

19th Annual *Charter* Conference

Constitutional, Civil Liberties and Human Rights Law



Webcast

Date: Wednesday, October 7, 2020 | 9:00 am to 2:00 pm

Location: Via Webcast

Co-Chairs: **Saba Ahmad**, Saba Ahmad Barrister Professional Corporation
Nicola Simmons, Keel Cottrelle LLP



This program is eligible for up to 4.5 Substantive Hours

Leading constitutional scholars and practitioners will join esteemed members of the Bench and bar to bring you up to date on essential developments in *Canadian Charter of Rights and Freedoms* (“*Charter*”) jurisprudence and practice. Learn about recent Supreme Court of Canada (SCC) decisions, upcoming cases and developing trends in *Charter* law. If you deal with *Charter* issues in your practice, or if you are a *Charter* enthusiast, do not miss this essential event.

9:00 am Welcome and Opening Remarks

9:05 am **The Year in Review: Critical Updates on Significant *Charter* Litigation**
Yashoda Ranganathan, Ministry of the Attorney General, Constitutional Law Branch
Get your need-to-know overview of key constitutional cases.

9:25am **Does Section 12 Protect Corporations Against Cruel and Unusual Punishment?**
Ravi Amarnath, Ministry of the Attorney General, Constitutional Law Branch
Christopher Bredt, Borden Ladner Gervais LLP
Najma Jamaldin, Barrister & Solicitor
Professor Penelope Simons, Associate Professor and Vice Dean Research, University of Ottawa
Ellen Weis, Crown Counsel, Ministry of the Attorney General
Moderator: Saba Ahmad, Saba Ahmad Barrister Professional Corporation

- Does section 12 of the Charter (the protection against cruel and unusual punishment) apply to corporations? Making sense of *Attorney General of Quebec v. 9147-0732 Québec Inc.*
- Are there circumstances in which *Charter* protection for corporations is appropriate?
- Does applying *Charter* protections to non-human legal persons risk the rights of the human beings it is primarily intended to protect?

10:35 am **Navigating *Charter* Rights during a Public Health Emergency**
Michael Bryant, Canadian Civil Liberties Association
Jessica Orkin, Goldblatt Partners LLP
Moderator: Morgana Kellythorne, College of Physicians & Surgeons of Ontario

The COVID-19 pandemic and associated government response has brought a myriad of *Charter* issues to the fore. Join us to explore:

- Protecting the *Charter* rights of at-risk groups: Do homeless persons, migrants and medically-vulnerable institutionalized persons face particular risks of having their *Charter* rights breached?
- Unraveling police powers and the *Charter* implications
- Tracing, testing and treatment – Privacy and *Charter* concerns

11:30 am Break

11:40 am **Making Sense of the Law of Adverse Effects**

Discrimination under Section 15

Rochelle Fox, Ministry of the Attorney General, Constitutional Law Branch

Professor Jennifer Koshan, University of Calgary, Faculty of Law

Professor Jonnette Watson Hamilton, University of Calgary, Faculty of Law

Moderator: Savitri Gordian, Ministry of the Attorney General, Constitutional Law Branch

- What is the test for establishing adverse effects discrimination where the claimant group is identified by a protected ground (e.g. a group of women)?
- What evidence is required to establish that an adverse effect is “based on” a protected ground?
- Exploring the arguments made in *Fraser et al v Attorney General of Canada* as we await the SCC’s decision in this case where it is alleged that a law that is neutral on its face has an adverse impact on a group identified by a protected ground

12:30pm Award Presentation

12:45pm Break

1:00pm **Indigenous Peoples and the *Charter***

The Honourable Sébastien Grammond, Federal Court of Canada

Sara Mainville, Olthuis Kleer Townshend LLP

Moderator: Nicola Simmons, Keel Cottrelle LLP

- Collective Indigenous rights and individual *Charter* rights: How does the *Charter* serve Indigenous persons and groups, or does it?
- The relationship between section 25 of the *Charter* and section 35 of the *Constitution Act*
- What’s next after the *Ktuxana* decision?

1:50 pm Questions and Concluding Remarks

2:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org