



CCAT's 34th Annual Symposium
Capitalizing on Experience:
 Practical Skills for Modern Tribunals

34^{ième} Colloque annuel du CTAC
Capitaliser sur l'expérience :
 Compétences pratiques pour des tribunaux modernes



CCAT's 34th Annual Symposium – Program

Date	Time	Event
Sunday, June 3		
	08:00 – 17:00	Registration Service Desk (Foyer Beethoven/Chopin)
	08:30 – 11:00	Board of Directors Meeting
	11:30 – 12:30	Luncheon & Networking (Beethoven/Chopin)
	12:30 – 12:45	Welcome & Opening Remarks (Beethoven/Chopin) Athan Hadjis, Senior Counsel, Federal Public Sector Labour Relations and Employment Board David A. Wright, Chair, Law Society Tribunal (Ontario) Andrée Gosselin, Administrative Judge, Tribunal administratif du travail
		Opening and Land Acknowledgement Vince Kicknosway Pottawatomi, Loon Clan, Walpole Island First Nation
	12:45 – 13:15	Keynote Address: Nathalie G. Drouin, Deputy Minister of Justice and Attorney General of Canada
	13:15 - 14:45	Plenary A: Managing Difficult Situations When managing difficult situations, the goal is to maintain self-control regardless of the nature of the duties performed. What do we need to know to remain calm and intervene effectively in difficult situations, such as: ❶ when a telephone conversation or video conference becomes tense or turbulent because of a participant's frustration; ❷ trying to maintain control of a hearing where a participant is displaying dysfunctional behaviour. This presentation will highlight effective response techniques for managing such difficult situations. Drawing examples from case law and practice, the presenters will help you to reflect on your own techniques and provide useful tools for more effective management of difficult situations that may arise in your daily practice. Introduction: Andrée Gosselin, Administrative Judge, Tribunal administratif du travail Presenters: <ul style="list-style-type: none"> • Gérard Ouimet, Professor, Department of Management, HEC Montréal • Me Luc Côté, Lawyer, vice-présidence à la qualité et cohérence, Tribunal administratif du travail (Quebec)
	14:45 – 15:15	Refreshments & Networking (Foyer Beethoven/Chopin)
	15:15 – 16:45	Session 1: Administrative Law Primer (Delfosse) You may not have set out in life planning to work in the administrative tribunal world, but now you find yourself there without necessarily having received any training in some of the notions of administrative law that you may need to know. This session will provide a primer in some core administrative law principles that apply to all tribunals, including what their role is in government, their authority to deal with matters within their jurisdiction, and the concepts of fairness and natural justice that they must respect in exercising this authority. Presenters: <ul style="list-style-type: none"> • Athan Hadjis, Senior Counsel, Federal Public Sector Labour Relations and Employment Board • Virginia Adamson, A/Executive Director and General Counsel, Federal Public Sector Labour Relations and Employment Board

		<p>Session 2: Administrative Law – Level 2 (Beethoven/Chopin) Back By Popular Demand ... The Administrative Law Update Calling all law nerds. Do you love admin law but never have enough time to keep up with new decisions? Are you interested in what is going on in other jurisdictions? Is your idea of fun a debate about reasonableness and correctness? Then this lively session is meant for you. Join us as we explore the new, the exciting and the different.</p> <p>Presenters:</p> <ul style="list-style-type: none"> • David A. Wright, Chair, Law Society Tribunal (Ontario) • Michelle Flaherty, Associate Professor, Faculty of Law, University of Ottawa, Arbitrator and Mediator • Margaret Leighton, Counsel to the Executive Chair/Manager of Legal Services, Social Justice Tribunals Ontario
		<p>Session 3: Administrative Law for Staff (Suzor-Côté) This session focuses on administrative law issues from the perspective of tribunal staff. From communications at the front counter to scheduling to managing complaints to decision review and release and every point in between staff perform important roles in administrative boards and tribunals. And at every stage this work is guided and informed by principles of administrative law such as notice, fairness, impartiality, who participates, who decides, and jurisdiction. In this session we take these concepts away from the lawyers and look at their practical application to our daily work.</p> <p>Moderator: Jacqueline Corado, Senior Legal Counsel, Transportation Appeal Tribunal of Canada</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Dragisa Adzic, Senior Registry Officer, Specific Claims Tribunal Canada • Heather Gibbs, Manager, Legal Services, Environment and Land Tribunals Ontario
		<p>Session 4: The culturally competent adjudicator: Understanding how culture impacts our decisions and addressing implicit bias in adjudication (Julien/Gagnon/Walker) Adjudicators have the duty to be fair and impartial, including understanding how culture and diversity affect our work as decision-makers. This session will address the concepts of cultural competency in adjudication and will highlight the importance of questioning our assumptions. It will also offer specific tools for improving our cultural competency and for understanding the role of implicit bias in decision-making. Speakers will address these themes and challenge you to consider how diversity, perspective and culture are at work in your hearing room and beyond.</p> <p>Moderator: Jennifer Khurana, Vice-Chairperson, General Division, Employment Insurance Section, Social Security Tribunal of Canada</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Pamela Chapman, Legal Educator & Consultant • Me Mélanie Raymond, Commissioner, Immigration Appeal Division, Immigration and Refugee Board (Canada) <p>Intended audience: Tribunal members and tribunal staff Repeated - Session 7</p>
	17:00 – 18:30	CCAT Chair's Reception (Foyer Beethoven/Chopin)
Monday, June 4		
	08:00 - 17:00	Registration Service Desk (Foyer Beethoven/Chopin)
	08:00 – 08:45	Breakfast (Beethoven/Chopin)
	08:45 - 10:00	<p>Plenary B: Indigenous Legal Orders: Reconsidering Canadian Administrative Decision-making Structure(s) (Beethoven/Chopin) One of the strengths of administrative decision-making structure(s) is the ability to adapt to changing circumstances. How might Canadian administrative bodies change in a post-Truth and Reconciliation Commission of Canada environment? What might the United Nations Declaration on the Rights of Indigenous Peoples mean to administrative bodies? How may administrative bodies contribute to decolonization?</p> <p>Introduction: Katherine Hardie, Legal Counsel, British Columbia Human Rights Tribunal</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Aimée Craft, Assistant Professor, Faculty of Law, University of Ottawa, Adjunct Professor, Faculty of Law, University of Manitoba • Jeffery Hewitt, Assistant Professor, Faculty of Law, University of Windsor

	10:00 – 10:30	Refreshments & Networking (Foyer Beethoven/Chopin)
	10:30 – 12:00	<p>Session 5: The only true constant with tribunals is change itself (Delfosse) The one true constant in tribunals is change itself. Tribunal restructuring and reorganization is often challenging for those in its midst. The obligation to serve the public and ensure invaluable knowledge underlying the workings of a tribunal is not lost and continues during periods of significant change and transformation. This workshop offers expert perspectives on theories of change, understanding that it can be difficult and illuminating at the same time. It will also explore experiences from those in the tribunal world with a view to highlighting lessons and tools that others in the tribunal sector may require.</p> <p>Moderator:</p> <ul style="list-style-type: none"> • Eli Fellman, Counsel, Social Justice Tribunals of Ontario <p>Panelists:</p> <ul style="list-style-type: none"> • Me Marie Lamarre, President, Tribunal administratif du travail (Quebec) • Ellen Wexler, Executive Lead, Environment and Land Tribunals Ontario, Social Justice Tribunals Ontario, and Safety, Licensing Appeals and Standards Tribunals Ontario • Raymond Labonte, Managing Partner, Personal Pace <p><u>Intended audience:</u> Tribunal members and tribunal staff</p>
		<p>Session 6: How to manage it...experience in efficient hearing management (Part 1) (Beethoven/Chopin) Humanizing justice, bringing costs into line, managing backlogs, making parties and lawyers accountable -- such are the challenges faced on a daily basis by officers involved in the judicial and quasi-judicial law processes.</p> <p>Adjudicators can deal with these issues by managing hearings efficiently, optimizing their note-taking and, hopefully, achieving a sense amongst all participants that justice was served. They must also learn to work “outside the box.”</p> <p>Introduction: Andrée Gosselin, Administrative Judge, Tribunal administratif du travail Presenter: The Honourable Justice Carole Julien, Superior Court of Quebec</p> <p><u>Intended audience:</u> Administrative judges, adjudicators, decision-makers and lawyers This workshop will be presented in two parts. Part 2 will take place from 13:45 to 15:00</p>
		<p>Session 7: The culturally competent adjudicator: Understanding how culture impacts our decisions and addressing implicit bias in adjudication (Repeated from Session 4) (Julien/Gagnon/Walker) Adjudicators have the duty to be fair and impartial, including understanding how culture and diversity affect our work as decision-makers. This session will address the concepts of cultural competency in adjudication and will highlight the importance of questioning our assumptions. It will also offer specific tools for improving our cultural competency and for understanding the role of implicit bias in decision-making.</p> <p>Speakers will address these themes and challenge you to consider how diversity, perspective and culture are at work in your hearing room and beyond.</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Jennifer Khurana, Vice-Chairman, General Division, Employment Insurance Section, Social Security Tribunal of Canada • Me Mélanie Raymond, Commissioner, Immigration Appeal Division, Immigration and Refugee Board (Canada) <p><u>Intended audience:</u> Tribunal members and tribunal staff</p>
	12:00 – 13:00	Luncheon (Beethoven/Chopin)
	13:00 – 13:45	Annual General Meeting (Beethoven/Chopin)
	13:45 – 15:00	<p>Session 8: How to manage it...experience in efficient hearing management (Part 2) (Beethoven/Chopin) Humanizing justice, bringing costs into line, managing backlogs, making parties and lawyers accountable -- such are the challenges faced on a daily basis by officers involved in the judicial and quasi-judicial law processes.</p> <p>Adjudicators can deal with these issues by managing hearings efficiently, optimizing their note-</p>

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		<p>Session 9: The Duty to Consult and Administrative Tribunals: <i>Hamlet of Clyde River, Chippewas of the Thames First Nation and Ktunaxa Nation (Delfosse)</i> What are the implications for administrative tribunals and regulatory agencies of the Supreme Court of Canada’s recent decisions on the duty to consult when the decision may impact Indigenous or treaty rights?</p> <p>What do these decisions tell us about evaluating adequacy of consultation? What are a decision-maker’s obligations when the Crown is not a party or participating? How does the decision-maker balance the duty to consult with neutral adjudication?</p> <p>Expect a lively and thoughtful discussion from a panel of leading experts in this field.</p> <p>Introduction: Margaret Leighton, Counsel to the Executive Chair/Manager of Legal Services, Social Justice Tribunals Ontario</p> <p>Panelists:</p> <ul style="list-style-type: none"> • Sara Mainville, Partner, Olthuis Kleer Townshend LLP and Member of the Couchiching First Nation • Candace Anderson, Crown Consultation Coordinator, Canadian Environmental Assessment Agency • Alexandria Winterburn, Associate, Pape Salter Teillet LLP • Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board <p><u>Intended audience:</u> Adjudicators and lawyers</p>
		<p>Session 10: Career Planning & Mobility in the Tribunal World (Julien/Gagnon/Walker) Are you new to the tribunal world or have you worked in the sector for some time? What are some options for career advancement and transition? How have some moved within the tribunal world and how have they used their previous work experience as a catalyst to increase their opportunity for career advancement? This session will be a chance to learn from the mobility and journey of others in the profession.</p> <p>What can possibly be holding you back from your next career move?</p> <p>You have decided where you want to go? You have made it to the interview process? Learn how to sell yourself in the interview, devise responses that will set you apart from the rest by addressing challenging behavioural and competency questions. Join us for an interactive session with colleagues in the field.</p> <p>Moderator: Marisha Roman, Member, Child and Family Services Review Board (Ontario)</p> <p>Presenters:</p> <ul style="list-style-type: none"> • Elsy Chakkalal, Senior Director of Corporate Services, Military Police Complaints Commission of Canada • Yoan Marier, Member, Social Security Tribunal of Canada • Andrew Tremayne, Lawyer, EmondHarnden LLP <p><u>Intended audience:</u> Adjudicators and staff of administrative tribunals</p>
15 :00 – 15 :30		Refreshments & Networking (Foyer Beethoven/Chopin)
15:30 – 17:00		<p>Session 11: Plain Language Writing for Tribunals – English (Beethoven/Chopin) (This course is for delegates who want to improve their decision-writing skills in English.) “Good writing is writing that gets ideas across. And that’s much more a matter of paying attention to your readers than of paying attention to your English.” ~ Herbert Simons</p> <p>This 90-minute practical and interactive writing seminar is designed to help tribunal members and staff write in plain language. Through a combination of brief presentations and group discussions, participants will learn techniques to write clearly, concisely, and coherently for a variety of readers.</p>

	<p>To encourage participants to continue working on their writing after the seminar, they will receive customized tip sheets and checklists.</p> <p>Seminar topics include:</p> <ul style="list-style-type: none"> • Adopting a reader-centred approach • Providing context before details • Designing a simple, visible structure • Creating clear, direct, and simple sentences • Building unified and cohesive paragraphs • Developing an effective writing process <p>Introduction: Athan Hadjis, Senior Counsel, Federal Public Sector Labour Relations and Employment Board Presenter: Shelley Appleby-Ostroff, Sessional Professor, Faculty of Law, University of Ottawa</p>
	<p>Session 12: Writing Plain Language (Basic Skills) – French (Delfosse) <i>(This course is for delegates who want to improve their decision-writing skills in French.)</i> Every decision rendered by a body must be communicated in clear and concise terms to the parties and to every other person that the law requires.</p> <p>This is a major challenge for decision-makers, since they must analyze increasingly large amounts of evidence, produce carefully reasoned, concise rulings, often with tight deadlines, and make their writing comprehensible to a broad and varied readership.</p> <p>In an era when communication has become increasingly spare and simple, this session will enable you to take a fresh look at your writing habits, while taking into account the needs and expectations of your various readers:</p> <ul style="list-style-type: none"> • How to draft an effective introduction • How to structure your rulings so as to write them more clearly and effectively • How to make your rulings easier to read and understand • Taking the appropriate tone • Choosing a strategy for structuring the evidence <p>This professional development session will help you to develop your talent as a communicator, which calls for much more than a good grasp of written French. You will be shown how to display greater empathy for your readers by giving them all the consideration they deserve.</p> <p>Introduction: Andrée Gosselin, Administrative Judge, Tribunal administratif du travail Presenter: Stéphanie Roy, Co-founder, En Clair Service-Conseil Inc.</p>
	<p>Session 13: Blanket Exercise – English (Julien/Gagnon/Walker) Session 13: Blanket Exercise - French (Suzor-Côté) French and English sessions will be held concurrently. Registration is limited to 50 participants in each session. The Blanket Exercise is a moving, experiential teaching tool exploring the relationship and history of the Indigenous and non-Indigenous peoples in Canada. You will have an opportunity to debrief with the facilitators following the exercise.</p> <p>English Introduction: Marisha Roman, Member, Child and Family Services Review Board (Ontario)</p> <p>English Facilitators:</p> <ul style="list-style-type: none"> • Elaine Kicknosway Wolf Clan, Peter Ballantyne Cree Nation (Saskatchewan) • Theland Kicknosway Wolf Clan, Walpole Island First Nation, (Ontario) <p>French Introduction: David A. Wright, Chair, Law Society Tribunal (Ontario)</p> <p>French Facilitators:</p> <ul style="list-style-type: none"> • Tina Vincent, Kitigan Zibi First Nation (Quebec) • Monique Chabot, Kitigan Zibi First Nation (Quebec) <p><u>Intended audience:</u> Tribunal members and tribunal staff</p>
17:45 +	<p>CCAT Reception & Dinner (Canadian Museum of History)</p>

Tuesday, June 5	
08:00 – 13:00	Registration Service Desk (Foyer Beethoven/Chopin)
08:00 - 08:45	Breakfast (Beethoven/Chopin)
08:45 - 09:30	Keynote Address: (Beethoven/Chopin) The Challenge of Diversity The Honourable Justice Nicole Duval Hesler, Chief Justice, Court of Appeal of Quebec
09:30 - 10:00	Refreshments & Networking (Foyer Beethoven/Chopin)
10:00 – 11:30	Plenary C: Those Tough Calls: Ethical Challenges for Tribunals (Beethoven/Chopin) Fairness, access, efficiency, customer service and respect for fundamental rights.... these are just some of the conflicting values that must be balanced when tribunals deal with challenging situations. This interactive session will tackle ethical dilemmas that face Tribunal staff and members by working through scenarios. In the first part, participants will meet in groups consisting either of adjudicators, staff members or chairs. They will discuss a scenario with difficult ethical and case management decisions that need to be made by those in each type of role. The participants will then return to the plenary and the facilitators will report on the answers and consider how a tribunal team can work together to address these issues. In the second part, we consider “short snapper” ethical quandaries where the audience will vote and comment, using their smartphones, on how they would deal with them. Presenters: <ul style="list-style-type: none"> • Jennifer Goldenberg, Chief Commissioner, Residential Tenancies Commission (Manitoba) • David A. Wright, Chair, Law Society Tribunal (Ontario)
11:30 – 12:30	Plenary D: Artificial Intelligence (AI) and the Law: Self-driving Tribunals So, you have completed your suite of SmartForms, your web portal is open for e-filing and you are about to launch your online dispute resolution software...now what? Should you just hand the keys of the tribunal over to a bot? Big data and artificial intelligence (AI) have the potential to reshape our understanding of how cases are managed, settled and adjudicated. Courts, tribunals and the legal profession are just starting to look at what this might mean in practice. Can we use machine learning and AI to... <ul style="list-style-type: none"> • Better inform parties and increase access to justice • Help us triage and manage cases • Even decide individual cases on their merits? If so, should we? What ethical issues arise? In this plenary, experts debate the brave new world of AI and administrative justice. Come look over the brink and into your future. Moderator: Paul Aterman, Deputy Chairperson, Immigration Appeal Division, Immigration and Refugee Board of Canada Panelists: <ul style="list-style-type: none"> • Anthony Niblett, Canada Research Chair in Law, Economics & Innovation, Faculty of Law, University of Toronto; Co-founder of Blue J Legal • Darin Thompson, Legal Counsel, BC Ministry of Attorney General
12:30 – 13:30	Lunch, Closing Remarks and Thanks; Presentation for Symposium 35 in 2019
13:30 – 15:30	Board of Directors Meeting