



**Symposium 2016 – At a Glance**  
**“Back to the Future: Redefining Tribunal Excellence”**

TIME	EVENT	SPEAKERS
<b>Sunday, May 29</b>		
9:00-11:00	<b>Meeting of CCAT Board</b>	
10:00-5:00	<b>Registration</b>	
11:30-12:30	<b>Luncheon &amp; Networking</b>	
12:30-12:45	<b>Welcome &amp; Opening Remarks</b>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON, Symposium Co-Chairs:  <b>Marie Charest</b>, Administrative Judge, Tribunal administratif du Québec, QC.  <b>Mario Dion</b>, Chairperson, Immigration and Refugee Board of Canada, ON  <b>Lilian Ma</b>, Member, Refugee Protection Division, Immigration and Refugee Board of Canada, ON</p>
12:45-1:15	<p><b>Keynote Address: Decision Making Excellence – It’s Evolution from History to Future</b></p> <p>The Honourable Yves de Montigny will speak briefly about the key milestones in the history of Canada’s administrative tribunals, while most of his presentation will concern what tribunals should prioritize and his views on striving for excellence. He will use examples drawn from professions he has practised, in particular that of professor, assistant deputy minister for the Department of Justice’s Public Law Group, and judge.</p>	<p><b>The Honourable Yves de Montigny</b>, Justice, Federal Court of Appeal, ON</p> <p><i>Moderator:</i> <b>Mario Dion</b>, Chairperson, Immigration and Refugee Board of Canada, ON</p>
1:30–2:45	<p><b>Plenary A: What is Tribunal Excellence?</b></p> <p>“Excellence” means many things to many people, but what does it mean in the context of administrative tribunals and delivery of administrative justice? Does “excellence” just refer to assuring the quality of legal decisions exiting from a specific tribunal or does it extend to a multitude of other values such as: enhancing stakeholder accessibility and care, improving tribunal administrative efficiency, and maintaining the pillars of administrative justice like independence, impartiality and the courage to address attempts to compromise these principles?</p> <p>This panel unpacks three national experiences concerning the meaning of “tribunal excellence”. First, perspectives from our neighbours—France and the</p>	<p><b>Heather E. Gunnarson</b>, Presiding Judge, Director, Adjudication Division, Utah Labour Commission, USA  <b>Terry Olson</b>, Senior Conseiller d’État and Deputy Chairman of Litigation Section, Conseil d’État, France  <b>The Honorable Michel Bastarache</b>, C.C. former justice of the Supreme Court of Canada, QC  <b>Tom Jarmyn</b>, Acting Chairperson, Veterans Review and Appeal Board, PEI</p> <p><i>Moderator:</i> <b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON</p>



	<p>United States—are presented to compare and contrast our Canadian experience. Then in the Canadian context, federal and provincial tribunal experiences are explored across two dimensions—from the bench and from the trench. From the bench, a former judge of the Supreme Court of Canada shares what tribunal excellence looks like when administrative justice is under review while from the trenches, a current chairperson of a federal administrative tribunal shares how tribunal excellence is more than just a sound decision but also respects and promotes stakeholder expectations of excellence.</p>	
2:45–3:15	<b>Break</b>	
<b>3:15–4:45 Simultaneous Roundtables</b>		
	<p><b>Roundtable 1: Comparing Administrative Justice in Labour and Employment Law</b></p> <p>Last year, the Supreme Court of Canada changed the legal landscape when it issued its new Trilogy of cases dealing with the right to collective bargaining and the right to strike.</p> <p>In <i>Saskatchewan Federation of Labour</i> 2015 SCC 4, the Court recognized that the right to strike is protected under section 2(d) of the Charter as an essential part of collective bargaining.</p> <p>This represents a complete sea change in Canadian constitutional labour law and sets new parameters for governments as they attempt to balance divergent interests in their offering of public services.</p> <p>This panel will examine how the issue of essential services is evolving in various jurisdictions in the post Trilogy era and the implications for Labour Relations Boards in their role as administrators of labour legislation.</p> <p>Since the conference focuses on the theme of Tribunal Excellence, we will also examine how excellence can be defined and assessed in the context of a labour relations tribunal.</p> <p>Participants will have an opportunity to learn from the Fair Work Commission in Australia and its experience with the implementation of standards of excellence and discuss the concept of “Public Value” and results achieved to date.</p>	<p><b>Kenneth G. Love</b>, Chair Saskatchewan Labour Board, SK</p> <p><b>Catherine Ebbs</b>, Chair, Public Service Labour Relations &amp; Employment Board, ON</p> <p><b>Justice Iain Ross</b>, Fair Work Commission, Australia <i>via Skype</i></p> <p><i>Moderator:</i> <b>Ginette Brazeau</b>, Chair, Canada Industrial Relations Board, ON</p>
	<p><b>Roundtable 2: Comparing Administrative Justice in Human Rights Law</b></p> <p>All jurisdictions in Canada, federal, provincial and territorial, have established human rights codes to protect people from unlawful discrimination based on</p>	<p><b>David Rutherford</b>, Chief Commissioner of the New Zealand Human Rights Commission <i>via Skype</i></p> <p><b>Sherri Walsh</b>, Chief Adjudicator of the Adjudication Panel, MB</p> <p><b>Yola Grant</b>, Associate Chairperson, Human Rights</p>



	<p>prohibited grounds. Human Rights tribunals were created to be the vehicles to enforce those anti-discrimination laws and to protect human rights. However, over time we have seen the emergence of different models for justice and how tribunals and commissions deal with incoming human rights complaints. This roundtable will explore the different models for administrative justice in the human rights context. Specifically, the panelists will explore the Commission-Tribunal model, the direct access model, one international model, and will also engage in a general discussion about human rights tribunals in Canada and whether they are the best vehicle for justice for all parties concerned.</p>	<p>Tribunal of ON <b>Jonathan Kay</b>, Editor-in-Chief, Walrus Magazine, ON</p> <p><i>Moderator: David Thomas</i>, Chairperson, Canadian Human Rights Tribunal, ON</p>
	<p><b>Roundtable 3: Local Regulation in an International Environment</b> Regulatory and adjudicative activity is affected on a daily basis by a climate of increasing globalization, raising a host of new issues including use of international standards in domestic contexts, cross-cultural facility, mobility, technology and cross-jurisdictional conflict. Adapting to this often unspoken realm is vital to many regulators and regulatory tribunals. The panel will address issues and evolving practices from a variety of regulatory and adjudicative realms including competition law, environmental protection, securities regulation, professional regulation and health law. Combined with roundtable discussion from the participants, this roundtable will elicit a range of insights into new challenges and their solutions.</p>	<p><b>Jonathan Chaplan</b>, Executive Director and Senior General Counsel, Competition Bureau Legal Services, Justice Canada, ON <b>Cecilia Low</b>, Commissioner, Alberta Energy Regulator, AB <b>Taivi Lobu</b>, Vice-Chair, Health Professions and Health Services Appeal Boards, ON <b>Josée Turcotte</b>, Secretary, Ontario Securities Commission, ON</p> <p><i>Moderator: David A. Wright</i>, Chair, Law Society Tribunal, ON</p>
5:30–8:30	<p><b>CCAT Chair's Reception at the Supreme Court of Canada</b></p> <p><b>Presentation of the CCAT Medal 2016</b> Every year CCAT honours an individual who has made an exceptional contribution to administrative law in Canada. This is our opportunity to honour this year's recipient.</p>	<p>Hosted by <b>Don Buckingham</b> – Chairperson, CCAT and <b>The Honourable Madame Justice Andromache Karakatsanis</b>, Supreme Court of Canada</p> <p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON</p>
<b>Monday, May 30</b>		
8:00-9:00	<b>Registration / Breakfast</b>	
9:00-10:15	<p><b>Plenary B: Courage to Face Emerging Issues</b> This session will discuss how the German and Canadian national authorities responded to a human</p>	<p><b>Judge Harald Dörig</b>, Supreme Court Administrative Justice, Germany <b>Me Tamara Thermitus</b>, Ad. E., former Chief of Staff of</p>



	<p>rights challenge of unprecedented magnitude. The German government adopted a generous stance when faced with an influx of hundreds of thousands of additional claims in 2015. At stake, authorities had to determine how to decide expeditiously but justly on the eligibility of each refugee claimant, in accordance with international and domestic law. Justice Dörig of Germany's Supreme Court of Administrative law will talk about the procedure adopted to meet these objectives.</p> <p>Mario Dion, current Chairperson of the Immigration and Refugee Board of Canada, and Ms. Tamara Thermitus, from the Federal Department of Justice, will talk about the genesis of the 2006 landmark agreement on the Indian Residential Schools. This agreement took shape in 2005 following a series of steps and events that have marked the search for justice in the name of ten thousand former boarders still alive. Again, this was to create human and effective mechanisms, respectful of the rights of the parties involved. This work has culminated recently with publication of the report of the Truth and Reconciliation Commission.</p>	<p>the Deputy Minister and Director of Policy and Strategic Planning, Indian Residential Schools, Federal Ministry of Justice, ON  <b>Mario Dion</b>, Chairperson, Immigration and Refugee Board of Canada, ON</p> <p><i>Moderator: Sylvia Cox-Duquette</i>, Deputy Chairperson, Refugee Protection Division, Immigration and Refugee Board of Canada, ON</p>
10:15-10:45	<b>Break</b>	
<b>10:45–12:15 Simultaneous Workshops</b>		
	<p><b>Workshop 1: The Great Debate: Open Courts vs. Privacy Rights</b></p> <p>Should the open courts principle prevail over privacy concerns in administrative justice settings? What are the implications and consequences of choices tribunals make when addressing privacy issues? Through a debate format, this session will explore dimensions of these often competing interests.</p>	<p><b>David P. Jacobs</b>, Senior Partner, Watson Jacobs McCreary LLP, ON  <b>Chantal Bernier</b>, Counsel, Dentons Canada LLP, ON</p> <p><i>Moderator: Janice H. Vauthier</i>, Chair, Health Professions &amp; Health Services Appeal and Review Boards, ON</p>
	<p><b>Workshop 2: How to Deal with Difficult Parties and Representatives</b></p> <p>Few issues are more challenging than dealing with difficult parties and/or representatives. Not only do they increase the complexity of the hearing process, but test the skills of the adjudicator who is often left feeling frustrated, stressed and tired. This interactive workshop will provide a forum for exchanges and discussions regarding these challenges. Participants will review best practices for managing challenging situations. Topics may include counsel incivility, underrepresented parties, self-represented parties, dealing with culturally diverse litigants, and dealing with difficult hearing-room situations. Discussions will focus on best practices and how these may vary, or be</p>	<p><b>Gary Dukeshire</b>, Senior Counsel, Immigration and Refugee Board Legal Services, ON</p> <p><i>Moderator: Marilyn McNamara</i>, Chair, Employment and Assistance Appeal Tribunal, BC</p>



	similar, from an international perspective.	
	<p><b>Workshop 3: The Importance of Administrative Justice for Indigenous Peoples</b> With administrative tribunals, boards and commissions a fundamental source of the first contact of Canadians seeking to address their legal concerns, it is important to consider how our current legal administrative justice institutions affect First Nations and Inuit peoples. Is the impact of such institutions cultural valid and appropriate? Do these institutions need to re-examine themselves in light of First Nations and Inuit concerns? This workshop addresses, with the use of practical examples, how administrative law and administrative juridical institutions are having consequential impacts on the lives of First Nations and Inuit people across the country.</p>	<p><b>Mr. Justice Harry Slade</b>, Chairperson, Specific Claims Tribunal, Ottawa, ON</p> <p><i>Moderator: Don Buckingham</i>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON</p>
12:15-1:15	<p><b>Lunch</b> <b>Guest Speaker: Excellence Standards in Administrative Justice</b></p>	<p><b>The Honourable Sir Anthony Mason</b>, former Justice of the High Court of Australia <i>via pre-recording</i></p> <p><i>Moderator: James W. Campbell</i>, Member, Refugee Protection Division, Immigration and Refugee Board of Canada, ON</p>
1:15-2:00	<b>Annual General Meeting</b>	<b>Don Buckingham</b> , Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON
2:00-3:00	<p><b>Plenary C: Efficiency through Clustering - Looking at the Past and Present for a Better Future</b> In these times of budgetary restrictions, governments have been trying to make administrative tribunals more efficient through clusters and mergers. Our speakers will tell us what works and what doesn't in their varied experiences. The objective is to help identify what is really efficient in these processes, and what should be avoided or at least carefully considered before deciding to go ahead with such a change.</p>	<p><b>Marie-France Pelletier</b>, Head of the Federal Administrative Tribunal Support Agency, ON <b>Marie Lamarre</b>, President of the Tribunal administratif du travail, QC <b>Marie Charest</b>, Administrative Judge, Tribunal administratif du Québec, QC</p> <p><i>Moderator: Santina Di Pasquale</i>, Administrative Judge, Tribunal administratif du travail, QC</p>
3:00-3:30	<b>Break</b>	
<b>3:30-5:00 Simultaneous Workshops</b>		
	<p><b>Workshop 4: Administrative Law Update</b> This lively and interactive workshop will provide an update on developments in administrative law over the past year.</p>	<p><b>Michele Flaherty</b>, Assistant Professor, University of Ottawa, and Arbitrator and Mediator, ON <b>Margaret Leighton</b>, Counsel to the Executive Chair/Manager Legal Services, Social Justice Tribunals Ontario and Editor-in-Chief, Journal of Canadian Administrative Law and Practice, ON <b>David A. Wright</b>, Chair, Law Society Tribunal, ON</p>



		<i>Moderator: David A. Wright, Chair, Law Society Tribunal, ON</i>
	<p><b>Workshop 5: Access to Justice: Unequal Access to Evidence and Other Procedural Barriers.</b> How do you ensure a more level playing field when one party does not have enough access to evidence or enough understanding about what evidence is needed, and the other party may be an institutional decision maker with ample resources and no obligations to disclose their documents? This panel will discuss concerns such as: responding to expert evidence when there is an imbalance of resources; reviewing first-level proceedings with no available record; and presenting your case when there are time-limits for direct and cross-examination. The panel will include two speakers with a case now before the Supreme Court of Canada which highlights the difficulties when appealing or challenging a first-level decision-maker who cannot be compelled to provide information or documents about their consideration of the case.</p>	<p><b>Amy Nguyen</b>, Centrale des syndicats du Québec, QC <b>Nathalie Léger</b>, Centrale des syndicats du Québec, QC</p> <p><i>Moderators: Athanasios Hadjis</i>, Senior Counsel, Public Service Labour Relations and Employment Board Secretariat, ON and <b>Robert Blair</b>, Manager, Adjudication Legal Services, Office of the Secretary, Ontario Securities Commission, ON</p>
	<p><b>Workshop 6: New Ethics for Tribunals</b> This workshop looks at ethical issues for administrative tribunals. As the work of tribunals has expanded over the last 30 years, so have the informal rules on which ethical order is maintained. Much of the governing law is found in cases which establish the role of courts and the ethical principles by which they are bound. As tribunals in Canada develop along very different lines, there is a need for legislators and courts to develop ethical principles which address the unique issues which regulators and tribunals face in carrying out their mandate.</p>	<p><b>The Honourable Anne Mactavish</b>, Judge of the Court Martial Appeal Court of Canada, ON</p> <p><i>Moderator: Cecilia A. Low</i>, Commissioner, Alberta Energy Regulator, AB</p>
6:00-10:00	<p><b>Reception and Banquet</b></p> <p><b>Ottawa River Cruise on the Empress of Ottawa</b></p>	Hosted by <b>Don Buckingham</b> , Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON
<b>Tuesday, May 31</b>		
8:00-8:45	<b>Registration / Breakfast</b>	
8:45-9:45	<p><b>Plenary D: Discoveries in Understanding Impartiality in Decision Making – Part 1: Truth or Myth?</b> This session will explore what science and psychology have been saying about the notion of an “open mind” in decision making. Are judges truly impartial without any prejudgement or are their “open minds” limited by the inherent cognitive capabilities of human beings? Do judges who tend to use more deliberative</p>	<p><b>Professor Jeffery Rachlinski</b>, Henry Allen Mark Professor of Law, Cornell Law School, NY <b>Professor Norman Farb</b>, Department of Psychology, University of Toronto, ON</p> <p><i>Moderator: Lilian Ma</i>, Member, Refugee Protection Division, Immigration and Refugee Board of Canada, ON</p>



	<p>techniques for decision making avoid this kind of prejudice?</p> <p>The panel will examine this question using well-known and well-explored psychological tests. Examples will be introduced to promote better understanding of our own mind with a view to improve our decision making process in the context of renewed tribunal excellence. The audience will have a chance to learn about psychological testing, the Cognitive Reflection Test (“CRT”) and Implicit Attitude Test (“IAT”) and other studies which had been published in the area, and the group results of the Symposium participants who choose to do a pre-conference test.</p>	
<p>9:45-10:00 <b>Break</b></p>		
<p><b>10:00 – 11:15 Simultaneous Workshops</b></p>		
	<p><b>Workshop 2: (repeat) How to deal with Difficult Parties and Representatives</b></p> <p>Few issues are more challenging than dealing with difficult parties and/or representatives. Not only do they increase the complexity of the hearing process, but test the skills of the adjudicator who is often left feeling frustrated, stressed and tired. This interactive workshop will provide a forum for exchanges and discussions regarding these challenges. Participants will review best practices for managing challenging situations. Topics may include counsel incivility, underrepresented parties, self-represented parties, dealing with culturally diverse litigants, and dealing with difficult hearing-room situations. Discussions will focus on best practices and how these may vary, or be similar, from an international perspective</p>	<p><b>Gary Dukeshire</b>, Senior Counsel, Immigration and Refugee Board Legal Services, ON</p> <p><i>Moderator: Marilyn McNamara</i>, Chair, Employment and Assistance Appeal Tribunal, BC</p>
	<p><b>Workshop 4: (repeat) Administrative Law Update</b></p> <p>This lively and interactive workshop will provide an update on developments in administrative law over the past year.</p>	<p><b>Michele Flaherty</b>, Assistant Professor, University of Ottawa, and Arbitrator and Mediator, ON  <b>Margaret Leighton</b>, Counsel to the Executive Chair/Manager Legal Services, Social Justice Tribunals Ontario and Editor-in-Chief, Journal of Canadian Administrative Law and Practice, ON  <b>David A. Wright</b>, Chair, Law Society Tribunal, ON</p> <p><i>Moderator: David A. Wright</i>, Chair, Law Society Tribunal, ON</p>
	<p><b>Workshop 7: Discoveries in Understanding Impartiality in Decision Making – Part 2: How can I Improve my Mind?</b></p> <p>A pre-conference participation exercise by the audience will be administered where a series of</p>	<p><b>Professor Jeffery Rachlinski</b>, Henry Allen Mark Professor of Law, Cornell Law School, NY  <b>Professor Norman Farb</b>, Department of Psychology, University of Toronto, ON</p>



	<p>hypothetical test cases are used to assess the relationship between prejudice and fast thinking, and their impacts on judicial decision making. Results from this assessment will facilitate the development of training interventions for judges and adjudicators to develop better maintenance of an open mind in the decision-making process.</p> <p>During the workshop, participants will find out more about the degree of their open mind and the possibilities, including some training techniques, on how impartiality in decision making can be improved.</p>	<p><i>Moderator: Lilian Ma</i>, Member, Refugee Protection Division, Immigration and Refugee Board of Canada, ON</p>
11:30-12:15	<p><b>30 Minutes – 30 TIPS!</b></p> <p>In this fast-paced fun session, a panel of six tribunal experts will each provide five of their favourite and most useful tips in a wide range of areas, such as hearings, mediation, training, time management, client service, work-life balance, stakeholder relations, leadership, etc.</p>	<p><b>Gary Yee</b>, Associate Chair, Licence Appeal Tribunal, SLASTO, ON  <b>Colin Baile</b>, Chairperson, NWT Workers’ Compensation Appeals Tribunal, and NWT Liquor Licensing Board, NWT;  <b>Marie Charest</b>, Administrative Judge, TAQ, QC;  <b>David A. Wright</b>, Chair, Law Society Tribunal, ON  <b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON  <b>Heather Gunnarson</b>, Presiding Judge, Director, Adjudication Division, Utah Labour Commission, USA;</p> <p><i>Moderator: Gary Yee</i>, Associate Chair, Licence Appeal Tribunal, SLASTO, ON</p>
12:15-12:30	<p><b>Closing Remarks and Thanks; Video Presentation and announcement for Symposium 33 in 2017</b></p> <p>Next year, CCAT will be venturing West and it will be a symposium not to miss. Come and hear what CCAT will be doing for our country’s 150<sup>th</sup> anniversary.</p>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON</p>
12:30-1:30	<p><b>Lunch</b></p>	
1:30-3:30	<p><b>CCAT Board of Directors Meeting</b></p>	<p><b>Don Buckingham</b>, Chairperson, Canada Agricultural Review Tribunal; Chairperson, Council of Canadian Administrative Tribunals, ON</p>