

THE OSGOODE CERTIFICATE IN HUMAN RIGHTS THEORY AND PRACTICE

May 27 - 31, 2019 • In Person

How well do you understand the complex world of human rights?

Failure to comply with human rights laws can be very costly to organizations; in money, time and potential reputational damage. **The ongoing wave of investigations relating to workplace sexual harassment is a telling, but by no means unique illustration.**

This comprehensive program—now in its fifth successful year—has been designed to give you the knowledge and practical skills to competently and confidently handle human rights issues.

Register today at:

osgoodepd.ca/humanrights

Program Director



Patrick Case, LSM, LL.B., LL.M.
Adjunct Professor, Osgoode Hall
Law School of York University

Location

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



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

The Osgoode Certificate in Human Rights Theory and Practice

*“Excellent curriculum...
[provides] a better
understanding of
processes, rights, laws,
legislation and how they
may impact the roles and
responsibilities of each
person...one of the best
Certificate courses ever!”*

Curt Woytiuk, Saskatchewan
Government and General Employees'
Union (SGEU)

*“This was an excellent
program...I found myself
learning from each of the
instructors (which were
all, without exception,
excellent). Thank you!”*

Geneviève Chabot, Deputy Chair, Yukon
Human Rights Commission

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.

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.

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

Program Director



Patrick Case

LSM, LL.B., LL.M., Adjunct Professor,
Osgoode Hall Law School of
York University

Advisory Board

Antonella Ceddia

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

Shelagh Day

President & Senior Editor, Canadian
Human Rights Reporter

Fo Niemi

Executive Director, Centre for Research-
Action on Race Relations (CRAAR)

Dora Nipp

Human Rights Education & Change
Specialist, Ontario Human Rights
Commission

Geri Sanson

Sanson Law Office Professional
Corporation

Susan Ursel

Ursel Phillips Fellows Hopkinson LLP

Program Faculty

Lisa Addario, Member, Canadian
Industrial Relations Board

Raj Anand, WeirFoulds LLP

Anthony Anirud, Human Rights
Commissioner, York Region District School
Board

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

Kim Bernhardt, Bernhardt Arbitration &
Mediation

Danielle Bisnar, Cavalluzzo LLP

Patrick Case, LSM, LL.B., LL.M.,
Adjunct Professor, Osgoode Hall Law
School of York University

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

Njeri Damali Campbell, Hicks Morley
Hamilton Stewart Storie LLP

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

Mahejabeen Ebrahim, Consultant,
Equity, Diversity and Inclusion

Peter Engelmann, Goldblatt Partners LLP

Melany Franklin, Mediator, Sideroad ADR

Amelia Golden, Golden Investigations

Sharmaine Hall, Executive Director,
Human Rights Legal Support Centre

Matthew Horner, Counsel, Ontario
Human Rights Commission

Marian Y. MacGregor, Equity Advisor,
Equity Initiatives, The Law Society of
Ontario

Amanda Pask, Cavalluzzo 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

Daniel Sheppard, Goldblatt Partners LLP

Morgan Sim, Pinto James LLP

Grace Vaccarelli, Lawyer, Human Rights
Legal Support Centre

Dianne Wintermute, Staff Lawyer, ARCH
Disability Law Centre

“Instructors good, approachable, good question periods,
excellent materials. Great to interact with people in the field
of human rights.”

Brian Edy, Barrister & Solicitor, Calgary, Alta.

Agenda

Registration begins at 8:30 a.m.

DAY 1

May 27, 2019

9:00 a.m. – 4:30 p.m. EDT

Human Rights in Theory and Practice

- Theories of rights – the Hohfeldian analytical system
- The Canadian Human Rights system – history and current practices
 - domestic provincial human rights law and policy
 - the Federal level, including the *Bill of Rights*, *Canadian Human Rights Act* and the *Employment Equity Act*
 - the Constitution: *Canadian Charter of Rights and Freedoms*
 - the human rights interplay with the *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
 - the spectrum of human rights systems in Canada
 - roles of those with rights, duties and responsibilities under human rights law

Faculty

Anthony Anirud,

Human Rights Commissioner, York Region District School Board

Patrick Case, LSM, LL.B., LL.M.,
Adjunct Professor, Osgoode Hall Law School
of York University

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

DAY 2

May 28, 2019

9:00 a.m. – 4:30 p.m. EDT

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 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
- 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

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

Kim Bernhardt, Bernhardt Arbitration & Mediation

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

Melany Franklin, Mediator, Sideroad ADR

Marian Y. MacGregor, Equity Advisor, Equity Initiatives, The Law Society of Ontario

Amanda Pask, Cavalluzzo LLP

Holly Reid, Blake, Cassels & Graydon LLP

Grace Vaccarelli, Lawyer, Human Rights Legal Support Centre

Dianne Wintermute, Staff Lawyer, ARCH Disability Law Centre

DAY 3

May 29, 2019

9:00 a.m. – 4:00 p.m. EDT

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

- current complex issues in systemic discrimination and intersectional discrimination.

Simulation: Participants will engage in an in-class simulation exercise of analyzing and attempting to resolve a workplace human rights dispute that has proceeded to investigation stage.

Faculty

Lisa Addario, Member, Canadian Industrial Relations Board

Patrick Case, LSM, LL.B., LL.M., Adjunct Professor, Osgoode Hall Law School of York University

Mahejabeen Ebrahim, Director of Equity, University of Waterloo

Amelia Golden, Golden Investigations

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

DAY 4

May 30, 2019

9:00 a.m. – 4:30 p.m. EDT

Evidence in Human Rights Matters (continued)/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 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

Njeri Damali Campbell, Hicks Morley Hamilton Stewart Storie LLP

Peter Engelmann, Goldblatt Partners LLP

Sharmaine Hall, Executive Director, Human Rights Legal Support Centre

DAY 5

May 31, 2019

9:00 a.m. – 4:30 p.m. EST

Advanced Topics in Human Rights Law and Practice

- 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

- Investigating sex-based and race-based discrimination

- New developments in human rights law: a panel discussion

- discrimination based on family status

- duty to accommodate on religious grounds

- whether undue hardship?

- freedom of expression in competition with the right to equal treatment on human rights protected grounds

Faculty

Raj Anand, WeirFoulds LLP

Danielle Bisnar, Cavalluzzo LLP

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

Matthew Horner, Counsel, Ontario Human Rights Commission

Daniel Sheppard, Goldblatt Partners LLP

Morgan Sim, Pinto James LLP

Registration Details

Fee per Delegate

\$2,995 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 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:

Paul Truster, Program Lawyer at 416.937.8983
or email ptruster@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.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/humanrights

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 CDM 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.



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

LSO (ON): 32h 25m CPD (27h 25m Substantive; 1h 10m Professionalism; 3h 30m EDI)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

“Excellent...The program clearly explained what the relevant human rights are, how they are protected in Ontario and how human relations can be restored after an incident where discrimination has caused a rift in a relationship.”

Joelle A. St. John, Legal Drafter,
Attorney-General's Chambers, Barbados

“Patrick Case does a great job. Well-organized program with lots of different and interesting sessions.”

Curtis Fogel, Associate Professor, Brock University

“The best program I have attended in years!... Many thanks to the staff and especially Mr. Patrick Case for putting together such an excellent program.”

Carmelle Salomon-Labbe, Tribunal
Counsel, Workplace Safety and
Insurance Board