



THE OSGOODEPD LEGAL GUIDE TO **SEXUAL MISCONDUCT** IN THE #METOO ERA

In the brave new world of sexual misconduct, you need to be able to respond quickly and confidently. Are you ready?

In the #MeToo era, claims for sexual misconduct are on the rise. With the emergence of new causes of action and forums for addressing complaints, professionals working in this field have a myriad (and potential mine field) of decisions to make. Join OsgoodePD's experts as they delve into the key issues, including:

- New frontiers in sexual misconduct (including the *new tort of harassment*)
- Strategies for effectively triaging the sexual misconduct complaint
- Pros & Cons of advancing /defending claims in different forums
- How to ensure a trauma informed investigation

Register today at:

osgoodepd.ca/metoo

Program Chairs

Gillian T. Hnatiw
Adair Goldblatt Bieber LLP

Loretta P. Merritt
Torkin Manes LLP

Date and Time

February 7, 2019
9:00 a.m. – 4:00 p.m.
In Person or Webcast

Online Replay:
March 7, 2019
9:00 a.m. – 4:00 p.m.

Location

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



THE OSGOODEPD LEGAL GUIDE TO Sexual Misconduct in the #MeToo Era

The #MeToo movement has had a significant impact on Canadian workplaces and the already complex arena of civil sexual assault. The number of reported incidents of sexual harassment and sexual misconduct is on the rise. HR professionals and plaintiff and defence counsel face an increasingly complex array of options for how to respond to complaints and advise clients.

Using a case study specifically designed for the program, over one intensive day, our experts will provide you with the key knowledge and strategies you need to effectively navigate the labyrinth that is sexual misconduct in 2019.

Topics Include

- Vicarious liability and negligence for workplace sexual misconduct – where we are at and where we are heading
- Winning strategies for advancing and defending a sexual harassment claim at the Ontario Human Rights Tribunal
- Critical new and emerging issues in sexual misconduct, including privacy breaches and image based violence
- Credibility and memory issues in sexual assault cases, plus how to deal with credibility problems at various stages of litigation
- How to adopt a trauma informed approach to investigations

Who Should Attend?

- In-house Counsel
- Human Resources Professionals
- Lawyers advising on sexual misconduct issues
- Employment law lawyers

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Agenda

8:30 a.m.

Registration

9:00 a.m.

Welcome by the Chairs

Gillian T. Hnatiw

Adair Goldblatt Bieber LLP

Loretta P. Merritt

Torkin Manes LLP

9:15 a.m.

Triaging the Sexual Misconduct Complaint: What Next?

Gillian T. Hnatiw

Adair Goldblatt Bieber LLP

In this session, we will drill down on the different ways – including different forums – complaints can be advanced. The discussion will cover what options are available to plaintiffs' counsel, and what employers and defence counsel need to be prepared for.

- Assessing next steps: factors to consider
- Pros and cons of proceeding in different forums, including under the *Employment Standards Act*; *Occupational Health & Safety Act*; union grievance; Ontario Human Rights Tribunal; complaint to regulator; civil claim, etc.

10:00 a.m.

New Frontiers in Workplace Sexual Misconduct

Megan Shortreed

Paliare Roland Rosenberg Rothstein LLP

Susan Vella, L.S.M.

Rochon Genova LLP

Alexi Wood

St. Lawrence Barristers LLP

- New Tort of Harassment: the how's and why's
- Update on vicarious liability for workplace sexual misconduct
- Negligence for workplace sexual misconduct – where we are at and where we are heading
- Remedies, including the range of damage awards for workplace sexual misconduct

10:45 a.m.

Health Break

11:00 a.m.

Sexual Harassment Complaints at the Ontario Human Rights Tribunal

Michelle S. Henry

Borden Ladner Gervais LLP

Danny Kastner

Kastner Law

- The Whys? Pros and cons of advancing a complaint at the OHRT
- The How's? Winning strategies for advancing/defending a complaint
- The Outcome: Remedies and damages

12:00 p.m.

Lunch Break

1:00 p.m.

Credibility and Memory Issues in Sexual Assault Cases

Loretta P. Merritt

Torkin Manes LLP

Dr. Candice M. Monson, C.Psych.

Department of Psychology,
Ryerson University

- Assessing credibility in sexual abuse cases
- The nature of traumatic memory

- How to deal with credibility problems at various stages of litigation (pleadings, affidavit of documents, examinations for discovery, experts and trial)

2:00 p.m.

Trauma Informed Investigations

Lisa Corrente

Torkin Manes LLP

In this session, our experts will drill down on the why's and how's of adopting a trauma informed approach to investigations.

- Statutory obligations to investigate
- Concept of trauma
- Strategies for adopting a trauma informed approach to investigations
- Interviewing:
 - The Complainant: what the investigator should watch for and how to respond
 - The Respondent and Witnesses
- Report Writing

3:00 p.m.

Health Break

3:15 p.m.

Critical New and Emerging Issues in Sexual Misconduct

Molly Reynolds

Torys LLP

Lara Guest

Torys LLP

- Privacy breaches
- Image based violence
- Sexual misconduct outside of the workplace and impact on employment relationship

4:00 p.m.

Program Concludes

The next complaint is going to cross your desk soon. Do you know what to do? OsgoodePD's experts will provide you with the key knowledge and strategies you need to advise with confidence.

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Program Chairs:



Gillian T. Hnatiw
Adair Goldblatt Bieber LLP



Loretta P. Merritt
Torkin Manes LLP

Faculty:

Lisa Corrente
Torkin Manes LLP

Molly Reynolds
Torys LLP

Lara Guest
Torys LLP

Megan Shortreed
Paliare Roland Rosenberg
Rothstein LLP

Michelle S. Henry
Borden Ladner Gervais
LLP

Susan Vella, L.S.M.
Rochon Genova LLP

Danny Kastner
Kastner Law

Alexi Wood
St. Lawrence Barristers
LLP

**Dr. Candice M. Monson,
C.Psych.**
Department of
Psychology, Ryerson
University

Registration Details

Fee per Delegate

\$725 plus HST

Fees include attendance, program materials, 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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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