

## Annual Update on Human Rights

**Date:** Friday, May 29, 2015 | 9:00 am – 4:15 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2nd Floor, Toronto

**Program Chairs:** **Antonella Ceddia**, City of Toronto  
**Adrian Ishak**, Baker & McKenzie LLP  
**Farah Malik**, WeirFoulds LLP



Live Webcast

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

This program contains 0 Professionalism Hours  
This program is eligible for up to 6.5 Substantive Hours

If your practice touches on human rights law, this program is a must-attend event for you. Get up-to-date on the latest developments and take home helpful strategies on handling current issues in human rights. Our exceptional faculty will provide the expertise you need: from navigating parallel proceedings to drafting releases and much more. Register now to secure your spot.

<p>8:30 am Registration and Coffee</p> <p>9:00 am Welcome and Opening Remarks</p> <p>9:05 am <b>What's New at the Human Rights Tribunal of Ontario?</b> <b>Yola Grant</b>, Associate Chair, Human Rights Tribunal of Ontario</p> <ul style="list-style-type: none"> <li>Get up-to-date on the latest practical and substantive developments</li> </ul> <p>9:30 am <b>Sexual Harassment in the Workplace: Avenues for Redress</b> <b>Jonathan Cocker</b>, Partner, Baker &amp; McKenzie LLP</p> <ul style="list-style-type: none"> <li>Strategic considerations in selecting the best forum: WSIAT, HRTO or Court?</li> <li>Grappling with the procedural challenges you may encounter in each forum</li> </ul> <p><b>Critical Updates on Concurrent Jurisdiction</b> <b>Michelle Henry</b>, Partner, Borden Ladner Gervais LLP</p> <ul style="list-style-type: none"> <li>How is <i>Penner</i> being applied by the HRTO?</li> </ul> <p><b>Making Sense of the Screening Process before the Canadian Human Rights Commission</b> <b>Andrew Astritis</b>, Partner, Raven, Cameron, Ballantyne &amp; Yazbeck LLP (Ottawa)</p> <ul style="list-style-type: none"> <li>What you need to do to overcome the screening hurdle</li> <li>Crucial information to get on the record</li> <li>Clarifying the test to be met: A review of <i>McIlvenna</i></li> </ul> <p><b>Moderator: Antonella Ceddia</b>, City of Toronto</p> <p>10:45 am Networking Break</p> <p>11:00 am <b>Avoiding Discrimination in the Face of a Pandemic</b> <b>Sheila Osborne-Brown</b>, Canadian Human Rights Commission (Ottawa)</p> <ul style="list-style-type: none"> <li>From vaccination requirements to disclosure of medical records to caring for ill family members, what are the human rights considerations in the event of a pandemic?</li> </ul> <p><b>Exploring the Newest Grounds of Gender Identity and Gender Expression</b> <b>Insiya Essajee</b>, Ontario Human Rights Commission</p> <ul style="list-style-type: none"> <li>How are the Tribunal, the Commission and the parties resolving these discrimination claims? An analysis of recent decisions and settlements</li> <li>Changing sex designations on birth registrations and other notable advances</li> </ul> <p><b>Challenging the Canadian Experience Requirement</b> <b>Lai-King Hum</b>, Hum Law Firm</p> <ul style="list-style-type: none"> <li>Unraveling the case law and the OHRC's <i>Policy on Removing the "Canadian Experience" Barrier</i></li> <li>When will "Canadian experience" constitute a <i>bona fide</i> requirement?</li> </ul> <p><b>Moderator: Andrea Wobick</b>, Ursel Philips Fellows Hopkinson LLP</p> <p>12:15 pm Lunch (provided)</p>	<p>1:00 pm <b>Keynote Address</b> <b>The Honourable Anne Molloy</b>, Superior Court of Justice - Divisional Court</p> <p>1:20 pm <b>What is the Status of the Independent Procedural Duty to Accommodate?</b> <b>Heather Crisp</b>, City of Toronto</p> <ul style="list-style-type: none"> <li>If an employer proves undue hardship, does liability continue to exist for a procedural failure to explore all possible alternatives?</li> </ul> <p><b>Deconstructing the Tribunal's Treatment of Systemic Discrimination</b> <b>Jennifer Quito</b>, Cavalluzzo Hayes Shilton McIntyre &amp; Cornish LLP</p> <ul style="list-style-type: none"> <li>How has the Tribunal interpreted the concept of systemic discrimination?</li> <li>Examining the relationship between systemic discrimination and "series of incidents" under s.34 (1)</li> <li>Canvassing the opportunity for pursuing pay equity claims</li> </ul> <p><b>The Evolution of the Law of Reprisals since <i>Noble</i></b> <b>Joyce Thomas</b>, Lerners LLP (London)</p> <ul style="list-style-type: none"> <li>How the Tribunal has applied the three-part test in recent decisions</li> <li>When will a dismissal request be granted?</li> </ul> <p><b>Moderator: Farah Malik</b>, WeirFoulds LLP</p> <p>2:35 pm Networking Break</p> <p>2:50 pm <b>Mastering Unusual and Public Interest Remedies</b> <b>Megan Evans Maxwell</b>, Human Rights Legal Support Centre</p> <ul style="list-style-type: none"> <li>Brush up on the less common remedies, including remedies achieved through mediation, mediation-adjudication and negotiation</li> <li>BONUS: Get your updated Remedies Chart</li> </ul> <p><b>When is Reinstatement an Appropriate Human Rights Remedy?</b> <b>Michelle Flaherty</b>, Assistant Professor, Faculty of Law, University of Ottawa</p> <ul style="list-style-type: none"> <li>In what circumstances will a human rights tribunal order reinstatement?</li> <li>What can be learned from grievance arbitration jurisprudence?</li> </ul> <p><b>Essential Drafting Advice for Releases and Confidentiality Agreements</b> <b>Geri Sanson</b>, SANSON LAW OFFICE Professional Corporation</p> <ul style="list-style-type: none"> <li>Helpful techniques for negotiating your releases and confidentiality agreements: Key clauses to pursue and to avoid</li> <li>Best practices for advising your clients on their obligations</li> </ul> <p><b>Moderator: Karen Ensslen</b>, Ursel Philips Fellows Hopkinson LLP</p> <p>4:05 pm Questions and Concluding Remarks</p> <p>4:15 pm Program Concludes</p>
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**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

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