

Annual Update on Human Rights

Administrative Law, Constitutional, Civil Liberties & Human Rights, and Labour & Employment Law



In-Person



Webcast

Date: Thursday, May 31, 2018 | 9:00 am to 4:30 pm
Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Temisan Boyo**, Legal Counsel, City of Toronto
Fiona Campbell, Goldblatt Partners LLP



This program is eligible for up to 6h 15 m Substantive Hours
This program is eligible for up to 0h 30m Professionalism Hours

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

Join us for a practical update on both substantive and procedural issues relating to human rights claims. You will gain essential insights on recent case law and trends and learn from the experience of our esteemed panel of presenters. If you advise clients on human rights issues, don't miss this essential program to get clarity on key practice issues and enhance your expertise to excel in this area.

BONUS: Program attendees will also receive the Human Rights Legal Support Centre's Updated Remedies Chart.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **What's New at the Human Rights Tribunal of Ontario?**
Jo-Anne Pickel, Vice-Chair, Human Rights Tribunal of Ontario

9:35 am **Obligations, Liability and Responses to Sexual Harassment and Assault**
Angela Khoury, Singh Lamarche LLP
Richa Sandill, Wilson Vukelich LLP
William Goldbloom, Rubin Thomlinson LLP
Emma Phillips, Goldblatt Partners LLP
Moderator: **Krista Kais-Prial**, Israel Foulon LLP

- Making sense of liability for sexual harassment and assault
- When will an employer be vicariously liable under section 46.3(1) of the *Code*?
- "Locker room talk": How the Tribunal has dealt with workplaces that have traditionally been viewed as "boys clubs"
- How post-secondary institutions are handling sexual assault and harassment on campus

10:35 am Networking Break

ESSENTIAL PRACTICE AND PROCEDURE INSIGHTS
Moderator: **Heather MacIvor**, LexisNexis Canada

11:00am **How to Select the Best Forum for Your Client's Success**
Nicole Simes, McLeod Law Firm

- Strategic and practical considerations in selecting your forum
- Recent jurisprudence under section 45.1 of the *Human Rights Code*

11:20am **Strategies for Human Rights Litigation in Federal Jurisdiction**
Billeh Hamud, HamudLaw

- Creative ways to raise human rights claims in federal jurisdiction
- Navigating the applicable legal tests
- Unjust dismissal and human rights under the *Canada Labour Code*

11:40am **Dealing with Unresponsive Parties before the HRTO**
Emily Shepard, Human Rights Legal Support Centre

The HRTO's adjudication process is intentionally flexible and accessible; however, this flexibility can create challenges for counsel when parties choose to ignore the HRTO's Rules of Procedure. Gather concrete advice for dealing with non-compliant parties, both before and during the hearing, so you can effectively protect your client's interests.

12:00pm **When Will the Divisional Court Intervene on Judicial Review?**
Wade Poziomka, Ross & McBride

- Exploring trends in Divisional Court intervention
- What factors will open the door to judicial review?
- Helpful advice for guarding against judicial review

12:20pm Questions and Answers

12:30pm Networking Lunch

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd
Questions? pd@oba.org

PRACTICAL ADVICE FOR HANDLING WORKPLACE CHALLENGES

Moderator: **Kathryn Bird**, Hicks Morley Hamilton Stewart Storie LLP

1:15pm **The Best and Worst of Human Rights Policies and Procedures**

Sara Luther, Human Rights Lawyer, Educator & Investigator

Many employers have human rights policies that are non-compliant, confusing and non-operational. Our panel will share practical approaches to creating, editing and updating policies to ensure they are compliant and easily understood.

1:50pm **Protecting Employees from and Responding to Cyber Bullying and Harassment: Employer Considerations**

Lisa Talbot, Torys LLP
Rebecca Wise, Torys LLP

- When will an employer be liable for failing to protect employees from cyber bullying and harassment?
- Essential harassment and workplace violence policies
- Helpful procedures for investigating claims
- Strategies for defending claims of cyber bullying and harassment

2:15pm **Recent Developments in the Accommodation of Disabilities in the Workplace**

Arleen Huggins, Koskie Minsky LLP

2:35pm Networking Break

CRITICAL HUMAN RIGHTS ISSUES IN THE PROVISION OF SERVICES AND HOUSING

Moderator: **Temisan Boyo**, Legal Counsel, City of Toronto

2:50pm **Human Rights Challenges Facing Our Cities**
Antonella Ceddia, City of Toronto

As the level of government closest to the people, what is the status of human rights law as it relates to municipalities and the plethora of services they provide to citizens on a daily basis? Join us to explore:

- In what areas are human rights claims against municipalities clustered?
- Helpful approaches to address human rights issues and challenges facing cities

3:10pm **Current Issues in Housing and Human Rights**
Reema Khawja, Counsel, Ontario Human Rights Commission

A SPOTLIGHT ON RESPONDENTS

Moderator: **Edgar-Andre Montigny**, Montigny Law

3:30pm **Are We Letting Government Respondents Off the Hook?**
Anne Levesque, Levesque Equality Law

Join us to explore whether there is a growing tendency on the part of human rights adjudicators to show increased deference to government respondents.

3:50pm **Lawyers as Service Providers and Potential Human Rights Respondents**

Daniel Chodos, Whitten & Lublin
Simone Ostrowski, Whitten & Lublin

- How and when your conduct towards prospective, current or former clients, or unrepresented opposing parties, could land you before the Tribunal as a Respondent
- Strategic advice for how to avoid being named as a Respondent
- Helpful insights for resolving claims against you

4:20pm Questions and Concluding Remarks

4:30pm Program Concludes