

Culturally Competent Adjudication

April 16, 2018

AGENDA

8:30 a.m. Registration and Continental Breakfast

9:00 a.m. Introduction to Program and Icebreaker

Pamela A. Chapman, Legal Educator and Consultant

Ena Chadha, Human Rights Lawyer & Conflict Resolution Specialist; Chair, Board of Directors Human Rights Legal Support Centre

Pamela A. Chapman, Legal Educator and Consultant

Cynthia Pay, Member, Immigration & Refugee Board

Marisha Roman, Member, Social Justice Tribunals Ontario (SJTO)

Moya Teklu, Policy Counsel, Racialized Communities Strategy, Legal Aid Ontario

9:15 a.m. Cultural Competence for Legal Professionals: What and Why?

Video, discussion, mini-exercises

Pamela A. Chapman, Legal Educator and Consultant

Moya Teklu, Policy Counsel, Racialized Communities Strategy, Legal Aid Ontario

- What do we mean by culture? What is cultural competence?
- Why is cultural competence important for adjudicators?
- Six building blocks for cultural competence

9:45 a.m. Small Group Work: Explore Your Own Cultural Lens

- In small groups, participants will work with a facilitator on a short exercise designed to help identify and explore one's own cultural lens

10:15 a.m.

Refreshment Break

10:30 a.m. Acknowledge the Risks and Set Your Intentions

Video, discussion

Pamela A. Chapman, Legal Educator and Consultant

Moya Teklu, Policy Counsel, Racialized Communities Strategy, Legal Aid Ontario

- Implicit associations & implicit bias
- Research on implicit bias and judging
- The importance of cognitive correction
- Power, privilege & marginalization

- 11:15 a.m. Check Assumptions, Consider Relevant Cultural Information & Check Your Reasoning Process**
Mini-exercise, discussion
Pamela A. Chapman, Legal Educator and Consultant
Moya Teklu, Policy Counsel, Racialized Communities Strategy, Legal Aid Ontario
- Culturally relevant concepts related to legal processes
 - The risks of stereotyping
 - Checking “neutral” legal standards
 - Hearing evidence about culture: challenges & best practices
 - Strategies to improve decision-making: checklists and benchcards

12:00 p.m.

Luncheon

- 12:45 p.m. Tribunal Roundtable: Focus on Marginalized Communities**
Cynthia Pay, Member, Immigration & Refugee Board
Marisha Roman, Member, Social Justice Tribunals Ontario (SJTO)
Anita Szigeti, Counsel, Anita Szigeti & Associates
Gary Yee, Chair, Toronto Licensing Tribunal
- Indigenous reconciliation best practices for tribunals and adjudicators
 - Participants with lived experience of mental illness
 - Tribunal guidelines and other best practices for adjudication
 - Assessing community needs and getting input and feedback

- 2:00 p.m. Centre Marginalized People in the Process**
Videos, discussion
Pamela A. Chapman, Legal Educator and Consultant
Moya Teklu, Policy Counsel, Racialized Communities Strategy, Legal Aid Ontario
- How to be an ally
 - Effective intercultural communication
 - Challenges: Micro-affirmations & aggressions, the use of humour

2:45 p.m.

Refreshment Break

- 3:00 p.m. Small Group Work: Building Cultural Competence**
- Participants will discuss a series of fact scenarios in order to build a checklist of culturally competent best practices
- 4:15 p.m. “Puzzlers & Dazzlers”**
- The program will end with a reflective exercise in plenary and the review of the key insights and learning from the day
- 4:30 p.m. End of Day**

Adjudicating Human Rights Issues

April 17, 2018

AGENDA

8:30 a.m. Registration and Continental Breakfast

9:00 a.m. Introduction to Program and Icebreaker
Pamela A. Chapman, Legal Educator and Consultant

9:10 a.m. Inclusive & Accessible Adjudication
Pamela A. Chapman, Legal Educator and Consultant
Naomi Overend, Vice-Chair, Human Rights Tribunal of Ontario (SJTO)

- The scope of a tribunal's duty to accommodate
- Key legal concepts, including undue hardship
- Guiding principles: dignity, integration, independence & privacy
- Best practices for interpretation

9:45 a.m. Interpreting & Enforcing Human Rights Legislation
Ena Chadha, Human Rights Lawyer & Conflict Resolution Specialist; Chair, Board of Directors, Human Rights Legal Support Centre
Grace Vaccarelli, Legal Counsel/Manager of Legal Services, Human Rights Legal Support Centre

- Key caselaw on the scope of tribunal jurisdiction, including *Tranchemontagne*
- The challenge of overlapping jurisdiction: *Figliola*, *Penner* and other cases
- Best practices for addressing & resolving human rights issues

10:30 a.m. Refreshment Break

10:45 a.m. Interpreting & Enforcing the *Charter* & *Charter* Values
Matthew Horner, Counsel, Legal Services and Inquiries, Ontario Human Rights Commission

- The scope of tribunals' obligations to apply the *Charter of Rights and Freedoms*
- The evolving approach to considering *Charter* values
- Procedural challenges

11:30 a.m. Small Group Work: Case Study

- In small groups, participants will work through a case study raising issues explored through the day

12:15 p.m. "Puzzlers & Dazzlers"

- The program will end with a reflective exercise in plenary and review of the key insights and learning from the day

12:30 p.m. End of Program