



THE CANADIAN
BAR ASSOCIATION

CBA ADMINISTRATIVE LAW, LABOUR AND EMPLOYMENT LAW CONFERENCE

NOVEMBER 17-18, 2017 | OTTAWA, ON

FRIDAY, NOVEMBER 17, 2017

8:00–8:45 **REGISTRATION AND BREAKFAST**

8:45–9:00 **WELCOME AND INTRODUCTION**

Speakers: **Audrey Bector**, Chair, CBA National Administrative Law Section
 Gail Gatchalian, Chair, CBA National Labour & Employment Law Section

9:00–10:30 **FROM COAST TO COAST: THE YEAR IN REVIEW IN ADMINISTRATIVE LAW** (1.5 hours – substantive content)

Introduction: **Audrey Bector**, IMK (*Montreal, QC*)

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

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

10:30 – 10:45 **REFRESHMENT BREAK**

10:45–12:15 **CONCURRENT SESSIONS**

SESSION I: ADMINISTRATIVE LAW

Judicial Review of Executive Action

(1.5 hours – substantive content)

Moderator: **Guy Giorno**, Fasken Martineau (*Ottawa, ON*)

Speakers: **Jan Brongers**, Department of Justice (*Vancouver, BC*)
 Lorne Waldman, Waldman & Associates (*Toronto, ON*)

Some of the most high-profile litigation involves challenges to executive action by government. Whether involving the Crown prerogative, that is, non-statutory administrative power (Cruise missile testing, the repatriation of Omar Khadr, the bestowing of honours), constitutional convention (refusal to fill Senate vacancies), or discretionary exercise of statutory authority (*Roncarelli v. Duplessis*), judicial review of executive action affects greatly the exercise of government power and the rights of citizens affected by it. An expert panel will examine principles, cases and trends relevant to this type of review.

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

The Aging Workforce – Accommodation & Benefits

(1.5 hours – substantive content)

Moderator: **Joël Michaud**, Field Law (*Edmonton, AB*)

Speakers: **Level Chan**, Stewart McKelvey (*Halifax, NS*)
 Laura Watts, Canadian Centre for Elder Law (*Toronto, ON*)

Dr. Paulette Guitard, Faculty of Health Sciences, University of Ottawa (*Ottawa, ON*)
Adrian Ishak, Rubin Thomlinson LLP (*Toronto, ON*)

With there no longer being an age of mandatory retirement, employees are remaining in the workplace longer and, for some, the effects of aging are being seen in the workplace. Panel members will discuss various current issues that have arisen as employees grow older and continue to work.

12:15–13:45 LUNCH WITH KEYNOTE SPEAKERS (1.0 hour – substantive content)

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

Speaker: Justice Suzanne Côté, Supreme Court of Canada (*Ottawa, ON*)

A casual conversation about the career path of our special guest, insight into what's happening at Canada's top court, and what to expect for the future.

13:50–15:20 CONCURRENT SESSIONS

SESSION I : ADMINISTRATIVE LAW

Indigenous rights in administrative and regulatory decision-making

(1.5 hours – substantive content)

Moderator: Pam Hrick, Stockwoods LLP Barristers (*Toronto, ON*)

Speakers: Robert Janes, Q.C., JFK Law Corporation (*Vancouver, BC*)
Sara Mainville, Olthuis Kleer Townshend LLP (*Toronto, ON*)
Renee Pelletier, Olthuis Kleer Townshend LLP (*Toronto, ON*)

The subject of respecting Indigenous rights in administrative and regulatory decision-making has been brought to the fore in the recent Supreme Court cases of *Clyde River*, *Chippewas of the Thames* and *Ktunaxa Nation*. This session will explore the significance of these cases; how Indigenous rights can and should be accounted for in administrative and regulatory decision-making processes; and how these processes can incorporate elements of Indigenous legal traditions.

SESSION II: LABOUR & EMPLOYMENT LAW

Labour and Employment Law Year In Review

(1.5 hours – substantive content)

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

Speakers: Erin Kuzz, Sherrard Kuzz (*Toronto, ON*)
Ray Larkin, Q.C., Pink Larkin (*Halifax, NS*)

Experts from both the union and management side of the bar will review major case law developments and emerging issues across the country in labour and employment law

15:20–15:30 REFRESHMENT BREAK

**Topics and speakers subject to change*

Accreditation in each province and territory:

http://www.cbapd.org/accreditation_en.aspx?id=NA_ADM17

15:30–16:45 **The 35th Anniversary of the Charter – What does the Future hold for Administrative Law and Labour and Employment Law?**
(1.25 hours – substantive content)

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

Speakers: **Graeme G. Mitchell Q.C.**, Saskatchewan Labour Relations Board (*Regina, SK*)
Professor Audrey Macklin, University of Toronto Faculty of Law (*Toronto, ON*)

To mark this special anniversary, we will explore the influence of the Charter in the areas of administrative law and labour and employment law. Panel members will share their thoughts on some of the surprises to date, review the leading cases and consider emerging issues, and discuss what the future may hold for the Charter in our system of administrative justice.

17:00–18:30 **NETWORKING RECEPTION**

Sponsored by IMK

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**

Registrants and guests are invited to participate in an organized “dine-around” in Ottawa. We will make reservations for several groups at some of Ottawa’s best restaurants, and you choose your favourite! Sign-up sheets will be posted at the conference Registration Desk.

SATURDAY, NOVEMBER 18, 2017

8:30–9:00 **BREAKFAST**

9:00–10:30 **Ethics and Professionalism**
(1.5 hours – ethics/professionalism/practice management content)

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

Speakers: **Kimberley H.W. Turner, Q.C.**, Pink Larkin (*Halifax, NS*)
David A. Wright, Chair, Ontario Law Society Tribunal (*Toronto, ON*)

Kim Turner, labour and administrative law practitioner and legal counsel to the Nova Scotia Barristers Society and other regulators, and David Wright, Chair of the Ontario Law Society Tribunal and former Ontario Human Rights Tribunal adjudicator and labour and administrative law practitioner, will discuss and debate the privacy and ethical implications of social media for labour, employment and administrative law lawyers and tribunal members.

10:30–10:45 **REFRESHMENT BREAK**

10:45–11:45 **A VIEW FROM THE BENCH** (1.0 hour – substantive content)

Moderator: **George Vuicic**, Hicks Morley (*Ottawa, ON*)

Speakers: **Justice M. O’Bonsawin**, Ontario Superior Court of Justice (*Ottawa, ON*)
 Justice M. Savard, Quebec Court of Appeal (*Montreal, QC*)
 Justice M. Gleason, Federal Court of Appeal (*Ottawa, ON*)
 Justice S.H. Smallwood, Supreme Court of the Northwest Territories (*Yellowknife, NT*)

The conference concludes with its ever popular judges’ panel, an entertaining and candid discussion by leading Canadian judges of labour, employment and administrative law issues, as well as the judges’ insightful perspectives and suggestions on practice issues, advocacy and their own progression from practicing law to joining the Bench. This year’s panel will also discuss considerations relating to diversity within Canada’s judiciary.

11:45–12:00 **CLOSING PLENARY & WRAP UP**

Speakers: **Ronni Nordal**, Conference Chair, Labour & Employment Law
 Jonathan Coady, Conference Co-Chair, Administrative Law

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