



THE CANADIAN
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Access and Independence: Restoring the Balance in Administrative Tribunals and Labour Boards



Presented by the National Administrative Law Section, the National Labour and Employment Law Section and the Continuing Legal Education Committee.

National Administrative Law and Labour and Employment Law CLE Conference

November 20 - 21, 2009

Fairmont Château Laurier Hotel, Ottawa, Ont.

This program has been approved for 9 hours of Continuing Professional Development (CPD) by the Law Societies of British Columbia and Northwest Territories.



This program has been accredited by the Law Specialty Committee of the Law Society of Upper Canada towards the professional development requirement for certification.

Civil Litigation = 8 hours

Labour Law = 8 hours

Barreau
du Québec 

This program has been approved for 9 hours of recognized Professional Development by the Barreau du Québec.

This event has been awarded one (1) credit by the Saskatchewan Lawyers Insurance Association.

“Access to justice” – it’s the catchy phrase that’s popping up everywhere. Governments, the courts, and bar associations all talk about it, but they are short on details. How do we balance access without sacrificing due process and independence, and what are we supposed to do with self-represented parties? If anyone has the answers to these hard questions, it’s the speakers who will appear at this year’s Canadian Bar Association annual conference on administrative law and labour and employment law.

The conference is the premier continuing legal education event for practitioners, tribunal members, and judges. Plenary sessions and workshops will cover both thought-provoking themes and more down-to-earth discussions focused on providing practical answers to pressing problems. And since access and independence must be ensured even in the most extreme of circumstances, you won’t want to miss our fascinating round-table on “**secret tribunals**”, with a unique group of panellists that will give you the view “from the trenches.

This year’s conference will close, as usual, with the **Judges’ Forum**, a frank and free-flowing discussion on the issues and concerns that underlie administrative law and labour and employment law.

If you work or practice in the fields of administrative law or labour and employment law, this CBA conference is the leading continuing education program for you, promising relevant and practical insights that will immediately make you more effective.

CONFERENCE ORGANIZERS

Mathieu Bouchard, Vice-Chair, CBA National Administrative Law Section
Lorna Pawluk, Member of the Executive, CBA National Administrative Law Section

Susan E. Polz, Co-Chair, Manitoba Branch, Labour and Employment Law Section
Katherine Ford, Member of the Executive, CBA National Labour and Employment Law Section



Program Agenda

FRIDAY, NOVEMBER 20, 2009

08:00 | 08:45 **Registration**

08:45 | 09:00 **WELCOME AND INTRODUCTIONS**

Michèle Hurteau, *Chair, CBA National Administrative Law Section (Ottawa)*

Amy Gough Farnworth, *Chair, CBA National Labour and Employment Law Section (Fredericton)*

09:00 | 10:30 **PLENARY SESSION:**

A Year in Review in Administrative Law and Labour and Employment Law

Introduction: **Amy Gough Farnworth**, *Chair, CBA National Labour and Employment Law Section (Fredericton)*

Speakers: **David Phillip Jones, Q.C.**, *de Villars Jones (Edmonton)*
Steven Barrett, *Sack, Goldblatt, Mitchell (Toronto)*

10:30 | 10:45 **REFRESHMENT BREAK**

10:45 | 12:30 **CONCURRENT SESSIONS:**

Administrative Law: Rapid-fire session – 90 minutes from Coast to Coast to Coast

Moderator: **Michèle Hurteau**, *Chair, CBA National Administrative Law Section (Ottawa)*

Speakers: **Frédéric Massé**, *Heenan Blaikie (Montréal)*
Chantelle MacDonald Newhook, *Newfoundland & Labrador Department of Justice (St. John's)*
Andrew Wray, *Pinto Wray James (Toronto)*
Larry Seiferling Q.C., *McDougall Gauley (Saskatoon)*
Marcia McNeil, *Heenan Blaikie (Victoria)*

Labour and Employment Law: A Wide Net: Freedom of Association after *BC Health Services*

Moderator: **George Vuicic**, *Member of the Executive, CBA National Labour and Employment Law Section (Ottawa)*

Speakers: **James R.K. Duggan**, *(Montréal)*
Erin R. Kuzz, *Sherrard Kuzz (Toronto)*
Joël Michaud, *Pink Larkin (Fredericton)*
Peter Gall, *Heenan Blaikie (Vancouver)*

12:30 | 13:45 **LUNCH WITH KEYNOTE SPEAKER:**

Introduction: **Pierre Moreau**, *Past Chair, CBA National Labour and Employment Law Section (Montréal)*

Speaker: **The Honourable Michel Bastarache**, *Heenan Blaikie (Ottawa)*

14:00 | 15:15 **PLENARY SESSION:**

Practice Tips before Direct Access Tribunals: Pros and cons of direct access tribunals, challenges posed by unrepresented litigants, and direct access justice within the aboriginal justice system

Moderator/Skits: **Robert Dawson**, *Dawson Law Chambers (Winnipeg)*

Speakers: **Tess Sheldon**, *ARCH (Toronto)*
Sarah Lugtig, *Manitoba Human Rights Commission (Winnipeg)*
Tina Dion, *Tsawwassen First Nation (Delta)*

15:15 | 15:30 **REFRESHMENT BREAK**



15:30 | 16:30

CONCURRENT SESSIONS:

Administrative Law: Civil claims against governments for administrative wrongs: Traps, turf wars and what you should know to succeed

Moderator: **Lorna Pawluk**, *Member of the Executive, CBA National Administrative Law Section (Vancouver)*

Speakers: **Teresa Haykowsky**, *McLennan Ross (Edmonton)*
Michèle Ducharme, *Justice Canada (Ottawa)*
Matthew G. Williams, *Ritch Durnford (Halifax)*

Labour and Employment Law: Is the independence of labour boards at risk?

Moderator: **Ian Mackenzie**, *Chair, OBA, Labour and Employment Law Section (Ottawa)*

Speakers: **Prof. Beth Bilson**, *College of Law (Saskatoon)*
Prof. John Whyte, *College of Law (Saskatoon)*
Kevin Whitaker, *Ontario Labour Relations Board (Toronto)*

17:00 | 18:30

RECEPTION sponsored by Cox & Palmer, Irving Mitchell Kalichman, Sherrard Kuzz, Aikins MacAulay & Thorvaldson, and Hunter Litigation Chambers

SATURDAY, NOVEMBER 21, 2009

08:30 | 09:00

Registration

09:00 | 10:15

PLENARY SESSION:

“Secret Tribunals”: A peek at what goes on behind closed doors

Moderator: **Mathieu Bouchard**, *Vice-Chair, CBA National Administrative Law Section (Montréal)*

Speakers: **The Honourable Mr. Justice Simon Noël** – *Federal Court of Canada (Ottawa)*
Nathan Whitling – *Parlee McLaws (Edmonton)*
Barbara Jackman, Q.C. – *(Toronto)*
Keith Wilkins – *Justice Canada (Ottawa)*

10:15 | 10:30

REFRESHMENT BREAK

10:30 | 11:45

PLENARY SESSION:

A View from the Bench: Comments on the latest developments in administrative law and labour and employment law from our panel of judges

Moderator: **The Honourable Madam Justice Rosalie Abella**, *Supreme Court of Canada (Ottawa)*

Speakers: **The Honourable Mr. Justice Ronald S. Veale**, *Senior Judge, Yukon Supreme Court (Whitehorse)*
The Honourable Mr. Justice Robert G. Richards, *Saskatchewan Court of Appeal (Regina)*
The Honourable Mr. Justice Jacques Dufresne, *Quebec Court of Appeal (Montréal)*

11:45 | 12:00

CLOSING COMMENTS

Nancy Forbes, *Past Chair, CBA National Administrative Law Section (Fredericton)*
Pierre Moreau, *Past Chair, CBA National Labour and Employment Law Section (Montréal)*

12:00 - **SECTION MEETINGS**

Speakers are confirmed, but may change due to unforeseen circumstance