



THE CANADIAN
BAR ASSOCIATION

CBA ADMINISTRATIVE LAW, LABOUR AND EMPLOYMENT LAW CONFERENCE

NOVEMBER 16-17, 2018 | OTTAWA, ON

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NOVEMBER 16-17, 2018 | SHAW CENTRE, OTTAWA, ON

FRIDAY, NOVEMBER 16, 2018

7:45 – 8:30 REGISTRATION & BREAKFAST

8:30 – 8:35 WELCOME AND INTRODUCTION

8:35 – 10:00 FROM COAST TO COAST: THE YEAR IN REVIEW IN ADMINISTRATIVE LAW

A signature event of the conference, this annual review of developments in administrative law from across the country is not to be missed.

Introduction: Jonathan Coady, Stewart McKelvey (*Charlottetown, PE*)

Speaker: David Phillip Jones, Q.C., de Villars Jones LLP (*Edmonton, AB*)

10:00 – 10:15 REFRESHMENT BREAK

10:15 – 11:45 CONCURRENT SESSIONS

SESSION I: ADMINISTRATIVE LAW

Public interest intervention and standing in administrative hearings

Moderator: Chris Wirth, Keel Cottrelle (*Toronto, ON*)

Speakers: TBC

SESSION II: LABOUR & EMPLOYMENT LAW (Joint with Pensions and Benefits Section)

Drugs: Use, Medicinal, Abuse – what is the difference and what difference does it make

As practitioners we need to have a basic understanding of the difference between drug use as a personal choice; for medicinal reasons and Recreational drug use that for some can become abuse to dependence/addiction.

Dwayne Cameron, Substance Addictions Professional will explain the differences that aligns with a medical model rooted in evidence and research. This will increase foundational understanding rather than relying on assumptions which often include societal stigmas and years of myths.

Once we understand the difference – Daria Strachan and Darren Stratton will discuss the approach to be taken in each case – is personal use of a legal substance disciplinable? Does medicinal cannabis have to be accommodated in the workplace and what if it is a safety sensitive workplace? Is there a duty to disclose an addiction and how does that duty apply if the individual has not yet recognized (or accepted) they have an addiction?

Finally, we are privileged to be collaborating with the CBA Pension & Benefits section again in 2018 and Susan Philpott will discuss the emerging strategies, trends and case-law to help benefit plan trustees and their advisors address the question of benefit coverage for medicinal cannabis.

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Moderator: **Ronni Nordal**, Nordal LeBlanc Law Office (*Regina, SK*)

Speakers: **Dwayne Cameron**, Addictions Specialist, Saskatoon Health Region (*Saskatoon, SK*)
Susan Philpott, Goldblatt Partners (*Toronto, ON*)
Daria Strachan, Shields Hunt Duff (*Ottawa, ON*)
Darren Stratton, McInnes Cooper (*St. John's, NL*)

12:00–13:30 LUNCH AND FIRESIDE CHAT WITH FEDERAL COURT OF APPEAL

Introduction: **Pierre E. Moreau**, Moreau Avocat (*Montréal, QC*)

Speaker: **The Honourable David W. Stratas**, Federal Court of Appeal (*Ottawa, ON*)

A casual conversation with special guest, Justice David Stratas, about what is happening at the Federal Court of Appeal, the latest developments in administrative law, and what we can expect in the years ahead.

13:45–15:15 CONCURRENT SESSIONS

SESSION I: ADMINISTRATIVE LAW

The influence of Charter values in administrative decision-making and the future course after the decision in *Trinity Western*

The panel members will discuss the Supreme Court of Canada's recent application of Charter values in *Law Society of British Columbia v. Trinity Western University* and *Trinity Western University v. Law Society of Upper Canada*, and the review of administrative decisions engaging Charter values following the framework set out in *Doré v. Barreau du Québec* and *Loyola High School v. Quebec (Attorney General)*. The panel members will comment on the application of proportionality when balancing Charter rights and values with statutory objectives and factual circumstances in administrative decision-making.

Moderator: **Guy Regimbald**, Gowling WLG (*Ottawa, ON*)

Speakers: **The Honourable David W. Stratas**, Federal Court of Appeal (*Ottawa, ON*)
Professor Mary Liston, University of British Columbia (*Vancouver, BC*)
Professor Lorne Sossin, Osgoode Law School (*Toronto, ON*)

SESSION II: LABOUR & EMPLOYMENT LAW (Joint with the Immigration Law Section)

Immigration Considerations for Labour & Employment Lawyers

This breakout session will explore the intersection between labour and employment and immigration law relating to employer compliance, employment contracts, and counseling foreign workers during an employment separation. Immigration considerations will be discussed when dealing with the implications of foreign nationals in both union and non-union workplaces.

Moderator: **Melissa Salvador**, Altro LLP (*Toronto, ON*)

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Speakers: **Chantal Arsenault**, Norton Rose Fulbright (*Montréal, QC*)
Barbara Jo Caruso, Corporate Immigration Law Firm (*Toronto, ON*)
Peter Perram, Guberman Garson LLP allied with Deloitte (*Toronto, ON*)

15:20–15:30 REFRESHMENT BREAK

15:30–17:00 MENTAL ILLNESS – THE IMPACT ON THE WORKPLACE

This plenary session will explore mental illness and its impact on the workplace. Panelists will discuss the intersection of mental illness in workers' compensation claims, the duty to accommodate, and harassment or interpersonal disputes amongst employees.

Moderator: **Sheldon Toner**, Chair, Human Rights Adjudication Panel for the Northwest Territories (*Yellowknife, NT*)

Speakers: **Fiona Campbell**, Goldblatt Partners (*Ottawa, ON*)
Jeff Grubb, Q.C., Miller Thomson LLP (*Regina, SK*)

17:00–18:30 NETWORKING RECEPTION

Enjoy food and drink and take advantage of this networking opportunity to meet other conference attendees, speakers, and guests. Not to be missed!

19:00 DINE AROUND

We will make a reservation at one of Ottawa's best restaurants. Registrants and guests are welcomed to join. A sign-up sheet will be posted at the conference Registration Desk.

SATURDAY, NOVEMBER 17, 2018

8:30–9:00 BREAKFAST & REGISTRATION

9:00–10:30 ETHICS AND PROFESSIONALISM

Moderator: **Gail Gatchalian, Q.C.**, Pink Larkin (*Halifax, NS*)

Speakers: **Charlene Theodore**, Ontario English Catholic Teachers' Association (*Toronto, ON*)
Kimberley H.W. Turner, Q.C., Pink Larkin (*Halifax, NS*)
David A. Wright, Chair, Ontario Law Society Tribunal (*Toronto, ON*)

Kim Turner and David Wright are back this year to lead another lively and informative discussion on current issues in the regulation of the legal profession, highlighting civility, advertising and cultural competence. This year, they will be joined by Charlene Theodore, in-house legal counsel for the Ontario

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English Catholic Teachers' Association, Treasurer of the Ontario Bar Association and Treasurer of the Canadian Association of Black Lawyers. Kim is a labour and administrative law practitioner and legal counsel to the Nova Scotia Barristers Society and other regulators, and David is the Chair of the Ontario Law Society Tribunal and a former Ontario Human Rights Tribunal adjudicator and labour and administrative law practitioner.

10:30–10:45 REFRESHMENT BREAK

10:45–12:15 A VIEW FROM THE BENCH

Moderator: **Robyn Trask**, British Columbia Teachers Federation (*Vancouver, BC*)

Speakers: **The Honourable Anne L. Mactavish**, Federal Court
The Honourable Georgina Jackson, Saskatchewan Court of Appeal
The Honourable Simon Ruel, Court of Appeal of Quebec
The Honourable Ann E. Smith, Nova Scotia Supreme Court

The conference concludes with our ever popular *View from the Bench*, an entertaining and candid discussion offering judges' insightful perspective and suggestions on practice and advocacy in the context of administrative, labour and employment law issues.