

Annual Update on Human Rights Law

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



In-Person



webcast

Date: Wednesday, May 25, 2022 | 9:00 am to 4:30 pm

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

Program Chairs: **Sasha Hart**, Human Rights Lawyer (Ottawa)
James Jennings, Filion Wakely Thorup Angeletti LLP



This program is eligible for up to 6 hr 15 m
Substantive Hours

This program is eligible for up to 15 m EDI
Professionalism Hours

The Annual Update on Human Rights Law returns again this year to get you up-to-speed on substantive and procedural trends and developments in this challenging legal area. Regardless your client base, if your practice touches on human rights, this program is a must-attend event for you! Our exceptional faculty will share valuable insights and helpful strategies for you to take away and implement in your practice immediately.

9:00 am Welcome and Opening Remarks

9:05 am **Reflections on the 60th Anniversary of the OHRC**
Chief Commissioner Patricia DeGuire, Ontario Human Rights
Commission

9:35 am **Updates from the Canadian Human Rights Tribunal**
Simon Gooding-Townsend, Legal Counsel, Canadian Human
Rights Tribunal

9:55 am **Recent Notable Human Rights Decisions and Developments**
Kathryn Bird, Barrister and Solicitor
Esi Codjoe, Turnpenney Milne LLP
Wade Poziomka, Ross & McBride LLP (Hamilton)
Moderator: **James Jennings**, Filion Wakely Thorup Angeletti
LLP

10:45 am Break

11:00 am **DISMISSALS AT THE HRTIO**
Moderator: **Anna Rosenbluth**, Legal Aid Ontario

Section 45.1 Intersections Between the *Employment Standards Act* and the *Human Rights Code*

Nabila Qureshi, Income Security Advocacy Centre

Richa Sandill, Don Valley Community Legal Services

- Major areas of overlap between the *ESA* and the *Human Rights Code*
- How these intersections led to recent section 45.1 dismissals at Human Rights Tribunals
- Current trends in litigation and strategic considerations for choice of forum

HRTIO-Issued Notices of Intent to Dismiss [“NOIDS”], Access to Justice, and Procedural Fairness

Kisha Munroe, Human Rights Legal Support Centre

Frank Nasca, JD Candidate, Osgoode Hall Law School

- Understanding recent trends on the Tribunal’s use of NOIDS
- What are the most cited reasons for dismissals?
- Unraveling the implications of NOIDS on procedural fairness and access to justice in Ontario’s human rights system

12:00 pm **Addressing Systemic Wage Discrimination in the Workplace**

Emily Denomme, Goldblatt Partners LLP

Willow Petersen, Goldblatt Partners LLP

Moderator: Giovanna Di Sauro, DLA Piper (Canada) LLP

- How can employees and unions address systemic wage discrimination in their workplaces?
- Effective methods for resolving wage discrimination issues that can arise in the workplace
- Legal avenues available for addressing issues of gender-based wage discrimination, including benefits and drawbacks of each system

12:30 pm Lunch break

1:30 pm **First Nations Governance and Human Rights Interests**

Virginia Lomax, Westaway Law Group (Ottawa)

Geneviève Boulay, Westaway Law Group (Ottawa)

Moderator: Patricia Harper, Keel Cottrelle LLP

- Balancing Band membership and election traditions with human rights legislation
- Key considerations for incorporating customary and traditional laws into compliant membership and election codes
- Competing human rights interests in First Nations governance and ethical issues for advocates

2:00 pm **Critical Developments in Damages and Remedies**

Sarah Clarke, Clarke Child & Family Law

Melissa Mark, Human Rights Legal Support Centre

Moderator: Sasha Hart, Human Rights Lawyer (Ottawa)

- The latest trends in damages and remedies
- Discrimination against First Nations children on reserve and damages from human rights tribunals
- PLUS: Get your essential Remedies Chart

2:55 pm Break

3:10 pm **UPDATE ON THE DUTY TO ACCOMMODATE**

Moderator: Inna Koldorf, Miller Thomson LLP

Duty to Inquire and Unseen Disabilities

Harrison Brown, Borden Ladner Gervais LLP

- Navigating performance management while complying with the *Human Rights Code*
- Common issues that arise when the duty to inquire is triggered as a matter of accommodating disability

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org



**Law and Economics: Developments in the Duty to
Accommodate and in the Valuation of Dignity**

David Baker, BakerLaw

Ian Currie, MPA

David Lewis, Ph.D., HDR (ret)

Hear about the latest developments in quantifying injury to dignity and in developing the evidentiary basis for undue hardship.

**Weighting Collective Public Health Interests and the Duty to
Accommodate Individual Disability-Related Needs During
COVID**

Mariam Shanouda, ARCH Disability Law Centre

- Case law developments: the operation of human rights law and principles during unprecedented challenges

4:20pm Questions and Concluding Remarks

4:30 pm Program Concludes

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