, ON  
TEL.: 416-961-8000

### Hotel Reservations

For information on hotel room availability and reservations, please contact the Marriott Bloor Yorkville at (416) 961-8000 and request the 'Canadian Institute's Preferred Corporate Rate'. To book online, please go to the Marriott Bloor Yorkville website and click on the "Special Rates & Awards" drop down menu and use Corporate/Promotional Code "KN8".

### Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

### Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

### Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

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