

# **Criteria for Placement on and Remaining on the Roster of Arbitrators and for Selection to an Arbitration Training Program**

**Amended – October, 2023**

## **Introduction**

The Labour Management Arbitration Committee (**the “Committee”**) established pursuant to section 91.1 of the Labour Relations Act establishes the following criteria for placement on and remaining on the Roster (LMAC Policy 2.3) and for Selection to an Arbitrator Training Program (LMAC Policy 3.1).

Applicants will be assessed by the Committee based on the following criteria to determine if they have achieved or are likely to achieve a high level of effectiveness and excellence as an Arbitrator of collective agreement disputes between employers and unions. Professional excellence demonstrated through a combination of these criteria is the paramount criterion.

### **1. Acceptability**

All Applicants must be acceptable as being able to act in an impartial and neutral manner as an Arbitrator in labour relations matters.

### **2. Experience in Labour Relations Dispute Resolution**

Applicants must have acquired sufficient experience in an appropriate combination of the following areas:

- chairing boards of labour arbitration or acting as a sole Arbitrator;
- acting as a nominee of one of the Parties in labour arbitration case presentation;
- practical experience in presenting or adjudicating cases at grievance and arbitration under collective agreements, labour relations board, labour standards, workers' compensation appeals tribunal, and/or human rights;
- acting as a mediator or conciliator in labour relations disputes;
- successful completion of an Arbitrator training program.

### **3. Skills**

Applicants shall have demonstrated the following:

- ability to listen;
- creative problem solving in labour relations matters;

- strong understanding of labour relations, workplace issues and workplace legislation in Newfoundland and Labrador, including human rights and other employment-related legislation;
- experience in conducting hearings;
- ability to analyze issues, facts and evidence in relation to relevant law;
- ability to write clearly and concisely, and in a timely manner;
- strong understanding of rules of evidence and natural justice;
- ability to mediate disputes in conjunction with arbitration.

#### **4. Personal Suitability**

Applicants shall have demonstrated the following:

- impartiality and objectivity;
- maturity of judgment;
- ability to have and project a fair-minded approach;
- civility and considerateness in the conduct of proceedings;
- high standards of ethics and integrity;
- flexibility and firmness in the face of changing circumstances;
- sensitivity to diversity issues;
- commitment to hold hearings and deliver decisions in a timely manner;
- absence of a conviction for an offence that is related to serving as an Arbitrator.

#### **5. Residence**

**(Applicants shall have their principal residence as Newfoundland and Labrador)**

#### **Process**

The Committee shall consider all applications received.

The Committee may interview candidates as it determines to be appropriate.

The Committee may request and/or review any of an applicant's decisions or other similar material available on public record relevant to the application.

Applicants will be asked to submit writing samples, four (4) references addressing the criteria for selection (two (2) from union representatives, two (2) from employer representatives); and other information as required by the Committee.

Applicants selected for an interview may be required to complete a writing assignment prior to the interview.

## **Applicants for Training**

Applicants for training who do not meet all the criteria for appointment to the Roster, but possess sufficient labour relations knowledge and experience in addition to an acceptable level of qualifications and ability in accordance with the above selection criteria acceptable to the Committee will be considered for admission into an Arbitrator training program. (See LMAC – 03)