

# Agenda

## HUMAN RIGHTS CONFERENCE 2015 (10117715)

Thursday & Friday, November 19 & 20, 2015 – Pan Pacific Hotel

Course Chairs:	<b>Sandra F. Guarascio</b> – Roper Greyell LLP, Vancouver <b>Lindsay M. Lyster</b> – Moore Edgar Lyster, Vancouver
Planning Committee:	<b>Jessica Connell</b> – BC Human Rights Tribunal, Vancouver <b>Catherine A. Sullivan</b> – BC Government & Service Employees' Union, Burnaby <b>Laura Track</b> – British Columbia Civil Liberties Association, Vancouver <b>Jonathan Chapnick</b> – Legal Counsel, Hospital Employees' Union, Burnaby <b>Devyn Cousineau</b> – Community Legal Assistance Society, Vancouver <b>Robyn Durling</b> – Co-Director, BC Human Rights Clinic, Vancouver
CLEBC Program Lawyer:	<b>Genevieve Chang</b>

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### Day 1: Thursday, November 19, 2015

9:00 – 9:10	WELCOME AND INTRODUCTION <b>Sandra F. Guarascio</b> – Roper Greyell LLP, Vancouver <b>Lindsay M. Lyster</b> – Moore Edgar Lyster, Vancouver
9:10 – 10:05	CASE LAW UPDATE <ul style="list-style-type: none"><li>• key cases</li><li>• analysis and trends</li><li>• effects on practice</li></ul> <b>Christopher M. McHardy</b> – McCarthy Tetrault LLP, Vancouver <b>Ryley M. Mennie</b> – McCarthy Tetrault LLP, Vancouver
10:05 – 10:20	BREAK
10:20 – 11:15	WHAT ARE OUR RIGHTS WORTH: QUANTIFYING DAMAGES FOR CHARTER BREACHES & HUMAN RIGHTS VIOLATIONS <ul style="list-style-type: none"><li>• damages under s 24(1) of the Charter</li><li>• non-pecuniary damages under the Human Rights Code</li><li>• principles of compensation, vindication, and deterrence</li></ul> <b>Bryant A. Mackey</b> – Farris, Vaughan, Wills & Murphy LLP, Victoria <b>Susanna Quail</b> – Allevato Quail & Worth, Vancouver
11:15 – 11:45	SYSTEMIC EXCLUSION BY DESIGN: THE HUMAN RIGHTS IMPLICATIONS OF SHIFTS IN GOVERNMENT SERVICE DELIVERY <ul style="list-style-type: none"><li>• trends in service delivery to low-income and marginalized people</li><li>• barriers that these present to people for reasons including mental health and language</li><li>• human rights implications and litigation strategies</li></ul> <b>Lobat Sadrehashemi</b> – BC Public Interest Advocacy Centre, Vancouver

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11:45 – 12:15	<p>ADJUSTING THE FRAME: EXPERT EVIDENCE OF SOCIAL CONTEXT AT THE B.C. HUMAN RIGHTS TRIBUNAL</p> <ul style="list-style-type: none"> <li>• use of expert evidence to prove the nexus in the test for prima facie discrimination</li> <li>• recent case examples: VANDU, PN, Balikama and Bombardier</li> </ul> <p><b>Devyn Cousineau</b> – Koskie Glavin Gordon, Vancouver</p>
12:15 – 1:45	<p>LUNCH WITH FEATURED SPEAKER</p> <p><b>Scott Brent</b> – Client Services Manager, Mental Health Claims Unit, WorksafeBC, Richmond</p>
1:45 – 2:35	<p>SEX AND OFF DUTY CONDUCT</p> <ul style="list-style-type: none"> <li>• the blurring line – on-duty and off-duty</li> <li>• recent incidents of off-duty conduct attracting employer sanctions</li> <li>• the employee’s interest</li> <li>• the employer’s interest</li> <li>• when and what type of conduct is likely to attract sanctions:</li> <li>• off-duty conduct and morality policies</li> </ul> <p><b>Veronica S. C. Rossos</b> – Singleton Urquhart LLP, Vancouver</p>
2:35 – 2:50	BREAK
2:50 – 3:35	<p><i>BRAR AND OTHERS V. B.C. VETERINARY MEDICAL ASSOCIATION AND OSBORNE (No. 22)</i>, 2015 BCHRT 151</p> <p><b>Professor Margot Young</b> – Faculty of Law at Allard Hall, University of BC, Vancouver</p>
3:35 – 4:25	<p>ETHICS FACT PATTERNS</p> <ul style="list-style-type: none"> <li>• what would / should you do?</li> <li>• discussions in context</li> </ul> <p><b>Lindsay M. Lyster</b> – Moore Edgar Lyster, Vancouver  <b>Gabriel M.A. Somjen</b> – Borden Ladner Gervais LLP, Vancouver</p>
4:25 – 4:30	<p>CLOSING QUESTIONS &amp; COMMENTS</p> <p><b>Sandra F. Guarascio</b> – Roper Greyell LLP, Vancouver  <b>Lindsay M. Lyster</b> – Moore Edgar Lyster, Vancouver</p>

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**Day 2: Friday, November 20, 2015**

9:00 – 9:10	<p>WELCOME AND INTRODUCTION</p> <p><b>Sandra F. Guarascio</b> – Roper Greyell LLP, Vancouver  <b>Lindsay M. Lyster</b> – Moore Edgar Lyster, Vancouver</p>
9:10 – 10:00	<p>JUDICIAL REVIEW OF BC HUMAN RIGHTS TRIBUNAL DECISIONS</p> <ul style="list-style-type: none"> <li>• review and update of significant BC Supreme Court, BC Court of Appeal and Supreme Court of Canada cases</li> </ul> <p><b>Katherine A. Hardie</b> – BC Human Rights Tribunal, Vancouver  <b>Monique G. Orioux</b> – Fasken Martineau DuMoulin LLP  <b>Jacqueline Gant</b> – Fasken Martineau DuMoulin LLP, Vancouver</p>
10:00 – 10:15	BREAK

- 10:15 – 11:15
- MEDIATION PANEL
- pros and cons to mediation
  - when it is and isn't appropriate
- Diana Juricevic** - BC Human Rights Tribunal, Vancouver  
**Lindsay Waddell** - Moore Edgar Lyster, Vancouver  
**Michael A. Wagner** - Roper Greyell LLP, Vancouver
- 11:15 – 12:20
- STRENGTHENING HUMAN RIGHTS: WHY BRITISH COLUMBIA NEEDS A HUMAN RIGHTS COMMISSION
- changes to Clinic and CLAS
  - suggested change to the Tribunal-only model
- Dr. Gwen Brodsky** – Barrister and Solicitor, and Director of the Poverty and Human Rights Centre, Vancouver  
**Shelagh Day** - President, Canadian Human Rights Reporter, Vancouver  
**Robyn Durling** – Co-Director, BC Human Rights Clinic, Vancouver
- 12:20 – 1:20
- NETWORKING LUNCH
- 1:20 – 2:10
- TRANS HUMAN RIGHTS: CHALLENGING THE M/F PARADIGM
- Harriette Cunningham** – Comox  
**barb findlay, QC** – barbara findlay, QC Law Office, Vancouver  
**Elizabeth A. Reid** – Boughton Law Corporation, Vancouver
- 2:10 – 2:25
- BREAK
- 2:25 – 3:10
- WORKING WITH SELF REPRESENTED LITIGANTS
- practical tips, strategies, and advice (including ethical considerations) for dealing with self-represented litigants
- Norman K. Trerise** – Member, BC Human Rights Tribunal, Vancouver  
**Frances M. Kelly** – Community Legal Assistance Society, Vancouver
- 3:10 – 4:25
- EXERCISE IN ADVOCACY
- mock micro hearings on human rights issues
  - live adjudication with discussion on reasons for decisions
- Jonathan Chapnick** – Legal Counsel, Hospital Employees' Union, Burnaby  
**Catherine McCreary** – BC Human Rights Tribunal, Vancouver  
**Andrea Zwack** – Gall Legge Grant & Munroe LLP, Vancouver
- 4:25 – 4:30
- CLOSING QUESTIONS & COMMENTS
- Sandra F. Guarascio** – Roper Greyell LLP, Vancouver  
**Lindsay M. Lyster** – Moore Edgar Lyster, Vancouver