

## Litigating Compliance Issues under Ontario's *Occupational Health and Safety Act* *Labour and Employment Law*



webcast

**Date:** Monday, May 29, 2023 | 9:00 am – 12:00 pm

**Location:** Webcast Only

**Program Chair:** James Jennings, Filion Wakely Thorup Angeletti LLP  
Ryan Campbell, RBC



This program is eligible for up to 3.0 hours of Substantive Content.

Litigating compliance issues under Ontario's *Occupational Health and Safety Act* can be complex and challenging. Our expert faculty will walk you through the latest substantive and procedural developments in litigating an occupational health and safety file, including how to best approach resolution discussions, navigating section 61 appeals, a review of critical *Charter* issues and their effect on OSHA prosecutions, and tips for preparing for and conducting trials.

Whether you represent employers, unions, or employees, work in-house, in government, or in private practice, you won't want to miss out on this unique opportunity to sharpen your skills and gain a deeper understanding of this crucial area of workplace law.

9:00 am Welcome and Opening Remarks

10:35 am **OSHA Prosecutions and the *Charter***

**Gerald Chan, Stockwoods LLP**

**Adrian Miedema, Dentons Canada LLP**

- Review of common *Charter* claims and available remedies, including the exclusion of evidence
- Unreasonable delay
- Tips for drafting an effective *Charter* application and/or response

9:05 am **The Statutory Framework and Pre-Trial Considerations**

**Joe Ferraro, Ministry of Labour, Immigration, Training and Skills Development – Legal Services Branch**

**Jeremy Warning, Mathews Dinsdale & Clark LLP**

- Recent legislative updates
- Dealing with multiple parties
- Disclosure and production of documents
- Dealing with complex evidentiary issues
- How to best approach pre-trial and/or resolution discussions

11:15 am **Preparing for and Conducting the POA Trial**

**His Worship Justice of the Peace Mangesh Singh Duggal, Ontario Court of Justice**

**Joe Ferraro, Ministry of Labour, Immigration, Training and Skills Development – Legal Services Branch**

**Ryan Conlin, Stringer LLP**

- Effective trial preparation
- Tips for conducting an examination-in-chief and a cross-examination
- Submissions on sentencing: aggravating and mitigating factors

9:40 am **Section 61: Appealing MOL Orders**

**Nadine Zacks, Hicks Morley LLP**

**Susan Crawford, Crawford Chondon & Partners LLP**

- Types of orders that can be appealed
- Whether and when to appeal
- Jurisdiction and powers of the OLRB

10:20 am Refreshment Break

11:55 am Questions and Concluding Remarks

12:00 pm Program Concludes

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**Questions? [pd@oba.org](mailto:pd@oba.org)**