

Annual Update on Human Rights

*Administrative Law/Constitutional, Civil Liberties & Human Rights/
Labour & Employment Law*



In Person



Webcast

Date: Wednesday, May 29, 2024 | 9:00 am to 4:30 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Program Chair: **Esi Codjoe**, Turnpenney Milne LLP
Teagan Markin, Borden Ladner Gervais LLP
Garifalia Milousis, The Acacia Group



Substantive Hours: This program contains 5 hours and 30 minutes of Substantive Content

EDI Hours: This program contains 1 hour of EDI Content

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario

The Annual Update on Human Rights returns this year to get you up to speed on the latest substantive and procedural developments in human rights law. Regardless of your client base, if your practice touches on human rights, this program is a must-attend event. Our exceptional faculty, including experts in administrative law, labour and employment, and human rights, will share valuable insights and practical strategies for you to take away and implement in your practice

9:00 am Welcome and Opening Remarks

12:30 pm Lunch

9:05 am **What's New at the Human Rights Tribunal of Ontario?**
Simon Gooding-Townsend, Counsel to CHRT

1:15 pm **Human Rights Challenges Facing Sexual Assault Victims**

9:35 am **Notable Human Rights Decisions and Developments**

Esi Codjoe, Turnpenney Milne LLP
Kathryn Bird, Ogletree Deakins LLP
Wade Poziomka, Ross McBride LLP

Our expert panel will get you up to speed on the latest in the practice of human rights law and the key cases you need to know from the last year.

Anne-Marie Langan, Peterborough Community Legal Centre
Eileen Liu, Durham Community Legal Clinic
Miriam Rogers, Justice for Children and Youth

- Updates and insights on the *Your Way Forward* project
- *Leach v Ontario (Solicitor General) 2023 HRTO 1339* – precedent setting case where the O.P.P were found to have discriminated against a woman reporting harassment
- Discrimination in reporting procedures

10:20 am Health Break

2:00 pm **Medical Assistance in Dying (MAiD) and the Impact on Individuals Living in Poverty with Mental Health Challenges**
Elena Mamay, DS Advocates

- Implications of recent changes in MAiD legislation
- Disparities in decision-making processes for vulnerable populations
- What safeguards exist to protect vulnerable individuals?

10:30am **Litigating Human Rights Matters in Small Claims Court:**

A Creative Response to Tribunal Delay

John No, Parkdale Community Legal Services
Sarah Molyneaux, McMahon Molyneaux Henriquez
Henriquez Labour and Employment Lawyers

- Relevant Small Claims court rules and processes
- How to prepare submissions for non-expert decision makers
- Navigating jurisdiction between Small Claims court and the Human Rights Tribunal

2:30 pm **Damages for Racial Discrimination in Ontario: Are they Enough?**

Richa Sandill, Don Valley Community Legal Services

- Recent damages awards
- Comparison to other jurisdictions including the United States
- Advice for successful advocacy for human-rights related damages

11:10 am **Traumatic Brain Injuries: Navigating the Legal Process with a Client who is Living with an Invisible Disability**

Geri Sanson, Sanson Hart ADR
Elyse Shumway, Asphasia Institute
Mike Smitiuch, Smitiuch Injury Law

- Understanding your client's invisible disability
- Latest research on severity and permanency of mild traumatic brain injuries
- Collecting and developing evidence
- What to consider when choosing the legal forum for your case

3:00 pm **Citizenship-Based Discrimination: Haseeb v. Imperial Oil and Beyond**

Toby Young, Human Rights Legal Support Centre

What is citizenship-based discrimination?
Impacts of the Haseeb decision
Exploring the intersection with other grounds of discrimination

11:50 am **The Duty to Accommodate and Supporting Medical Information**

Daniel Wong, WeirFoulds LLP
Megan Mah, WeirFoulds LLP

- What information is required to support accommodation requests?
- Balancing the employer's duty to accommodate and the employee's duty to provide appropriate supporting information
- Working with third parties

3:30 pm Health Break

3:45 pm **Recent Developments in Jurisdiction and Choice of Forum for Unionized Employees**

Marisa Scotto di Luzio, Human Rights Legal Support Centre

- Jurisdictional challenges: labour arbitrators versus the Human Rights Tribunal
- How the SCC's Horrocks decision has been applied to human rights legislation across the provinces

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Questions? pd@oba.org

- Implications of *Weilgosh v. London District Catholic School Board* for unionized employees

4:30 pm Program Concludes

PLUS – Don't miss your annual Remedies Chart from the Human Rights Legal Support Centre – included in your program materials!

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