

2023 Annual Conference Program

Thursday, September 21, 2023

10:00 am – 5:00 pm **Conference Registration** – *Pinnacle Foyer*

10:30 am – 12:30 pm **Board of Directors Meeting** – *Shaughnessy 1*

12:45 pm – 1:00 pm **Welcome** – *Pinnacle Ballroom*

1:00 pm – 2:05 pm **Indigenous Peoples and Groups - Current Issues in Labour Relations and Employment** – *Pinnacle Ballroom*

Truth and Reconciliation has many dimensions. One is the recognition and acceptance of the historical disadvantage Indigenous peoples have suffered in Canadian workplaces both unionized and non-union. What does the right to self-determination (Article 3, United Nations Declaration on the Rights of Indigenous Peoples) mean in the context of employment terms and labour models? The panel will discuss current issues and challenges that counsel to employers should be aware of when advising First Nations, contractors and employers, and initiatives being taken to address them.

2:05 pm – 3:10 pm **Checkerboard to Plaid: Varied OHS Responses to Workplace Violence and Harassment Across the Country** – *Pinnacle Ballroom*

When employers receive a workplace complaint or a surprise visit from a friendly Ministry Inspector, a myriad of stakeholders and regulatory paradigms are simultaneously engaged. In the wake of significant legislative amendments and recent jurisprudence, making sense of the chaos is often fraught with unclear obligations, conflicting duties, and heightened risk from both regulators and workplace stakeholders, and these challenges and experiences vary by jurisdiction.

This panel will discuss:

- Varied regulatory schemes, legal tests and experience across Canada, including recent legislative amendments in Quebec and under the Canada Labour Code.
- Dealing with regulators, including inspections, reporting requirements and privacy considerations, prosecutions and AMPs (Administrative Monetary Penalties).
- Navigating complaints through to investigations and remedial outcomes effectively, while under the shadow of potential regulatory action, workers' compensation and workplace mental illness issues, bootstrapped civil and human rights obligations, and the spectre of potential litigation.
- QC legislation; and, What is meaning of "required investigation" as legislative requirement.

- 3:10 pm – 3:30 pm **Break / Pause** – *Pinnacle Foyer*
- 3:30 pm – 4:30 pm **Alternatives to Workplace Investigations and the Role Counsel Should Play (when there is no better option)** – *Pinnacle Ballroom*
- Investigations are often costly, time intensive and can result in workplace division afterwards. This panel will provide a focused discussion to assist counsel to employers in assessing when their clients require a formal investigation, alternatives to formal investigations and the role counsel can and should play when a formal investigation is the most appropriate option. More specifically, this panel will discuss the value of consulting with investigators to engage in a prima facie analysis of complaints; alternatives to investigations such as mediations, restorative justice, and culturally safe alternative resolution processes, how these processes can (not) intersect or replace investigations and when investigations are required, what counsel should know about the basic tenets of a trauma informed approach (including when it might be required), drafting engagement letters, when to expand the scope of investigations and managing clients' expectations re costs and timelines.
- 4:30 pm – 5:00 pm **Annual General Meeting (all members welcome)** – *Pinnacle Ballroom*
- 5:45 pm – 6:30 pm **Corporate Counsel Only - Private Networking Reception**
 – *Shaughnessy Salon + Pinnacle Foyer*
- 6:30 pm – 8:00 pm **“Meet & Greet” Reception - All Welcome – cocktails and hors d'oeuvres (dinner on own)** – *Shaughnessy Salon + Pinnacle Foyer*
- 8:00 pm – 10:00 pm **Thirsty Thursday Social** – Mahoney's Tavern Convention Centre

Friday, September 22, 2023

- 7:30 am – 8:30 am **Continental Breakfast and Registration** – *Pinnacle Foyer*
- 8:30 am – 9 :45 am **Cross-Canada Labour Law Topics of Interest** – *Pinnacle Ballroom*
- The labour law update session has been a staple of CACE conferences and is back by continued popular demand. This interactive panel of experienced labour lawyers from across the country will discuss developing and pressing labour law issues. Panelists will review issues and trends that they are facing and what they see surfacing on the horizon. The panel will provide you with insight on strategies and practical labour law takeaways. This panel is not to be missed!
- 9:45 am – 10:50 am **Privacy Trends in Canada: Technological Developments, Legislative Changes, and Innovation** – *Pinnacle Ballroom*
- This session will include legislative updates on recent key developments in privacy law, including Bill C-27, and then shift to some practical privacy considerations. Common points of resistance for clients in following privacy practices and the legal vulnerabilities this resistance creates, as well as how data retention practices, access to information, and breaches that impact employee information can affect employers

will be canvassed. The panel includes a cross-section of privacy, cybersecurity, employment, and in-house counsel expertise.

10:50 am – 11:10 am **Break** – *Pinnacle Foyer*

11:10 pm – 12:15 pm **Union Organizing in a New Era**– *Pinnacle Ballroom*

Trends in union organizing: changing demographics and the rise of alternative media; how to communicate with Gen Zs and millennials. What message should employers send in response to a unionization drive? What is the psychology of younger workers and what are their views of unions? What do they expect from their employer?

12:15 pm – 1:45 pm **Lunch** – *Shaughnessy Salon + Pinnacle Foyer + Point Grey + Ambleside*

1:45 pm – 2:55 pm **Hot Topics in Human Rights** – *Pinnacle Ballroom*

Human rights are at the forefront of global discussions with new developments and challenges emerging every day. Decisions rendered in areas of the law other than human rights can impact decisions and interpretations made by human rights adjudicators. This panel will engage in a quick moving review of new areas and provide an update on ongoing areas of interest, including a discussion of recent Canadian legislative and regulatory initiatives against modern slavery in supply chains and human rights abuses abroad. The panel will consider the impact of covid vaccination requirements on religious discrimination cases. The question of how the Supreme Court of Canada's decision in the R v Sharma case may trickle down to affect adverse impact cases in the human rights arena will also be considered. An update will also be provided on the interpretation of the *Horrocks* decision by courts in different provinces.

2:55 pm – 3:55 pm **Happy 20th Birthday CACE! Looking Back, Looking Forward**– *Pinnacle Ballroom*

Members of the 2003 Founders' Committee will reflect on CACE's origin story, the Association's original objectives, the first conference, and how the practice of labour and employment law has changed in the last two decades.

3:55 pm – 4:15 pm **CACE Advocacy Update** – *Pinnacle Ballroom*

Update on all of CACE's Advocacy efforts from current Advocacy Committee Chair, George Avraam

6:30 pm - 7:30 pm **Reception** – *Vancouver Convention Centre*

7:45 pm **Dinner** –*Vancouver Convention Centre*

Saturday, September 23, 2023

8:00 am – 9:00 am **Breakfast** – *Shaughnessy Salon + Pinnacle Foyer + Point Grey + Ambleside I*

9:00 am – 10:15 am **Cross-Canada Topics in Employment Law** – *Pinnacle Ballroom*

Panelists on this interactive panel will discuss trending/pressing employment law issues from across the country. You will hear about key issues faced by the panelists in their practices and in their jurisdictions. The focus of this panel will be on major issues/trends that are or anticipated to be of national importance. The panel will also provide strategic input and practical takeaways.

10:15 am – 10:35 am **Break** – *Pinnacle Foyer*

10:35 am – 11:50 am **Ethical issues in the Administrative Tribunal Settings - Arbitrator Panel** –
Pinnacle Ballroom

This EDI panel will explore questions and topics such as: When is it appropriate to reach out to an arbitrator / mediator?; Hallway conversations – in arbitration context; Ethical issues in arbitration/mediations; How the BCHRT mediators typically call each counsel individually before a settlement meeting and how much info should be shared with them in that context?; Ethical issues in the mediation / arbitration context as distinguished from judicial; Managing Grievor and Union conflicts in arbitration proceedings with employers; Union counsel and employer counsel negotiated resolutions which grievors won't support ; Questionable conduct during remote hearings; Civility – practice standards; The dynamic between senior counsel and arbitrators / overfamiliarity; Diversity; Should there be different standards of conduct in these forum; is that ethical?; Ethical issues in relation to discussions between Nominees and their appointing legal counsel when tripartite boards are being used in arbitration proceedings; Reasonable apprehension of bias issues that may potentially arise out of “personal relationships” and/or “frequent and ongoing business relationships” that may exist between adjudicators and legal counsel

11:50 am – 12:00 pm **Closing Remarks** – *Pinnacle Ballroom*