

THE OSGOODE CERTIFICATE IN HUMAN RIGHTS THEORY AND PRACTICE

May 25 – 29, 2020
5 Consecutive Days
In Person

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

Failure to comply with human rights laws can be very costly for organizations, in money, time and potential reputational damage. Human rights issues continue to be front page news – **from the continued impact of the #MeToo Movement and the rise in workplace harassment investigations, to the ongoing inquiries involving alleged discrimination in local school boards** – examples are everywhere.

This comprehensive program – now in its seventh successful year – has been designed to give you the knowledge and 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, York University

Location

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

The Osgoode Certificate in Human Rights Theory and Practice

New approaches to equality, diversity and inclusion ensure that human rights issues will continue to impact governments, public institutions and the private sector.

Are you prepared?

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

Laura Mae Lindo
former Director, Diversity and Equity Office,
Wilfrid Laurier University

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 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.



In this practical, hands-on certificate program, you can build 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
- Resolving conflicts involving competing rights
- 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
- Diversity/Equity/Inclusion Officers
- Disability and Return to Work Managers
- Human Rights and Equity Consultants

Taught by a highly distinguished faculty of leading Human Rights experts

Program Director



Patrick Case

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

Advisory Board

Antonella Ceddia

Lawyer, Litigation Section,
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 Atkinson

Mediator, Workplace Investigator,
Lawyer, Workplace Resolutions

Colleen Bauman

Goldblatt Partners LLP

Kim Bernhardt

Bernhardt Arbitration & Mediation

Nicole S. Bernhardt

Human Rights & Equity Specialist,
NSB Consulting

Sarah Mason-Case

Scholar, Pierre Elliott Trudeau Foundation,
Fulbright Visiting Researcher, Harvard University

Antonella Ceddia

Lawyer, Litigation Section, City of Toronto,
Legal Services Division

Ena Chadha

Conflict Resolution, Mediation & Human Rights

Rajesh Dhir

Executive Director and Chief Legal Counsel,
Ontario Human Rights Commission

Mahejabeen Ebrahim

Human Rights and Equity Advisor,
Lakehead Public Schools

Peter Engelmann

Goldblatt Partners LLP

Insiya Essajee

Counsel, Legal Services and Inquiries,
Ontario Human Rights Commission

Melany Franklin

Mediator, Sideroad ADR

Amelia Golden

Golden Investigations

Neil Guthrie

Director of Professional Development, Research
& Knowledge Management, Aird & Berlis LLP

Sharmaine Hall

Executive Director, Human Rights Legal
Support Centre

Marian MacGregor

Executive Director, Centre for Human Rights,
Equity and Inclusion, York University

Clara Matheson

Counsel/Manager of Intake Services,
Human Rights Legal Support Centre

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, Legal Services,
Human Rights Legal Support Centre

Jayashree (Jay) Sengupta

Human Rights Commissioner, Peel District
School Board

Daniel Sheppard

Goldblatt Partners LLP

Morgan Sim

Parker Sim LLP

Njeri Damali Sojourner-Campbell

Hicks Morley Hamilton Stewart Storie LLP

Ryan D. White

Cavalluzzo LLP

Dianne Wintermute

Staff Lawyer, ARCH Disability Law Centre

“This program exceeded my expectations, which were high to begin with. The speakers were very engaging and informative.”

Susan A. Richer, Richer & Richer, Ottawa

Agenda

DAY 1

May 25, 2020

9:00 a.m. – 4:30 p.m.

Human Rights: 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

Lunchtime Keynote: “The Impact of Climate Change on Human Rights”

Sarah Mason-Case, Scholar,
Pierre Elliott Trudeau Foundation,
Fulbright Visiting Researcher,
Harvard University

Faculty

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

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

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

DAY 2

May 26, 2020

9:00 a.m. – 4:30 p.m.

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
- 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 Atkinson, Mediator I Workplace
Investigator I Lawyer, Workplace Resolutions

Kim Bernhardt, Bernhardt Arbitration &
Mediation

Nicole S. Bernhardt, Human Rights &
Equity Specialist, NSB Consulting

Rajesh Dhir, Executive Director and
Chief Legal Counsel, Ontario Human Rights
Commission

Melany Franklin, Mediator, Sideroad ADR

Marian MacGregor, Executive Director,
Centre for Human Rights, Equity and
Inclusion, York University

Clara Matheson, Counsel/Manager of
Intake Services, Human Rights Legal
Support Centre

Amanda Pask, Cavalluzzo LLP

Holly Reid, Blake, Cassels & Graydon LLP

Dianne Wintermute, Staff Lawyer,
ARCH Disability Law Centre

DAY 3

May 27, 2020

9:00 a.m. – 4:30 p.m.

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 recordkeeping
 - 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 investigative stage.*

Faculty

Lisa Addario, Member, Canadian Industrial Relations Board

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

Mahejabeen Ebrahim, Human Rights and
Equity Advisor, Lakehead Public Schools

Amelia Golden, Golden Investigations

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

DAY 4

May 28, 2020
9:00 a.m. – 4:30 p.m.

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

Colleen Bauman, Goldblatt Partners LLP

Ena Chadha, Conflict Resolution,
Mediation & Human Rights

Peter Engelmann, Goldblatt Partners LLP

Neil Guthrie, Director of Professional
Development, Research & Knowledge
Management, Aird & Berlis LLP

Sharmaine Hall, Executive Director,
Human Rights Legal Support Centre

Jayashree (Jay) Sengupta, Human Rights
Commissioner, Peel District School Board

Njeri Damali Sojourner-Campbell,
Hicks Morley Hamilton Stewart Storie LLP

DAY 5

May 29, 2020
9:00 a.m. – 4:15 p.m.

Advanced Topics in Human Rights Law and Practice

- Workplace investigations
- 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

Faculty

Raj Anand, WeirFoulds LLP

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

Antonella Ceddia, Lawyer – Litigation Section,
City of Toronto, Legal Services Division

Insiya Essajee, Counsel, Legal Services and
Inquiries, Ontario Human Rights Commission

Amelia Golden, Golden Investigations

Daniel Sheppard, Goldblatt Partners LLP

Morgan Sim, Parker Sim LLP

Ryan D. White, Cavalluzzo LLP

Registration Details

Fee per Delegate

\$2,995 plus HST

Newly licensed (2017 – 2020): \$1,497.50 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:

David Thomas, Program Lawyer at 416.270.7316
or email dthomas@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 on-line 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 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.



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

Eligible CPD Hours – LSO (ON): 33h 40m (28h 40m Substantive; 1h 30m 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.



Here's what past attendees have said:

"The five days of intensive sessions were most rewarding. As a human rights practitioner, I got the opportunity to deepen my theoretical understanding of human rights law in Canada. Simultaneously, I gathered new skills in promoting the prevention of human rights violations at the post-secondary level.... Thanks to Pat Case for his vision and having the courage to step into the 'gap'."

Nancy Sims
Director, Centre for Human Rights,
Equity & Diversity, Humber College

"I leave this program impressed, motivated and so much more knowledgeable on human rights issues. I will be recommending it to my colleagues unequivocally."

Laura Colella
Lawyer, Arbitrator, Mediator, Facilitator

"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)