

Agenda

HUMAN RIGHTS LAW CONFERENCE 2018 (156718)

Thursday, November 29 and Friday, November 30, 2018 – Pan Pacific Hotel

Course Chairs: **Sandra F. Guarascio** — Roper Greyell LLP, Vancouver
Lindsay M. Lyster — Moore Edgar Lyster, Vancouver

Planning Committee: **Tonie Beharrell** — Legal Counsel, Health Sciences Association of BC, Vancouver
Jon Chapnick — Senior Advisor, Workplace Mental Health, University of BC, Vancouver
Devyn Cousineau — BC Human Rights Tribunal, Vancouver
Sara Forte — Forte Law Corporation, Surrey
Christopher M. McHardy — McCarthy Tétrault LLP, Vancouver
Laura Track — Community Legal Assistance Society, Vancouver
Robyn P.M. Trask — BC Teachers' Federation, Vancouver
David G. Wong — Fasken Martineau DuMoulin LLP, Vancouver

CLEBC Program Lawyer: **Genevieve Chang**

Day 1: Thursday, November 29, 2018

- 9:00 – 9:15 WELCOME AND INTRODUCTION
Sandra F. Guarascio – Roper Greyell LLP, Vancouver
Lindsay M. Lyster – Moore Edgar Lyster LLP, Vancouver
- 9:15 – 10:05 JUDICIAL REVIEW UPDATE
- review and update of significant BC Supreme Court, BC Court of Appeal and Supreme Court of Canada cases
- Katherine A. Hardie** – BC Human Rights Tribunal, Vancouver
David G. Wong – Fasken Martineau DuMoulin LLP, Vancouver
- 10:05 – 10:55 SEXUAL MISCONDUCT: PREVENTION AND INVESTIGATION
- best practices for prevention: policies and beyond
 - the essentials of investigations and what you can and can't disclose
- Jessica L. Derynck** – Legal Counsel, Health Sciences Association of BC, New Westminster
Carolyn M. MacEachern – Young Anderson, Vancouver
- 10:55 – 11:10 BREAK
- 11:10 – 12:05 SEXUAL MISCONDUCT: CLAIMS, DAMAGES, AND CASE LAW UPDATE
- different forums for sexual misconduct claims (HRT, WCB, civil, criminal), tests, and damages

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- recent cases and analysis

Sara Hanson – Moore Edgar Lyster LLP, Vancouver

Bethany Hastie – Assistant Professor, Peter A. Allard School of Law – UBC, Vancouver

12:05 – 1:35

LUNCH (PROVIDED) WITH FEATURED SPEAKER: WHOSE JOB IS IT TO PROTECT HUMAN RIGHTS?

The Honourable Lynn Smith, QC – Faculty of Law at Allard Hall, University of BC, Vancouver

1:35 – 2:25

ENHANCING AND SUPPORTING MENTAL CAPACITY: PRACTICAL AND ETHICAL ISSUES

- what mental capacity means
- why this subject matters particularly to human rights practice
- when a lawyer can represent a person with diminished capacity
- practical strategies for supporting your client to have adequate capacity to participate in the legal process

Krista James – National Director, Canadian Centre for Elder Law, Vancouver

Kevin Love – Community Legal Assistance Society, Vancouver

Dr. Heather D’Oyley – Geriatric Psychiatrist, Vancouver Coastal Health, Vancouver

2:25 – 2:40

BREAK

2:40 – 3:30

CHALLENGING GOVERNMENTAL ACTION

- how do you deal with governmental action and legislation that is discriminatory
- human rights vs. *Charter*
- procedural issues
- implications SCC Matson/Andrews Case

Laura Track – Community Legal Assistance Society, Vancouver

Oliver Pulleyblank – Pulleyblank Law, Vancouver

3:30 – 4:30

EFFECTIVE ADVOCACY AT THE HUMAN RIGHTS TRIBUNAL: A VIEW FROM THE TRIBUNAL MEMBERS

- Q & A session with members of the Human Rights Tribunal about best (and worst) practices in mediation, hearings, and written applications
- panelists will also discuss recent policy and practice changes at the Tribunal

Devyn Cousineau – BC Human Rights Tribunal, Vancouver

Barbara A. Korenkiewicz – BC Human Rights Tribunal, Vancouver

Emily Ohler – BC Human Rights Tribunal, Vancouver

Moderator: Lindsay M. Lyster — Moore Edgar Lyster LLP, Vancouver

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| CLEBC Program Lawyer: | Genevieve Chang |

Day 2: Friday, November 30, 2018

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| 9:00 – 9:05 | WELCOME Sandra F. Guarascio – Roper Greyell LLP, Vancouver Lindsay M. Lyster – Moore Edgar Lyster LLP, Vancouver |
| 9:05 – 10:00 | CASE LAW UPDATE <ul style="list-style-type: none">• key cases• analysis and trends• effects on practice Christopher M. McHardy – McCarthy Tétrault LLP, Vancouver |
| 10:00 – 10:15 | BREAK |
| 10:15 – 11:05 | AN INTERSECTIONAL ANALYSIS AT THE CROSSROADS OF CANADIAN HUMAN RIGHTS LAW AND CANADIAN IMMIGRATION LAW <ul style="list-style-type: none">• medical inadmissibility• criminal inadmissibility• identifying immigration status• remuneration of foreign nationals Deanna L. Okun-Nachoff – McCrea Immigration Law, Vancouver Véronique Delahaye – McCrea Immigration Law, Vancouver |
| 11:05 – 11:55 | WHEN ARE WORKPLACE DRUG POLICIES DISCRIMINATORY <ul style="list-style-type: none">• review of decision in <i>Interior Health Authority and Hospital Employees' Union, November 13, 2018</i> (Hall) Lindsay Waddell – Moore Edgar Lyster LLP, Vancouver Sari A. Wiens – Harris & Company LLP, Vancouver |

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- 11:55 – 12:55 NETWORKING LUNCH (PROVIDED)
- 12:55 – 1:45 WHY LAW FIRMS SHOULD EMBRACE WORKPLACE INCLUSION AND WELL-BEING
- why workplace inclusion is important
 - the benefits of recognizing and supporting diversity
 - why law firms should prioritize employee health
- Claire L. Marchant** – Practice Advisor and Equity Ombudsperson, Law Society of BC, Vancouver
Bena Stock – Associate Director, Lawyers Assistance Program of BC, Vancouver
- 1:45 – 2:00 BREAK
- 2:00 – 3:00 IMPLICATIONS OF THE DECISION IN *TRINITY WESTERN UNIVERSITY V. LAW SOCIETY OF BRITISH COLUMBIA*
- is there a “rights” hierarchy?
 - the role of *Charter* values in litigation
 - the level of deference granted to decision-makers
 - could this decision become a “creep” towards imposing *Charter* obligations on private parties, by virtue of the *Charter* obligations owed by regulatory bodies?
 - could the decision be used to regulate ideologies within educational institutions?
 - what implications might the case have on other religious institutions?
 - will the decision be limited to lawyers because of the special role lawyers play in society?
 - how will or could this decision affect the protections granted under section 41 of the *Human Rights Code*?
- Gwendoline Allison** – Foy Allison Law Group, West Vancouver
Robyn P.M. Trask – BC Teachers’ Federation, Vancouver
- 3:00 – 3:55 ETHICS FACT PATTERNS
- what would / should you do?
 - discussions in context
- Shona A. Moore, QC** – Moore Edgar Lyster LLP, Vancouver
Gabriel M.A. Somjen, QC – Arbitrator and Mediator, Vancouver
- 3:55 – 4:00 CLOSING REMARKS (OPTIONAL)
- Sandra F. Guarascio** – Roper Greyell LLP, Vancouver
Lindsay M. Lyster – Moore Edgar Lyster LLP, Vancouver