

BLAINE DONAIS B.A., LL.B., LL.M. (ADR), RPDR, C. Med.



President and Founder - Workplace Fairness Institute
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Workplace Fairness Institute
Conflict Management Solutions

**Over 10 years experience as a mediator in the
civil and workplace environments**

PROFILE

Blaine Donais B.A., LL.B., LL.M. (ADR), RPDR, C. Med., WFA author of *Workplaces That Work*, and *Engaging Unionized Employees*, both published by Canada Law Book, has spent many years working with public and private sector professionals. He is President and Founder of the *Workplace Fairness Institute, Conflict Management Solutions*. He has represented professionals as a labour lawyer since 1995. He is an expert in both the practice and theory of assisted labour/management negotiation, mediation-arbitration and facilitation. He is Adjunct Professor of Workplace Dispute Resolution at York University and University of Toronto (Centre for Industrial Relations and Human Resources) and is Visiting Lecturer for La Trobe University, Melbourne Australia. He teaches Human Resources professionals, Labour leaders and others in Human Rights, Labour and Employment law, Human Resources, Collective Bargaining and Conflict Resolution. He offers workplace interventions with a specialization in unions and unionized work environments

SIGNIFICANT MEDIATION AND WORKPLACE INTERVENTION EXPERIENCE

President, Consultant, Mediator, Conflict Coach, Trainer, Systems Designer WORKPLACE FAIRNESS INSTITUTE – 2005 TO PRESENT

As President and Founder of the *Workplace Fairness Institute*, Blaine provides workplace interventions for various companies and unions. He also offers advice on how to improve workplace conflict management systems. Through his book *Workplaces That Work*, he is now considered a leading expert on conflict management systems analysis and design. In addition, he provides conflict management training with a specialization in unionized work environments.

The Workplace Fairness Institute also acts as a progressive policy analysis centre for workplace related issues. The Institute provides research for various organizations including the Korea

Labor Institute on public and private forms of conflict management in Canada. Blaine has been invited to speak around the world on the topic of workplace fairness.

Mediator

DONAIS MEDIATIONS AND ARBITRATIONS – 2000 TO PRESENT

Blaine has acted as a mediator for civil matters and in the workplace setting for over ten years. Over the course of these years he has performed hundreds of mediations as a roster and off-roster mediator. He is recognized for his mediation excellence by the ADR Institute of Canada with the Chartered Mediator (C. MED) designation. He has been conferred the designation Registered Practitioner in Dispute Resolution (RPDR) by the Canadian International Institute of Applied Negotiations (CIAN). Presently he has become certified as a Workplace Fairness Analyst (WFA) by the Workplace Fairness Institute.

SIGNIFICANT LABOUR RELATIONS AND LEGAL EXPERIENCE

Staff Officer/Counsel, Negotiator, ADR Systems Designer

THE SOCIETY OF ENERGY PROFESSIONALS – 1995 TO PRESENT

As a negotiator, facilitator, mediator, and systems design professional for the Society of Energy Professionals for the last ten years, Blaine has used ADR and litigation skills to amass the following accomplishments:

- 500+ grievances settled using Interest-Based Negotiations Techniques
- Numerous cases arbitrated and adjudicated through the OLRB
- 100+ Purchase Services Agreements reviewed and negotiated
- 18+ Major Collective Agreements and 80+ Letters of Understanding negotiated
- Over 500 meetings facilitated and over 70 inner-union disputes successfully mediated
- 50+ Human Rights/Harassment Investigations
- 30+ dispute resolution systems designed
- 20+ negotiation/dispute resolution skills training sessions developed and delivered

TEACHING AND TRAINING

- Adjunct Professor – University of Toronto, Centre for Industrial Relations and Human Resources – ADR in the Workplace, 2007 to present
- Adjunct Professor – York University, Atkinson College– Dispute Resolution in the Workplace 2000 to present
- Visiting Lecturer – LEADR NZ, Auckland and Wellington New Zealand – Workplace Fairness, 2008
- Visiting Lecturer – Queensland University, Brisbane Australia – Workplace Conflict Management, 2008
- Visiting Lecturer – La Trobe University, Melbourne Australia - Workplace Conflict Management, 2007 to present
- Instructor and Course Developer: Canadian Union of Public Employees Regional Training In-service - 2007
- Course Consultant – Laurentian University – Interpersonal Dispute Resolution - 2007
- Instructor and Course Developer - Workplace Fairness Institute – 2006 to present
- Director of Domestic Training - Canadian International Institute of Applied Negotiations (CIAN) - 2002-03
- Instructor - Small Claims Court Mediations – 2004
- Instructor and Course Developer Ontario English Catholic Teachers Association – 2004

- Instructor and Coach York University Staff Association – 2004-05
- Instructor and Course Developer - Georgian College, Labour Relations – 2003
- Instructor and Course Developer - George Brown College, Toronto Employment and Human Rights Law, – 2001-03
- Instructor and Course Developer - Society of Energy Professionals – 1996- 2000
- Teaching Assistant/Seminar Leader - University of Manitoba - 1987-1990

EDUCATION, TRAINING, AND PROFESSIONAL DESIGNATIONS

- Bachelor of Arts,(History) University of Winnipeg 1987
- Joint Masters Program, (History)University of Winnipeg and University of Manitoba, course work completed, 1988
- Bachelor of Law Degree, University of Saskatchewan, Distinction, 1993
- Masters of Law Degree, Osgoode Hall Law School, specializing in Alternative Dispute Resolution, 2000
- University of Windsor, Negotiation & Mediation Certificate 2000, Advanced Certificate, 2001
- “Certified Consultant of Workplace Mediation,” conferred by Mediation Training Institute 2002
- “Registered Practitioner in Dispute Resolution”, (RPDR) conferred by Canadian International Institute of Applied Negotiations, 2002
- Harvard Law School Program of Instruction for Lawyers, Negotiations Certificate 2003, Advanced Negotiations Certificate 2004
- Roster Mediator, Ontario Mandatory Mediation Program, 2003 – present
- “Chartered Mediator” Designation, ADR Institute of Ontario 2004

LEADERSHIP ACTIVITIES AND PROFESSIONAL ASSOCIATIONS

- ADR Institute of Ontario Executive Board Member, 2006-2007
- Ontario Bar Association ADR Section Executive Member, 2005-2007
- Ontario Bar Association Labour Section Executive Member, 2005-2007
- Canadian Union of Public Employees (CUPE) Local 3902 Member, 2006 - Present
- Canadian International Institute of Applied Negotiations (CIAN), Director of Domestic Training, 2002-03
- The Society of Energy Professionals, Board Member, 1995-97
- Conflict Resolution Network (CRNet), 2001-04
- Association for Conflict Resolution, 2001- Present
- ACR Workplace Section Member, 2001- Present
- Canadian International Institute of Applied Negotiations, Registered Practitioner, 2001- Present
- Society Staff Union, President, 1997-2002
- Law Society of Upper Canada, ADR Advisory Panel Subscriber, 1995-99
- Law Society of Upper Canada, Member 1995-2007
- Society of Professionals in Dispute Resolution (SPIDR), 1995-99
- University of Saskatchewan Law Students Association, 1990-93
- University of Saskatchewan College Of Law Equities Committee, 1990-93
- Lawyers for Social Responsibility, President, 1990-93
- Barriers to Legal Education Committee, 1990-93
- U of S Campus Legal Services Law Clinic, 1990-93
- Artist-Run Audio Distribution Centre, Board Member, 1985-90
- University of Manitoba Students' Association, Board Member, 1985-88
- Relief Society of Tigray, Ethiopia - Manitoba, Vice-President, 1985-90
- University of Winnipeg Students Association, Business Manager, 1984-85

- University of Regina, Senate Committee Member, 1981-83
- University of Regina Students Association, Vice-President, 1981-83
- University of Regina, Student Aid Ombudsperson, 1980-83

PUBLICATIONS & CONFERENCE PAPERS

- *Engaging Unionized Employees* (Aurora: Canada Law Book, upcoming September 2010)
- "Report to the Korea Labor Institute on Public and Private Forms of Workplace Conflict Management," 100 page report submitted to the Korea Labor Institute, 2009
- *Workplaces That Work: A Guide to Conflict Management Systems in Union and Non-Union Work Environments* (Aurora: Canada Law Book, 2006)
- *Workplaces Workbook: Forms, Checklists, Templates and Instructions to Analyze Your Conflict Management System*, CD to be published 2007
- "Making Workplaces Work: The Science of Workplace Fairness", four day seminar, La Trobe University, Melbourne Australia, 2007
- "Should Governments Mandate Workplace Fairness?" – public lecture, key note address, La Trobe University, Melbourne Australia, 2007
- "Strengthening the Foundations of Workplace Conflict Management Systems – a Diagnostic Approach," concurrent seminar for International Ombudsman Association Conference, St. Louis, April 2007
- "From Identification to Systems Renewal" concurrent seminar for International Ombudsman Association Conference, St. Louis, April 2007
- Conflict Management During a War for Talent: Making Workplaces Work" Insight Conference, Ottawa, March 2006
- "Training Managers in Handling Conflict," *Canadian HR Reporter*, March 12, 2007
- "Every Workplace Has a Culture," 2007 by www.mediate.com
- "Who are Your Workplace Actors?" 2007 by www.mediate.com
- "How fair is Your Conflict Management System?" 2007 by www.mediate.com
- "The Difference Between Union and Non-Union Work Environments," to be published 2007 by www.mediate.com
- "Measuring the Cost of Unfairness in Workplace Conflict Management Systems" 2007 by www.mediate.com
- "Redefining Conflict Management System Options for Non-Union Workplaces," 2007 by www.mediate.com
- "A Team Approach to Fairness in Conflict Management Systems Design", 2007 by www.mediate.com
- "What are the sources of Workplace Conflict?," published 2006 by www.mediate.com
- "Conflict Management During a War for Talent: Making Workplaces Work" Insight Conference, Vancouver, November 2006
- "Making Workplaces Work: Achieving Excellence in Conflict Management." Insight Conference Seminar Presentation, Vancouver, November 2006
- "Preparing For Bargaining," Conference Panellist, Lancaster House, November 2006
- "Mediation-Arbitration: Panacea or Placebo?" Conference seminar for the Canadian Council of Professionals, November 2006
- "Presentation to the Standing Committee on Justice Policy on Bill 14, Access to Justice Act, 2006", 2006
- "Access to Justice Act - More Justice than One Union Can Handle?" 2006 Labour and Civil Section Meeting
- "Measuring Workplace Fairness", Conference Paper for the ACR International Conference, Philadelphia, 2006
- "Mediation-Arbitration: Winning Through Reason" *IFPTE Outlook*, Summer 2006
- "Why Professionals Make Good Conflict Management Partners", 2006 www.mediate.com

- “The Duty to Accommodate: Balancing Individual and Collective Rights,” Conference Paper for Insight Conference, Halifax, 2006
- “Why Professionals Make Good Conflict Management Partners”, *IFPTE Outlook* January-March, 2006,
- “Negotiating in a Mediation-Arbitration Environment”, *IFPTE Outlook*, September-October 2006
- “Why Professionals Make Good Conflict Management Partners”, *IFPTE Outlook* January-March, 2006
- “The Duty of Fair Representation in a World of Increasing Arbitral Remedies”, *OBA Labour Section Newsletter*, 2006
- “An Introduction to Workplace Law”, Atkinson College, 2005
- “Avoiding the High Cost of Litigation: Process Options for the Settlement of Legal Disputes”, Key Presentations, 2005
- “Role of the Union in Workplace Conflict Management and Dispute Resolution”, YUSA, 2004
- “Understanding the Workplace Theatre”, Atkinson College, 2004
- “Statutory Minimum Rights”, Atkinson College, 2004
- “Do probationary employees have a right to grieve termination of their employment?” Case Comment 2003
- “Common Law vs. Collective Bargaining Regimes”, Atkinson College, 2003
- “Workplace Culture”, Atkinson College, 2003
- “Sources of Workplace Conflict: cost and value of conflict and process options for dealing with conflict”, Atkinson College, 2003
- “Introduction to Workplace Legislation”, Atkinson College, 2004
- “Collective Bargaining In A Mediation-Arbitration Environment”, Atkinson College, 2003
- “Emerging Legal Trends For Professionals”, conference paper for the Professional Employees’ Network, 2003
- “A Tale of Two Workplaces: Understanding the Importance of the Workplace Clients in ADR Processes,” conference paper for the Carleton Conference on ADR, 2003
- “An Introduction to the History of Employment Law,” Georgian College 2003
- “Introduction to the Collective Bargaining Process, Facilitated Collective Bargaining and Mediation-Arbitration”, CIIAN, 2002
- “Common Law and Collective Bargaining Regimes”, George Brown College, 2002
- “Negotiating Workplace Fairness,” conference paper for the Carleton Conference on ADR, 2002
- “The Hierarchy of Workplace Fairness Rights”, Osgoode Hall Law School, 2001
- “Building Consensus for a Sustainable Workplace Environment”, Osgoode Hall Law School, 2001
- “Lawyer as Mediator: Understanding and Debating the Restrictions Placed On Lawyers When They Act as Mediators”, Osgoode Hall Law School, 2000
- “The Social Right to Workplace Fairness,” conference paper for the Osgoode Hall Law School Conference on Human Rights, 2000
- “Fair Treatment in the Workplace: Academic and Practical Inquiry into Alternate Modes of Conflict Maturation into Disputes, and Development of “Fair”, Transformative Dispute Resolution Mechanisms”, 1999
- “Planting the Seeds of Transformation in the Articling Student Recruitment Experience”, Osgoode Hall Law School, 1999
- “Three Strikes and Human Rights is Out,” journal article for *Saskatchewan Law Review*, 1993
- “Compelling State Action in External Disputes,” paper submitted to the Government of Canada Committee on External Relations, 1993
- Redefining Marriage: The Legal Position of Common Law Relationships in Light of Section 15 of the Canadian Charter of Rights and Freedoms,” Saskatchewan Law School, 1992
- “State Immunity Doctrines in Charter Remedial Jurisprudence”, Saskatchewan Law School, 1993
- “Worker as Citizen: The Rule of Law in the Workplace”, Saskatchewan Law School, 1992
- “Due Process in the Workplace,” paper submitted to the Government of Saskatchewan Labour Relations Review Committee, 1992