

## Annual Update on Human Rights

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



In-Person



Webcast

**Date:** Wednesday, May 29, 2019 | 9:00 am to 4:30 pm

**Location:** OBA Conference Centre  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto



**Program Chairs:** **Giovanna Di Sauro**, Filion Wakely Thorup Angeletti LLP  
**Krista Kais-Prial**, Israel Foulon LLP  
**Saba Ahmad**, Saba Ahmad Barrister Professional Corporation

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

Annual Update on Human Rights returns this year with another valuable program to bring you up to speed on substantive and procedural legal developments, as well as trends in remedies in human rights law. Gain perspectives from administrative, labour and employment, and constitutional law, as well as applied strategies and advice for your human rights law practice, regardless of your client base. Register now to hear from our excellent faculty and reserve your spot for this essential program.

8:00 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **What is New at the Human Rights Tribunal of Ontario?**  
**Linda Lamoureux**, Executive Chair of Tribunals Ontario  
**Jonathan Batty**, Associate Chair, Human Rights Tribunal  
Update on developments from the HRTTO

9:40 am **Human Rights in Recruitment**  
**Amanda Boyce**, Stringer LLP  
**Omar Ha-Redeye**, Omar Ha-Redeye Professional Corporation  
**Oren Barbalat**, SpringLaw  
Moderator: **Samia Hussein**, DesJardins

Understand key human rights considerations that exist before the employment relationship starts and are affected by broader social and technological advances, which affect rights entitlement:

- Use and challenges of artificial intelligence in the recruitment process
- Strategies for ensuring artificial intelligence complies with human rights codes
- Avoiding recruiting errors that perpetuate discrimination and exclusion
- Role of lawyers in advising clients on best practices in hiring while advancing Equity, Diversity, and Inclusion principles
- Protected ground of citizenship as substantive law: *Haseeb v Imperial Oil* 2018 HRTO 957
- Advice for complying with immigration/human rights codes when hiring

10:40 am Networking Break

10:55 am **Federal Human Rights Update: Indigenous Law Focus**  
**Geneviève Boulay**, Westaway Law Group (Ottawa)  
**Alayna Miller**, Mann Lawyers (Ottawa)  
**David Taylor**, Conway Baxter Wilson LLP (Ottawa)  
Moderator: **Krista Kais-Prial**, Israel Foulon LLP

It has been a busy year for human rights litigation involving Canada's Aboriginal communities. Our faculty rounds-up the jurisprudence, assesses litigation developments and explores the broader issues to help you understand the unique considerations involved when the human rights of this population are litigated.

- Update on need-to-know cases such as *First Nations Child v A.G. Canada* 2018 CHRT 4 and *Canada (CHRC) v. Canada (A.G.)* 2018 SCC 31
- Jordan's Principle: practical lessons and procedural issues associated with implementing Tribunal findings
- Understanding the distinction between challenging legislation and challenging provision of a governmental service
- Developments in causes of actions arising beyond the human rights/s. 15 Charter paradigm

12:00 pm Networking Lunch

1:00 pm **Human Rights and Overlapping Proceedings: Practical Considerations**  
Moderator: **Saba Ahmad**, Saba Ahmad Barrister Professional Corporation  
**Police Services Act and Statutory Privilege: Litigating Human Rights Applications with the Police**  
**Brennagh Smith**, City of Toronto

- What has been the shift in HRTTO jurisprudence and why has it expanded?
- Approaches for counsel to consider under the new legal environment
- Assessment of strategies

**Interplay between the WSIA compensation for chronic mental stress and the Code**  
**Carissa Tanzola**, Filion Wakely Thorup Angeletti LLP

- When is chronic mental stress compensable under the WSIA?
- How might a compensable chronic mental stress claim impact a claim under the Code?
- Issues of estoppel with respect to merits and damages

**Process Mapping for Applicant and Union Counsel in Concurrent Grievances and Human Rights Tribunal Applications**  
**Sarah Molyneaux**, Molyneaux Law, PC

- Commencing Proceedings: How should unions frame or particularize human rights grievances? What should counsel for unionized applicants consider when preparing an application?
- Human rights tribunal approaches to the deferral or dismissal of applications by unionized employees
- Settlement or consent award considerations and the effect of arbitral decisions

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

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



2:00 pm **Update on Accommodations**

**Njeri Damali Sojourner-Campbell**, Hicks Morley Hamilton  
Stewart Storie LLP

**Nadia Halum Arauz**, MacLeod Law Firm

**Jodi Martin**, Paliare Roland Rosenberg Rothstein LLP

Moderator: **Giovanna Di Sauro**, Filion Wakely Thorup  
Angeletti LLP

This panel will review key developments in accommodation applied in different settings, and highlight the various human rights considerations involved:

- Accommodation of student disability in the elementary classroom
- How counsel can respond using an intersectionality approach
- Review of transfer requests through HRTO since *Emond v. Treasury Board*, 2016 PSLREB 4
- Developments in the horizon

3:00 pm Networking Break

3:15 pm **Remedies and Human Rights**

**Andrew Camman**, Polishuk Camman & Steele (London)

**Melissa Mark**, Human Rights Legal Support Centre

**Andrew Zabrovsky**, Hicks Morley Hamilton Stewart Storie LLP

Moderator: **Joyce Thomas**, Thomas Litigation (London)

Understanding remedies in human rights disputes is a crucial component of your practice. Join the faculty for this popular panel, as they focus on accommodating addiction in the workplace and other topics, and walk away with the information you need to better assess and advocate the full spectrum of your client's case, including a handy, annual remedies chart.

4:15 pm Questions and Concluding Remarks

4:30 pm **Program Concludes followed by Reception and Award Presentation honouring Lisa Brownstone**