



THE OSGOODE CERTIFICATE IN HUMAN RIGHTS THEORY AND PRACTICE

May 8 - 12, 2017
5 consecutive days
In Person

Do you understand the complex world of human rights?

Interpreting and applying human rights legislation presents a complex and often unique set of challenges. At the same time, failure to comply with human rights laws can be very costly to organizations, both in terms of money and time spent defending claims, as well as the resulting reputational damage should an individual's claim be upheld by the tribunal.

This comprehensive program was designed to give you the knowledge and practical skills to competently and confidently handle day-to-day challenges, as well as more complex human rights issues.

Register today at:
osgoodepd.ca/humanrights

Certificate Details

PROGRAM DIRECTOR

Patrick Case,
Assistant Professor, Univer-
sity of Guelph, Board Chair,
Human Rights Legal Support
Centre, Adjunct Professor,
Osgoode Hall Law School

LOCATION

**Osgoode Professional
Development**
1 Dundas St. West, 26th Floor
Toronto, ON



Drawing on the expertise and experience of leading lawyers and experts, including:

Program Director



Patrick Case

Assistant Professor, University of Guelph, Board Chair, Human Rights Legal Support Centre, Adjunct Professor, Osgoode Hall Law School

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Lisa Addario, Senior Legal Counsel, Public Service Alliance of Canada

Raj Anand, WeirFoulds LLP

Sarah E. Atkinson, Lawyer; Workplace Investigator; Mediator, Workplace Resolutions

Kim Berhardt, Bernhardt Arbitration & Mediation

Josée Bouchard, Vice-Chair, Human Rights Tribunal of Ontario

Cory Boyd, Rubin Thomlinson LLP

David Butt, Barrister

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Mahejabeen Ebrahim, Director of Equity, University of Waterloo

Neil P. Edwards, MIT (Global) Consulting Group, Inc.

Peter Engelmann, Goldblatt Partners LLP

Melany Franklin, Mediator, Sideroad ADR

Avvy Go, Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic

Amelia Golden, Golden Investigations

Yola Grant, Associate Chair, Human Rights Tribunal of Ontario

Sharmaine Hall, Executive Director, Human Rights Legal Support Centre

Arleen Huggins, Koskie Minsky LLP

Reema Khawja, Counsel, Legal Services and Inquiries, Ontario Human Rights Commission

Naomi C. Overend, Vice Chair, Human Rights Tribunal of Ontario

Amanda Pask, Cavalluzzo Shilton McIntyre Cornish LLP

Andrew Pinto, Pinto Wray James LLP

Holly Reid, Blake, Cassels & Graydon LLP

Bruce Ryder, Associate Professor, Osgoode Hall Law School, York University

Jo-Ann Seamon, Senior Counsel & Manager of Legal Services, Human Rights Legal Support Centre

Grace Vaccarelli, Lawyer, Human Rights Legal Support Centre

Alan Whyte, Cunningham, Swan, Carty, Little & Bonham LLP

Dianne Wintermute, Staff Lawyer, ARCH Disability Law Centre

“What a phenomenal program! Each day has led us into a much richer understanding of such important issues and ideas.”

Laura Mae Lindo

Director, Diversity and Equity Office, Wilfrid Laurier University, attended in 2015

The Osgoode Certificate in Human Rights Theory and Practice

Found in every province and territory as well as federally, human rights legislation touches every individual and organization. Whether you're dealing with human rights issues in the workplace, the classroom or other settings, you need to understand how to interpret and correctly apply the appropriate regulatory framework to protect your organization, your employees and yourself.

Now in its fourth year, this unique, comprehensive and in-depth program is designed specifically for lawyers, human rights and human resources professionals. Our highly distinguished faculty of practicing lawyers and academics with years of experience in this field will equip you with the knowledge and practical skills you need to competently and confidently handle day-to-day challenges, as well as more complex human rights issues.

In-class lectures will be supplemented by simulations, case studies and hands-on workshops providing a practical skills focused learning experience.

Become better equipped to deal appropriately with human rights matters by learning about and building upon your knowledge of:

- The concepts of discrimination and harassment
- The duty to accommodate in relation to gender, disability, religion/creed, family status and other human rights grounds
- The interplay between human rights legislation and other related legislative regimes
- The review and implementation of institutional human rights policy
- Strategic decision-making to resolve complaints through informal or formal processes
- The role of human rights agencies (Commissions, Tribunals, Advocacy Centres) and the Courts
- Advocacy before human rights or other tribunals
- Identifying and resolving ethical issues and issues of fairness in human rights matters
- Dealing with the aftermath of a human rights complaint

Who Should Attend?

- Human Rights Professionals
- Human Resources Professionals
- Human Rights Lawyers
- Employment and Labour Law Practitioners
- In-House Counsel
- Trade Union Representatives
- Employment and Labour Law Practitioners
- Diversity/Equity Officers
- Disability and Return to Work Managers
- Human Rights and Equity Consultants



Agenda

Day 1 - May 8, 2017

9:00 a.m. – 4:30 p.m. EST

(Registration and Continental Breakfast begin at 8:30 a.m.)

Human Rights in Theory and Practice

- Theories of rights – the Hohfeldian analytical system
- Canadian Human Rights system – history and current practices
 - from late 19c to post-WWII
 - domestic provincial human rights law and policy
 - Federal level, including *Bill of Rights*, *Canadian Human Rights Act* and the *Employment Equity Act*
 - The Constitution: *Canadian Charter of Rights and Freedoms*
 - human rights interplay with *Charter* [ss.15, 7, 2(b)], the influence of international human rights standards
- The bigger picture
 - the evolution of the concepts of equality and discrimination
 - universality of human rights principles/ cultural relativism (within a Canadian context)
 - cultural change and organizational change
- The enforcement of human rights laws in Canada
 - human rights systems in Canada
 - a comparative analysis
 - roles of those with rights, duties & responsibilities under human rights law

Faculty

Patrick Case, Assistant Professor, University of Guelph, Board Chair, Human Rights Legal Support Centre, Adjunct Professor, Osgoode Hall Law School

Avvy Go, Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic

Bruce Ryder, Associate Professor, Osgoode Hall Law School, York University

Day 2 - May 9, 2017

9:00 a.m. – 4:30 p.m. EST

Duty to Accommodate/ Dealing with Competing Rights

- The duty to accommodate: theory and practice
 - recognizing the need to accommodate
 - procedural and substantive accommodation
 - information gathering and assessing needs
 - making informed decisions
 - implementing the decision
 - the importance of record keeping
 - the limits of accommodation: undue hardship and the key factors to consider
- Intersectionality: addressing multiple grounds in human rights claims
- Competing rights and (argued) hierarchies of rights
 - identifying competing rights
 - tips and tools for dealing with competing rights and resolving conflict
- Proving discrimination
- Creating model human rights policies
 - guidance for developing and implementing model human rights policies in your organization

Small group exercise: the duty to accommodate in relation to disability, creed and family status

Faculty

Dianne Wintermute, Staff Lawyer, ARCH Disability Law Centre

Melany Franklin, Mediator, Sideroad ADR

Rajesh Dhir, Legal Director, Ministry of Indigenous Relations and Reconciliation

Amanda Pask, Cavalluzzo Shilton McIntyre Cornish LLP

Grace Vaccarelli, Lawyer, Human Rights Legal Support Centre

Holly Reid, Blake, Cassels & Graydon LLP

Cory Boyd, Rubin Thomlinson LLP

Kim Berhardt, Bernhardt Arbitration & Mediation

Sarah E. Atkinson, Lawyer; Workplace Investigator; Mediator, Workplace Resolutions

Day 3 - May 10, 2017

9:00 a.m. – 4:00 p.m. EST

Evidence in Human Rights Matters/ Simulation Exercise

This practical, interactive session will use the Kahneman “thinking fast and thinking slow” analysis to show how “embedded self-delusions” that impact decision-making can be overcome.

- Questioning assumptions in human rights matters
 - what mental processes shape our judgement about evidence in human rights fact situations?
 - when assessing evidence, how do intuition and emotion combine with deliberative thought?
- Record Keeping
 - highlighting best practices
 - special concerns with medical record-keeping
 - dealing with concerns regarding electronic record-keeping

Simulation: Participants will engage in an in-class simulation exercise of analyzing and attempting to resolve a workplace human rights dispute. The fact situation will involve current complex issues in systemic discrimination and intersectional discrimination.

There will be a visit to the Ontario Human Rights Commission at 180 Dundas St West following the conclusion of Day 3.

Agenda

Faculty

Patrick Case, Assistant Professor, University of Guelph, Board Chair, Human Rights Legal Support Centre, Adjunct Professor, Osgoode Hall Law School

Njeri Damali Campbell, Hicks Morley Hamilton Stewart Storie LLP

Lisa Addario, Senior Legal Counsel, Public Service Alliance of Canada

Amelia Golden, Golden Investigations

Mahejabeen Ebrahim, Director of Equity, University of Waterloo

Jo-Ann Seamon, Senior Counsel & Manager of Legal Services, Human Rights Legal Support Centre

Day 4 - May 11, 2017

9:00 a.m. – 4:30 p.m. EST

Evidence in Human Rights Matters (Cont'd)/ Remedies

Day 4 commences with a follow up and debrief of the Day 3 simulation exercise. This session focuses on exploring the experiences gleaned from the simulation exercise to better understand the concepts of systemic racism and sexism at play in the workplace. The learning outcomes will also be connected to the applicable case law.

In the afternoon, the focus shifts to the remedial powers of human rights tribunals. In addition to discussing the more traditional remedies of damages and/or reinstatement (for example, in a case of discrimination in the workplace), faculty will also explore what systemic remedies are available in such cases.

- Debriefing the simulation
- Writing a report in contemplation of a review – tips and tools
- Interplay between human rights legislation and other legislative provisions
 - employment standards

- disability accessibility legislation
- labour laws
- The remedial powers of human rights tribunals
- Systemic remedies: current examples of innovative solutions being crafted by human rights tribunals
- Damages
- Overcoming the practical challenges to enforcing human rights settlements

Faculty

Alan Whyte, Cunningham, Swan, Carty, Little & Bonham LLP

Sharmaine Hall, Executive Director, Human Rights Legal Support Centre

David Butt, Barrister

Peter Engelmann, Goldblatt Partners LLP

Arleen Huggins, Koskie Minsky LLP

Naomi C. Overend, Vice Chair, Human Rights Tribunal of Ontario

Josée Bouchard, Vice-Chair, Human Rights Tribunal of Ontario

Day 5 - May 12, 2017

9:00 a.m. – 4:30 p.m. EST

Advanced Topics in Human Rights Law & Practice

- Workplace restoration: This session will explore strategies and techniques for re-establishing harmonious working relationships amongst individuals at the workplace following a harassment complaint, and addressing the challenges involved, including:
 - the impact of investigations on the health of workplaces
 - dealing with the threat of reprisals
 - strategies for devising a workplace restoration plan
 - healthy workplace best practices – strategies to move the workplace forward to create a positive, healthy work environment
- Advancing the law

- How it works at the Human Rights Tribunal: from application to decision, and what to do if your organization receives an application
- Judicial review
 - assessing the tribunal's reasoning processes: Determining what kinds of human rights decision making attracts judicial intervention
 - key judicial review cases
- New developments in human rights law: A panel discussion
 - discrimination based on family status
 - duty to accommodate on religious grounds
 - wither undue hardship?
 - freedom of expression in competition with the right to equal treatment on human rights protected grounds

Faculty

Neil P. Edwards, MIT (Global) Consulting Group, Inc.

Andrew Pinto, Pinto Wray James LLP

Antonella Ceddia, Solicitor – Litigation Group, City Of Toronto, Legal Services Division

Kelly Doctor, Goldblatt Partners LLP

Raj Anand, WeirFoulds LLP

Yola Grant, Associate Chair, Human Rights Tribunal of Ontario

Reema Khawja, Counsel, Legal Services and Inquiries, Ontario Human Rights Commission

Amanda Pask, Cavalluzzo Shilton McIntyre Cornish LLP

“Great resources to build a knowledge base. As a non-lawyer I found the content and presentations easy to grasp. Well done!”

Michael Howell
Bargaining Unit President,
Ontario Nurses' Association,
attended in 2016

“I am very happy with the program. It has given me priceless tools to take back to our organization and put into practice.”

Steve Ross
Executive Officer, International
Longshore & Warehouse Union
attended in 2016

Canadian Society of Professionals in Disability Management

The Canadian Society of Professionals in Disability Management recognizes that the Osgoode Certificate in Human Rights Theory and Practice will provide an opportunity for CDMP and CRTWC professionals to receive Continuing Education Credit hours. It is expected that professionals who attend the full program and optimize all learning activities will be credited with 30 CEC hours.

Registration Details

Fee per Delegate

\$2795 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Jessica Foster, Program Lawyer at 416.673.4673
or email jfoster@osgoode.yorku.ca

Certificate of Program Completion

In order to successfully complete the program and obtain an Osgoode Certificate in Human Rights Theory and Practice, participants must attend all program modules and satisfactorily pass an online multiple-choice exam.

Register today at:

osgoodepd.ca/humanrights



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