

# MICHEL G. PICHER

## Office

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## EDUCATION

1967	B.A., Colby College, Waterville, Maine
1972	LL.B, Queen's University, Kingston, Ontario
1974	LL.M, Harvard Law School, Cambridge, Massachusetts
1977	Barrister and Solicitor, Law Society of Upper Canada

## EMPLOYMENT

1967-1969	Volunteer Teacher, CUSO Tarkwa Secondary School, Tarkwa, Ghana
1974-1976	Law Professor, Faculty of Law University of Ottawa, Ottawa, Ontario
1976-1983	Vice-Chair Ontario Labour Relations Board
1983-present	Full-time Arbitrator and Mediator

## LANGUAGES

Fluent in English and French

## **ACTIVITIES AND EXPERIENCE**

Member, Law Society of Upper Canada

Member, National Academy of Arbitrators ( *President 2008-09*)

Fellow, The College of Labor and Employment Lawyers

Member and Past Vice-President, Ontario Labour-Management Arbitrators' Association

Member, Conférence des Arbitres du Québec

Approved arbitrator, Governments of Canada, Ontario and Québec

Vice-Chair, Ontario Labour Relations Board (1976-1983)

Permanent chief arbitrator to Canadian Railway Office of Arbitration (1986 to present)

Salary arbitrator, Major League Baseball, 1991-1993

Salary arbitrator, National Hockey League and National Hockey League Players' Association (1993 to present)

Compensation Compliance Arbitrator, Canadian Football League, 2008

Permanent panel arbitrator to Canada Post Corporation, Ontario Power Generating, CN and CP Rail shopcrafts, Ontario Northland Railway shopcrafts, Police Arbitration Commission of Ontario, Air Canada, CBC, Radio Canada, NAV Canada, Crown Packaging Ltd. and their respective unions

Appeared in Supreme Court of Canada as Counsel in successful intervention by National Academy of Arbitrators in *Minister of Labour for Ontario v. C.U.P.E.*, decision May 16, 2003

Appointed by Law Society of Upper Canada to chair discipline tribunals (francophone)

Interest arbitrator under the Crown Employees' Collective Bargaining Act of Ontario, The Police Act, Fire Departments Act and the Hospital Labour Disputes Arbitration Act

Interest Arbitrator between the Government of New Brunswick and New Brunswick Medical Society, 2001

Arbitrator, Ontario Council of Regents for Colleges of Applied Arts and Technology and OPSEU

Arbitrator, mediator and fact finder for Queen's University, University of Toronto, University of Western Ontario, Guelph University, University of Ottawa, Mount Allison University, Memorial University and their faculty associations

Member of Consultative Committee, Project on the Adjudication of Workplace Disputes, 1991, Law Reform Commission of Ontario

Member of Consultative Committee, Project on Drug Testing in the Workplace, 1992, Law Reform Commission of Ontario

Chair, Committee on Issues in Employment-Related Dispute Resolution, National Academy of Arbitrators (1997-2000)

Vice-Chair - Ontario Crown Employees' Grievance Settlement Board (1983-1990)

Chair, Boards of Inquiry under Ontario Human Rights Code (1995-1998)

Referee under Employment Standards Act of Ontario (1976-1990)

Fact finder and mediator for the Education Relations Commission of Ontario

Environmental mediator and fact finder appointed by the Environmental Assessment Board of Ontario

Special mediator on separation of assets for English and French sections of Ottawa and Carleton Roman Catholic Separate School Boards

Occasional lecturer and instructor in collective bargaining, labour arbitration as well as alternative dispute resolution in public and private conflicts

## **INVOLVEMENT IN SPORTS**

### **Hockey**

Player, Colby College, Waterville, Maine, U.S.A. 1963-67  
E.C.A.C. Div.II Champions 1966

Recipient, Colby C Club Carl Nelson Award for career achievement in athletics, 2006

Coach, Leaside Hockey School, Toronto 1977-83  
North Toronto Hockey Association 1992-94

Arbitrator, National Hockey League and National Hockey League Players' Association:  
(Randy Wood and Buffalo Sabres; Bob Essensa and Winnipeg Jets; Ray Leblanc and Chicago Blackhawks; Ray Sheppard and Detroit Red Wings; Robert Reichel and Calgary Flames; Steve Staios and Vancouver Canucks; Tommy Salo and Edmonton Oilers; Pat Faloon and Edmonton Oilers; Marty McInnis and Calgary Flames; John Leclair and Philadelphia Flyers; Martin Straka and Pittsburgh Penguins; Petr Sykora and New Jersey Devils; Cale Hulse and Nashville Predators; Denis Gauthier and Calgary Flames; Scott Gomez and New Jersey Devils; Adrian Aucoin and New York Islanders; Ruslan Fedotenko and Tampa Bay Lightning)

### **Baseball**

Arbitrator, Major League Baseball and Major League Baseball Players' Association 1991-93 (salary arbitration players assigned included John Smoltz, Dante Bichette, Gary Sheffield, Randy Johnson.)

### **Football**

Compensation Compliance Arbitrator (Salary Cap)  
Canadian Football League 2008  
Ruled in CFL v Montreal Alouettes (Charbonneau) April 28, 2008

### **Panel mediator and arbitrator, Sport Dispute Resolution Centre of Canada 2001 to present**

### **National Team Selection Decisions**

Dominic Gagnon et al. and Cross Country Canada (Salt Lake Olympics)  
Decision December 13, 2001 (with Yves Fortier and J.G. Clément)

Pierse, Veldman, Wake and Swimming Canada (Commonwealth Games)  
Decision June 23, 2002  
Supplementary decision, June 26, 2002

Canadian Amateur Boxing Association and Canadian Olympic Committee  
Re B. Gaudet, J. Pascal, T. Stewardson (Athens Olympic Games)  
Decision July 10, 2004

Charles Dionne and Canadian Cycling Association (Athens Olympic Games)  
Decision July 16, 2004

Brian Cowie and Canadian Cycling Association (World Para-Cycle Championship)  
Decision August 10, 2007

Megan Poss and Synchro Canada (Beijing Olympics)  
Decision February 26, 2008

### **Athletic Doping Decisions**

Appeal, re Application of National Team wrestling Coach Andrzej  
Kulesza for reinstatement to Sport Canada funding. Decision dated July 22,  
1992

Steve Claveau and Canadian Centre for Ethics in Sport, (Bobsleigh Canada Skeleton)  
Appeal of suspension – July 24, 2002

Jean-David Côté and Canadian Centre for Ethics in Sport, (Collegiate football)  
Appeal of suspension – July 29, 2003

Christopher Jarvis and Rowing Canada Aviron  
Appeal of Suspension – December 19, 2007

### **Carding Decisions**

Raymond Mourade and Taekwondo Association of Canada WTF  
Decision August 14, 2002

Andrew Willows and Sport Canada (Canoeing Canada)  
Procedural and Notice Rulings June 2004 (adjourned sine die)

Gymnastics Canada, Sport Canada and Carly Orava (Rhythmic Gymnastics)  
Decision January 15, 2007

France Gagné and Athletics Canada  
Decision February 2007

Joseph Radmore and Athletics Canada  
Decision February 2007

Dominique Perras and Canadian Cycling Association  
Decision March 10, 2008

## **PUBLICATIONS**

"The Separation Agreement as an Unconscionable Transaction: A Study in Equitable Fraud" (Queen's Law Journal, 1973)

"Alternatives Under NEPA: The Function of Objectives in an Environmental Impact Statement" (Harvard Journal on Legislation, 1974)

"Adjudicator, Administrator or Advocate? The Role of the Labour Board in Judicial Review Proceedings" (The Canadian Bar Review, March 1984)

"The North Simcoe Landfill Dispute: An Initiative in Environmental Mediation", Spring 1986 (Proceedings of the Symposium on Environmental Mediation, Ontario Society for Environmental Management, Toronto, March 1985)

"The Mediator's Perspective, Canadian Environmental Mediation Newsletter, January 1986

"The Canadian Railway office of Arbitration: Keeping Grievance Hearings on the Rails" in Labour Arbitration Yearbook 1991, Vol I, Kaplan, Sack and Gunderson, eds. (Toronto, 1991)

"Un aperçu de l'oeuvre de la Commission des relations de travail de l'Ontario, 1980 à 1991," Actes du colloque du Droit social et du travail, Université du Québec à Montréal, juin 1991

"The Problem of Delay at Arbitration: Myth and Reality" (with Ellen E. Mole), in Labour Arbitration Yearbook, 1993, Vol. IV, Kaplan, Sack and Gunderson, eds. (Toronto, 1993)

"Truth, Lies and Videotape: Employee Surveillance at Arbitration", in Canadian Labour & Employment Law Journal, 1998, Vol. 6, No. 3.

**The Arbitration Profession in Transition: A Survey of the National Academy of Arbitrators** (with Ronald L. Seeber and David B. Lipsky) Cornell Studies in Conflict Resolution, Spring 2000 (for the National Academy of Arbitrators and Cornell/PERC Institute on Conflict Resolution)

"Defining the Scope of Arbitration: The Impact of Weber: An Arbitrator's Perspective", Labour Arbitration Yearbook, 1999 – 2000, Vol.I (Toronto, 2000)