



Council of Canadian Administrative Tribunals

24th ANNUAL CONFERENCE

Serving A Diverse Population



CONFERENCE PROGRAM

(Updated June 6, 2008)

June 25 to 27, 2008

Hilton Lac Leamy
Gatineau, Quebec

Conference Co-Chairs

Brian Goodman
Chairperson, Immigration and
Refugee Board of Canada

Jean-François Martel
Commissaire, Commission
des lésions professionnelles
du Québec

Conference Highlights

- Four plenary sessions
- Six tribunal sector roundtables
- Eleven concurrent workshops
- Several networking opportunities
- President's reception, June 25th
- Banquet, June 26th

- Pre-conference training day
Alternative Dispute Resolution
(ADR) Techniques
Wednesday, June 25th

(Aussi disponible en français)

REGISTER NOW online at CCAT's website at: www.ccat-ctac.org



WELCOME

to the 24th ANNUAL CCAT CONFERENCE

April 4, 2008

We are looking forward to welcoming you to the 24th Annual Conference of the Council of Canadian Administrative Tribunals (CCAT), to be held this June in Gatineau, Quebec. Our theme this year, **Serving a Diverse Population**, looks at diversity in its broadest sense, exploring challenges and best practices for administrative tribunals in an increasingly heterogeneous Canadian population.

Needs and expectations of tribunal participants — be they parties, stakeholders, members, or staff — have changed and will continue to change. Administrative tribunals, like other public institutions, have to meet the challenges of being inclusive and respond effectively and equitably so all who come before the tribunals receive fair, speedy, and accessible justice.

Conference sessions will address issues ranging from “cultural competence,” cross-cultural communication, and accommodation practices to recruitment of tribunal members, mental health problems of parties, the reasonable-person concept, and access to justice.

Renew or make new contacts with friends and colleagues while learning in a beautiful lakeside site with all the attractions of Ottawa nearby and the magnificent Gatineau Park just a few kilometres away.

We look forward to seeing you at the end of June.

Brian Goodman Jean-François Martel

Conference Co-Chairs

Pre-conference Training Day

WEDNESDAY, JUNE 25, 2008

ADVANCED HANDS-ON WORKSHOP on ADR

This one-day workshop was crafted to give participants a genuine “hands-on” experience. You will learn how to use Alternative Dispute Resolution techniques in a tribunal setting. First, a panel of experts will discuss the spectrum of techniques, how to prepare for discussions, how to create a comfortable setting, and the ethical considerations for adjudicators practising ADR in tribunals. A role play will be performed by experts. Then, in the afternoon, participants will use and reflect on ADR intervention techniques while role playing in small groups.

Presenter:

Hélène de Kovachich,
Présidente, Tribunal administratif du Québec

Facilitators:

Dominique Bourcheix, *Attorney and Mediator, Montreal*
Danielle Dumont, *Régisseuse, Régie du Logement du Québec*

Claude Jacques, *General Counsel and Alternate Dispute Resolution Executive, Canadian Transportation Agency*
William Jackson, *Labour Relations Specialist, Toronto*
Caroline Rowan, *Vice-Chair, Ontario Labour Relations Board*

Mary-Anne McKellar, *Vice-Chair, Pay Equity Hearings Tribunal, Toronto*

Emilia Péch, *Legal Counsel, Dispute Prevention and Resolution Services, Department of Justice, Ottawa*
Sophie Mireault, *Commissaire adjointe, Commissaire de l'industrie de la construction, Montréal*

David Wright, *Mediator, Landlord and Tenant Board, Ontario*

8:00 REGISTRATION for TRAINING DAY
(Continental Breakfast for participants)

9:00 WELCOME & INTRODUCTIONS

Linda Gehrke, *Chair, Professional Development Committee of CCAT and Vice-Chair, Workplace Safety and Insurance Appeals Tribunal, Ontario*

9:05 – 12 noon

WORKSHOP - PART 1

Presentations on ADR techniques by a panel of experts and role play performance

10:15 REFRESHMENT BREAK

12:00 WORKING LUNCH

1:00 – 5:15

WORKSHOP – PART 2

Role play by participants
1 workshop in French
3 workshops in English

**WEDNESDAY, JUNE 25, 2008** (cont'd)

Pre-conference Training Day

3:15

REFRESHMENT BREAK

5:15

TRAINING DAY CONCLUDES

***Please note: Registration to the pre-conference training day is limited to 100 participants.*

WEDNESDAY, JUNE 25, 2008

4:00

CONFERENCE REGISTRATION OPENS

5:30 – 7:00

PRESIDENT'S RECEPTION**THURSDAY, JUNE 26, 2008**

8:00 – 6:00

REGISTRATION

8:00

CONTINENTAL BREAKFAST

9:00

WELCOME AND OPENING REMARKS

Paul M. LeBreton, *President, Council of Canadian Administrative Tribunals and Chairperson, Appeals Tribunal, Workplace Health, Safety and Compensation Commission of New Brunswick*

9:05

PLENARY SESSION

Justice in a Diverse Society
Canada's cultural fabric has changed dramatically in the past 30 years. Shifting immigration patterns, globalized communication networks, and the promotion of multiculturalism as a core Canadian value have transformed how we see ourselves and the world around us. This changing environment has challenged

administrative tribunals to ensure that they reflect Canada's diversity and are accessible to all Canadians, regardless of background. In this session, the Honourable Pierre Duchesne will reflect on the importance of accessibility to the administrative justice system in a diverse and just society.

Speaker:

The Honourable Pierre Duchesne,
Lieutenant-Governor of Quebec

Moderators:

Brian Goodman and Jean-François Martel,
Conference Co-Chairs

10:00

REFRESHMENT BREAK

10:15

TRIBUNAL SECTOR ROUNDTABLES

Each roundtable will bring together representatives from across Canada to discuss with colleagues emerging issues and to explore the challenges we all face in our various areas of adjudication.

1. Human Rights

Facilitator: Heather MacNaughton, *Chair, BC Human Rights Tribunal*

2. Labour and Employment

Facilitator: Beth Bilson, *Professor, Faculty of Law, University of Saskatchewan*

3. Workers' Compensation

Facilitator: Louanne Labelle, *Chair, Workers' Compensation Appeals Tribunal, Nova Scotia*

4. Refugee, Immigration and Citizenship

Facilitator: Ken Sandhu, *Deputy Chairperson, Immigration and Refugee Board of Canada, Refugee Protection Division*

5. Economic and Regulatory

Facilitator: James Ogilvy, *Member, Canadian International Trade Tribunal*

6. Rental Housing

Facilitators: Lilian Ma, *Landlord and Tenant Board, Ontario* and Luc Harvey, *Président, Régie du logement du Québec*

12:15

LUNCHEON & ANNUAL GENERAL MEETING OF CCAT MEMBERS

2:00 -2:45

PLENARY SESSION**Cultural Competence – Part I**

What is culture and how does it affect the decision-maker and the witness? Professor David Thomas of Simon Fraser University, Vancouver, is a leading scholar in the field of "cultural intelligence," particularly in the context of business and managerial interactions. But many aspects of his approaches to training and measuring cultural intelligence are also relevant to tribunal members' functions. Professor



THURSDAY, JUNE 26, 2008 (cont'd)

Thomas's three-step approach involves learning the fundamental principles of cross-cultural interactions, practising mindfulness, and developing behavioural skills that can be adapted to different situations.

Speaker:

David C. Thomas, *Professor of International Management, Segal Graduate School of Business, Simon Fraser University, Vancouver*

Moderator:

Brian Goodman, *Chairperson, Immigration and Refugee Board of Canada*

2:45

REFRESHMENT BREAK

3:00 – 5:00

CONCURRENT WORKSHOPS

**7. Recruitment of Tribunal Members:
The Diversity of the Appointment Process in
Several Jurisdictions**

This session will provide a distinctive insight into how the appointment process functions in several jurisdictions. Listen to a distinguished panel of expert federal and provincial speakers who will outline how they manage the appointment process and provide you with some food for thought to use back in your own tribunal or jurisdiction in the future.

Speakers:

Cathy Hawara, *Director, Appointments and Selection Processes, Privy Council Office, Ottawa*

Laurette Laurin, *Secrétariat aux emplois supérieurs, Ministère du Conseil exécutif, Gouvernement du Québec*

Debra Roberts, *Deputy Chief of Staff for Human Resources and Public Appointments, Ontario*

Moderator:

Gary Stanley, *Chair, Ontario Highway Transport Board, Toronto*

8. Cultural Competence – Part 2

Tribunal members should meet certain basic competencies and an important competency for many tribunals is the ability to deal with parties from diverse cultural backgrounds. What is the meaning of cultural competence? How do you look for it in the member selection process and how do you assess it as part of ongoing performance appraisals? This workshop examines how you can go beyond simple indicators such as "no complaints made" and develop more sophisticated indicators.

Speakers:

Myriam Jézéquel, *Independent researcher and specialist in ethno-cultural studies, Montreal*
Anne Saris, *Professor, Department of legal studies at the Université du Québec à Montréal (UQÀM)*

Michael Gottheil, *Chair, Human Rights Tribunal of Ontario*

Moderator:

David C. Thomas, *Professor of International Management, Segal Graduate School of Business, Simon Fraser University, Vancouver*

**9. Efficiency of Courts vs. Administrative
Tribunals**

In recent years, the justice system has developed new ways of dispensing justice. Courts' orientation and actions concerning accessibility and efficiency of processes are similar to those of the administrative justice system. This workshop is a rare occasion to discover a new source of inspiration for dispensing administrative justice more efficiently.

Speakers:

The Honourable Brian K. O'Ferrall, *Alberta Provincial Court – Civil Division, Calgary*

David Merner, *Director, Dispute Resolution Office, Department of Justice, BC*

Moderator:

Michèle Juteau, *Commissaire, Commission des lésions professionnelles du Québec*

10. Mental Health

One in five Canadians will experience a significant episode of mental illness during the course of their lifetime and many will, as a result, experience stigma and discrimination. As tribunals are often the place where mental health and the law intersect, what are we doing to ensure that the rights and dignity of those living with mental illness are respected? How can we do better?

Speakers:

The Honourable Edward F. Ormston, *Chair, Consent and Capacity Board, Ontario*

Andy Cox, *Mental Health Advocate (Children and Youth), IWK Health Centre, Halifax, Nova Scotia*

Jean-Pierre Ménard, *Attorney, Ménard, Martin Avocats, Montréal*

Moderator:

Murray Chitra, *Chair, Ontario Civilian Commission on Police Services*

6:30 – 9:00

RECEPTION, BANQUET & ENTERTAINMENT

**FRIDAY, JUNE 27, 2008**

8:00 – 3:30

REGISTRATION

8:00

CONTINENTAL BREAKFAST

9:00

PLENARY SESSION

Access to Justice for a Diverse Population Cultural, religious, and linguistic diversity as well as economic and technological innovations present challenges to the administration of justice. This session will explore how to solve the conflicts of freedoms and basic rights and how to find ways to facilitate accessibility to justice by simplifying the rules of procedure with new and innovative measures.

Speakers:

The Honourable J. J. Michel Robert, *Chief Justice, Quebec Court of Appeal*

The Honourable Laura B. Gerow, *British Columbia Supreme Court*

The Honourable Allan Lutfy, *Chief Justice, Federal Court of Canada*

Moderator:

Odette Laverdière, *Vice-présidente, Tribunal administratif du Québec*

10:30

REFRESHMENT BREAK

10:45

CONCURRENT WORKSHOPS

11. Dealing with Diversity: The Role of Staff

What challenges do tribunal staff face when dealing with the diversity of the Canadian population? Some of the challenges are relatively straightforward, such as assisting a person whose first language is not English or French, or ensuring that tribunal facilities provide barrier-free access for persons with physical disabilities. Tribunal staff have dealt with these situations for some time and have found workable solutions. However, many of the challenges staff now face are not so straightforward. This session will identify some of these other challenges and examine possible solutions or approaches.

Speakers:

Judith Malka, *Assistant Director, Adjudicative Support, Immigration and Refugee Board of Canada*

Jill Mason, *Director and Secretary to the Boards, Surface Rights Board and Land Compensation Board, Alberta Sustainable Resource Development*

Moderator:

Gilbert Van Nes, *General Counsel and Settlement Officer, Environmental Appeals Board, Edmonton*

12. Pros and Cons of Adversarial vs. Inquisitorial Models of Adjudication

Three experienced panellists will discuss approaches to resolving disputes within administrative tribunals, including adversarial and inquisitorial approaches and variations thereof. The panellists will also focus on practical suggestions for much-needed reform in the area of administrative hearings. This thought-provoking session will concentrate on the challenges of, and strategies for, modernizing tribunals and on incorporating new ways to resolve disputes.

Speakers:

Shari Stein, *Deputy Chairperson, Immigration and Refugee Board of Canada, Immigration Appeal Division*

Kaye Joachim, *Vice-Chair, Human Rights Tribunal of Ontario*

Mary Anne McKellar, *Vice-chair, Ontario Labour Relations Board*

Moderator:

Louanne Labelle, *Chair, Workers' Compensation Appeals Tribunal, Halifax, Nova Scotia*

13. Concept of a Reasonable Person

We have come very far from the man on the Clapham omnibus or the "bon père de famille". But has the journey changed the reasonable person? Is the reasonable person today what the reasonable man was years ago? Has the Western melting pot caused the reasonable person to melt into an unrecognizable form? Or has our Canadian legal milieu created a plethora of reasonable people no two of whom are alike? What are the reasonable person's characteristics and are they variable? Explore these questions and others in an interactive session led by Madam Justice Juanita Westmoreland-Traoré, Administrative Judge Anne Leydet, and Dean Philip Bryden.

Speakers:

The Honourable Juanita Westmoreland-Traoré, *Cour du Québec à Montréal*

Anne Leydet, *juge administratif, Tribunal administratif du Québec*

Philip Bryden, *Dean, Faculty of Law, University of New Brunswick, Fredericton*

Moderator:

Walter Pylypchuk, *Legal Counsel, Workers' Compensation Appeal Tribunal, Richmond, BC*

14. Administrative Law Update

With our busy work lives, it is difficult to keep up with developments in administrative law from across the country. This is a chance to hear from one of Canada's best-known practitioners in the field about what the courts are saying about our work. A perennial favourite at CCAT conferences, this update is not to be missed.

Speaker:

Jeff G. Cowan, *Partner, WeirFoulds LLP, Toronto*

Moderator:

Heather MacNaughton, *Chair, BC Human Rights Tribunal, Vancouver*



FRIDAY, JUNE 27, 2008 (cont'd)

12:15

LUNCH and ANNOUNCEMENTS

1:30

CLOSING PLENARY SESSION

Accommodation Practices and Cultural Differences

Madam Justice Mactavish will give a presentation on the law and jurisprudence with respect to accommodation practices and cultural differences. This will be followed by a question-and-answer session with other speakers, facilitated by Dr. Chalom.

Speakers:

The Honourable Anne Mactavish, *Federal Court of Canada*

Marie McAndrew, *Professor, Department of Education and Administration of Education Studies, University of Montreal*

Ratna Omidvar, Executive Director, The Maytree Foundation, Toronto

Moderator:

Dr. Maurice Chalom, Ph.D., *Conseiller en planification stratégique, Développement social et communautaire, Ville de Montréal*

2:45

REFRESHMENT BREAK

3:00 – 4:30

CONCURRENT WORKSHOPS

15. The Corporate Responsibility of Tribunal Members

This workshop will examine the need to foster certain fundamental tribunal values in individual members. A tribunal typically is not just a collection of individual decision-makers whose only function is to dispense justice in individual cases. Members have a professional responsibility and are accountable to the tribunal as a whole. Becoming a member involves accepting the tribunal standards of process and decision-making; fostering best practices and consistency; participating in institutional adjudication strategies; and enhancing the overall reputation of the tribunal. It is a necessary corporate role for members that does not infringe on their adjudicative independence. What strategies in leadership, management, training, communications, and policy-making can be used to effectively encourage tribunal members to accept these corporate responsibilities?

Speakers:

S. Ronald Ellis, *Arbitrator, Toronto, Ontario*

Paul M. LeBreton, *Chairperson, Appeals Tribunal, Workplace Health, Safety and Compensation Commission of New Brunswick*

Moderator:

Gary Yee, *Special Advisor to the Deputy Chairperson, Immigration Appeal Division, Immigration and Refugee Board of Canada*

16. Wandering from the Safety of the Hearing Room: Stakeholders and Institutional Litigant Relations

The hearing room is the ultimate place where parties meet for a specific case and can be considered as a "safe" zone where the tribunal meets the stakeholders on an all-party footing. However, a tribunal that has no contact with the stakeholders outside the hearing room may lose out on valuable client feedback and support that can improve the way that the tribunal carries out its mandate. Come and learn why managing stakeholder relations outside the hearing room is very important and how tribunals can do this appropriately without sacrificing the integrity of the system. There are also important considerations regarding multilevel players such as institutional litigants (e.g. governments), which can also impact on policy change affecting the tribunal.

Speakers:

Alex Farquhar, *Managing Director, Occupational Health Clinics for Ontario Workers, Toronto*

David Brady, *Partner, Hicks Morley Hamilton Stewart Storie, LLP, Toronto*

Jennifer Lutfallah, *Director, Inland Enforcement, Canada Border Services Agency, Ottawa*

Ken Svenson, *Manager of Appeals, Saskatchewan Workers' Compensation Board, Regina*

Moderator:

Lilian Ma, *Chair, Landlord and Tenant Board, Ontario*

17. Courts of Easy Access: Levelling the Playing Field

Increasingly, parties appearing before administrative tribunals are not legally represented and most are first-time users of our system. As Tribunals are required to apply constitutional and human rights principles and as our mandates expand, it is increasingly necessary for Tribunals to take steps to level the playing field and assist participants to negotiate our processes. Hear from a judge of one of the most progressive Provincial Court systems in the country about what you should and should not do to level the playing field and learn of new communications strategies from tribunals that have taken up that challenge.

Speakers:

The Honourable Mark G. Takahashi, *Provincial Court, Nelson, British Columbia*

Cheryl Vickers, *Chair of the Property Assessment Appeal and Mediation and Arbitration Boards of British Columbia*

Danielle Dumont, *Régisseuse, Régie du logement du Québec, Laval*

Moderator:

Heather MacNaughton, *Chair, BC Human Rights Tribunal*

4:30

CONFERENCE CONCLUDES



GENERAL INFORMATION

How to Register

Register on-line at www.ccat-ctac.org or complete the registration form included in this brochure for EACH person attending the conference. Please fax or mail registration forms to:

Council of Canadian Administrative Tribunals
University of Ottawa, Faculty of Law (Common Law)
57 Louis Pasteur
Ottawa, ON K1N 6N5

Fax: 819-684-7703

Hotel Accommodation

A block of rooms with special rates have been set aside for conference attendees at the Hilton Lac Leamy. Special rates for conference attendees are available for June 25 to 27, 2008 while supply lasts. It is strongly recommended that reservations be made before May 26th. Please reserve directly with the hotel by telephone, e-mail or fax, stating you are with the CCAT Conference.

You may register online at CCAT's website (www.ccat-ctac.org) under Conference Logistics.

Hilton Lac Leamy
3 boulevard du Casino
Gatineau, Quebec, J8Y 6X4
Tel: 1-819-790-6444
Toll-free: 1-866-488-7888
Fax: 1-819-790-6408

The hotel is situated on the shore of Lac Leamy that is bordered by an all-season walking/biking trail. All rooms have wonderful views and all amenities. Gatineau Park with its lakes, beaches, biking and walking trails is just a few kilometres away as are the Canadian Museum of Civilization, the Canadian Museum of Nature and the new and stunning Canadian War Museum.

Information about the Gatineau-Ottawa region

Outaouais Tourism:
www.tourismeoutaouais.com/home/index_e.asp

Quebec Tourism – Outaouais :
www.quebecweb.com/tourisme/outaouais/introang.html

Ottawa Tourism: www.ottawatourism.ca/

Final Program

A final program will be available to all participants upon on-site registration indicating location and time of all sessions.

Simultaneous Interpretation

French to English and English to French simultaneous interpretation will be available for all sessions except the June 25th Training day and the June 26th Tribunal Sector Roundtables.

For more information

Arthur B. Trudeau, Executive Director
Council of Canadian Administrative Tribunals
Telephone: 819.684.0468
Facsimile: 819.684.7703
E-mail: ABTrudeau@videotron.ca

2008 Conference Organizing Committee

CCAT extends sincere appreciation to the following volunteers who gave generously of their time and effort to bring you this 24th Annual Conference.

Conference Co-Chairs:

Brian Goodman, Chairperson, Immigration and Refugee Board of Canada
Jean-François Martel, Commissaire, Commission des lésions professionnelles du Québec;

Murray Chitra, Chair, Ontario Civilian Commission on Police Services

Mario Dion, Chairperson, National Parole Board of Canada

Michèle Juteau, Commissaire, Commission des lésions professionnelles du Québec

Greg Kipling, Chief of Staff, Immigration and Refugee Board of Canada

Louanne Labelle, Chair, Workers' Compensation Appeals Tribunal, Nova Scotia

Odette Laverdière, Vice-présidente, Tribunal administratif du Québec

Lilian Ma, Chair, Landlord and Tenant Board, Ontario
Heather MacNaughton, Chair, BC Human Rights Tribunal

James Ogilvy, Member, Canadian International Trade Tribunal

Walter Pylpchuk, Legal Counsel, Workers' Compensation Appeal Tribunal, BC

Gary Stanley, Chair, Ontario Highway Transport Board
Gilbert Van Nes, General Counsel and Settlement Officer, Environmental Appeals Board of Alberta

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