

December 15 & 16, 2010, Toronto

Two-Day Event!



Course Leader
Karen R. Bock,
Davis LLP



Jane E. Sleeth,
Optimal
Performance
Consultants



Rocco Meraglia,
SNC-Lavalin Inc.



Brenda D.
Parsons,
Metroland
Media
Group Ltd.



Milé Komlen,
McMaster
University



Soma Ray-Ellis,
Himelfarb Pro-
szanski LLP



James Heeney,
Rubin Thomlin-
son LLP



Sarah Crossley,
Ogilvy Renault
LLP



Andrea Carter,
The University
of Toronto



André Goh,
Toronto Police
Service



Ceta Ramkhal-
wansingh,
City of Toronto



Bernita Lee,
City of Toronto



Tom Proszowski,
Disability Op-
tions Consulting

as well as:

Deborah
Taylor-Suttie,
Sun Life
Financial

Victor Trotman,
University
Health Network

5th Employer's Duty to Accommodate

Workshop Included: Implementing Accommodation Policies and Procedures

course highlights

- Legal developments in the field
- Accommodating older workers
- Dealing with disability, sickness and addiction
- Working with organized labour
- Return-to-work programs
- Sensitive approaches to helping employees cope and manage
- Real-world examples of accommodation policies

who should attend

Human Resource Executives, Managers and Consultants
In-house/Corporate and Union Counsel
Lawyers and Staff of Human Rights Commissions
Labour Relations Professionals
Employment and Labour Lawyers
Arbitrators and Mediators
Disability Managers and Consultants
Occupational Health Professionals

participating organizations

Cantor Access Inc.	Optimal Performance Consultants
City of Toronto	Rubin Thomlinson LLP
Davis LLP	SNC-Lavalin Inc.
Disability Options Consulting	Sun Life Financial
Himelfarb Proszanski LLP	The University of Toronto
McMaster University	Toronto Police Service
Metroland Media Group Ltd.	University Health Network
Ogilvy Renault LLP	

"This course gave me more insight into the accommodation segment - and I now understand the various things that can be done - even if the employers really has their hands tied."

"Definitely benefited. Enjoyed it very much."

"Gave me a better understanding of my responsibilities with respect to legislation and policy."

FACULTY

COURSE LEADER

KAREN R. BOCK

Karen Bock is a partner in the Employment & Labour Group at **Davis LLP** in Toronto. She has a general management-side labour and employment law practice.

CO-LECTURERS

JANE E. SLEETH

Jane Sleeth is Managing Director and Senior Consultant with **Optimal Performance Consultants**.

ROCCO MERAGLIA

Rocco Meraglia is Health, Safety & Environmental Director for **SNC-Lavalin Inc.** Mining & Metallurgy Division.

VICTOR TROTMAN

Victor Trotman is the Senior Director, Labour Relations at the **University Health Network**.

BRENDA D. PARSONS

Brenda Parsons is the Senior HR Manager for **Metroland Media Group Ltd.**

MILÉ KOMLEN

Milé Komlen is Director of Human Rights & Equity Services at **McMaster University**.

SOMA RAY-ELLIS

Soma Ray-Ellis is Partner and Co-Chair of the Employment and Labour Group at **Himelfarb Proszanski LLP** in Toronto.

JAMES HEENEY

James Heeney is an employment law partner at **Rubin Thomlinson LLP**.

SARAH CROSSLEY

Sarah Crossley is an employment and labour law partner at **Ogilvy Renault LLP**.

ANDREA CARTER

Andrea Carter is the Employment Equity AODA (Accessibility for Ontarians with Disabilities Act) Officer at the **University of Toronto**.

ANDRÉ GOH

Andre Goh is Manager of the Diversity Management Unit with the **Toronto Police Service**.

DEBORAH TAYLOR-SUTTIE

Deborah Taylor-Suttie is an Organizational Health Consultant with **Sun Life Financial**.

CETA RAMKHALAWANSINGH

Ceta Ramkhalawansingh is the Manager, Diversity Management and Community Engagement in the **City of Toronto's** City Manager's Office.

BERNITA LEE

Brenda Lee is a consultant with Diversity Management and Community Engagement in the Strategic & Corporate Policy Division at the **City of Toronto**.

TOM PROSZOWSKI

Tom Proszowski, M.A., is Principal Consultant at Disability Options Consulting.

COURSE PROGRAM

LATEST LEGAL DEVELOPMENTS IMPACTING THE DUTY TO ACCOMMODATE

This session will provide the latest developments regarding federal and provincial legislation impacting the duty to accommodate as well as all recent relevant case law.

- Legislative developments impacting the duty to accommodate
- Recent case law implications
- The process of litigating accommodation disputes

DEVELOPING A STRATEGY FOR ACCOMMODATION

Lack of a clearly defined process and structure for accommodating employees could land your organization into legal hot water. This discussion details how to develop a consistent approach for your organization to successfully deal with accommodation issues.

- Employer flexibility in determining how to accommodate an employee's needs
- Developing policies and procedures to meet your obligation
- Dealing successfully with specific accommodation challenges
- Evaluating your accommodation strategy

DESIGNING AND IMPLEMENTING AN EFFECTIVE RETURN-TO-WORK PROGRAM

This session will look at leading strategies for developing and implementing a winning return-to-work program.

- Key components of a successful return-to-work program
- Coordinating efforts with physicians and occupational health professionals
- Reintegrating workers back into the workplace

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers' papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the HR Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge HR topics as delivered at our many recent HR conferences and courses.



- with transitional or modified duties/hours
- Ensuring managers support the return-to-work program

ACCOMMODATING THE OLDER WORKER

This session will look at how changes in mandatory retirement law are affecting the employer's duty to accommodate and what can be done to incorporate older workers into your organization.

- The current state of the law regarding mandatory retirement and age discrimination
- Strategies for effectively managing and accommodating an aging workforce
- Steps to take to avoid claims of age discrimination
- Developing proactive strategies to support older workers

RELIGIOUS ACCOMMODATION IN THE WORKPLACE: EMPLOYER OBLIGATIONS AND STRATEGIES

This session will examine the latest developments on religious accommodations.

- Legal requirements on providing time off for religious holidays
- Distinction between observances of religious and cultural significance
- Rules against proselytizing in the workplace
- "Quiet Rooms" as accommodation for personal observances

BEYOND THE LEGAL DUTY TO ACCOMMODATE

Beyond it being a legal requirement, there are obvious direct and indirect benefits to providing job accommodations to employees. In this session, you will learn about:

- The business case for job accommodations
- Optimizing employee and business performance, enhancing company image and employees' morale
- Real case scenarios, myths and realities related to what job accommodations include, when and how to accommodate

DUTY TO ACCOMMODATE IN A UNIONIZED ENVIRONMENT

What impact does a unionized environment have on accommodation and what role does the union play? This session will look to address these issues, highlighting the responsibilities of the union and strategies for resolving accommodation-related grievances.

- Working with the union as a partner with respect to accommodation
- Balancing the interests of the disabled employee and the rest of the workforce
- Process concerns when working in a unionized environment
- Impact of the duty to accommodate on the collective agreement

IDENTIFYING & MANAGING ADDICTION IN THE WORKPLACE

Absenteeism, excessive use of sick days and improbable excuses may indicate an employee has an addiction. What is an employer's duty to accommodate an employee with an addiction?

- When does substance-dependency constitute a disability?
- Identifying the addicted employee
- The latest on testing: is it allowed?
- Employers' involvement in the rehabilitation and reintegration process
- When to institute discipline or performance procedures

PREVENTATIVE STRATEGIES: IMPLEMENTING WELLNESS PROGRAMS

Companies with health programs have discovered that when employees feel good about their health, they work better, don't take as much time off for sick leave and choose to stay with the company longer. This session will explore the fundamentals of successful wellness programs and how to effectively communicate the program's initiatives and goals.

- Identifying the tools required for improved employee health
- Integrating all wellness components into your program
- Developing an action plan and communicating goals and incentives

ACCOMMODATION AND UNDUE HARDSHIP

This session will look at the current law pertaining to undue hardship and factors and strategies that must be considered in order to avoid undue hardship.

- Recent case law on the procedural aspects of undue hardship assessment
- Evidence to prove undue hardship: onus of proof and objective evidence
- Undue hardship and the doctrine of frustration of the employment contract

RETROACTIVE ACCOMMODATION AND DUTY OF FAIRNESS IN PERSONAL ASSESSMENTS AND PERFORMANCE EVALUATIONS

Learn how retroactive accommodation can impact your organization.

- Under what circumstances can employees demand retroactive accommodation?
- When a past disability should be taken into account
- How retroactive accommodation can affect personal assessments and performance evaluations

MENTAL HEALTH ACCOMMODATIONS

There has been a dramatic rise in the number of requests for accommodation of mental health, stress-related and psychological disabilities in recent years. This session will look at managing the accommodation of mental health issues in the workplace.

- Mental health accommodation case law
- Defining "disability" and "impairment" in the context of mental illness
- Proactive tools for accommodating mental health issues
- Potential difficulties in obtaining information about an employee's mental health issues
- Best practices for returning to work from mental health leave
- Accommodation issues for employees who deny having a mental disability

CASE STUDY: BECOMING A BARRIER FREE CITY

This session will focus on how the City of Toronto has approached barrier removal to disability within the overall context of their diversity strategies/policies.

- Community engagement
- Balancing service delivery with the duty to accommodate
- Advocacy on legislative change
- Making the city physically accessible
- Accessible design standards and implementation of various standards

WORKSHOP

IMPLEMENTING ACCOMMODATION POLICIES AND PROCEDURES

This workshop will bring together the crucial elements of an accommodation strategy explored throughout the course, considering legal requirements, corporate culture and the needs of changing workforce demographics, to generate a step-by-step implementation plan for your organization. Learn how to implement an accommodation strategy that works for your organization.

- Creating a process for assessing the need for accommodation in your organization
- Using outside expert advice to develop policy and programs
- Establishing policy for dealing with false claims
- Identifying the barriers that prevent people with disabilities from fully integrating into your organization
- What to do when things don't go as planned

MULTIMEDIA PRESENTATIONS

Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

Accommodation & Undue Hardship

Peter V. Clancy & Karen Clark,
Lakeridge Health Corporation &
Rouge Valley Health System

Developing & Creating a Culture of Inclusion

Dennis Fong,
Toronto Central Community Care Access Centre

Developing Employee Resource Groups

Sandy A. Jones,
EDS Canada Inc.

Breaking the Law: Going Beyond What is Legally Required

Elizabeth J. Reynolds,
KPMG LLP

Case Study: Using a Third Party to Manage a Sickness Disability Program at RBC Financial Group

Scott Waterhouse,
RBC Financial Group

Taking on Rising Mental Health Issues in Today's Workplace

Dara Taylor,
RTW Integrated Health Management Inc.

Revamping a Disability Management Program

Gregory Durant & Glenn Carmen,
Watson Wyatt Worldwide

Best Practices for Evaluating a Diversity Talent Pool at Manitoba Hydro

Carol Thiessen,
Manitoba Hydro

Employee Data Collection & Analysis

Kristine Amaral,
Pelmorex Media Inc./The Weather Network

Accommodating Employees with Substance Abuse Problems

Ailsa Wiggins,
Gowling Lafleur Henderson LLP

Designing and Implementing an Effective Return-To-Work Program

avid A. Marchione,
Gowling Lafleur Henderson LLP

Accommodation and Attendance Management

Peter V. Clancy, Lakebridge Health Corporation;
Karen Clark, Centenary Health Centre

Accommodating The Older Worker

Christine Thomlinson,
Rubin Thomlinson LLP

Duty to Accommodate in a Unionized Environment

Kelly Corp,
TELUS

Disability and the Workplace: Understanding the Needs of the Mature Worker

Stephen McDonnell,
BMO Financial Group

Legal Issues Related to the Aging Workforce

M. Norman Grosman,
Grosman, Grosman & Gale LLP

Workforce Demographics: Current Trends and Issues

Monica Foley,
Knightsbridge

Inclusion of Employees and Customers With Disabilities

Maureen Geddes,
CANGRAM International Inc.

Panel Discussion: Preparing for an Employment Equity Audit

Lauren Evans, Kickflip Consulting Corp.;
France Coulombe, Canada Post Corporation;
Milé Komlen, Canadian Imperial Bank of Commerce
(CIBC)

Recruitment and Retention of Aboriginal Persons at Canada Post

Dwight H. Powless & France Coulombe,
Canada Post Corporation

Handling Discrimination Complaints

Gail Lynch,
Ontario Ministry of Finance and Ontario Ministry of
Revenue

Handling Complaints in a Union Workplace

Carman J. Overholt, Q.C.,
Fraser Milner Casgrain LLP

Undue Hardship: Determining When Enough is Enough

Peter L. Biro,
Goodman and Carr LLP

Accommodating Employees with a Mental Health Condition

Andrianna Kabitsis & Monica Curtis,
McMaster University

Managing Mental Health Disabilities in the Workplace

Diana Capponi,
Center for Addiction and Mental Health (CAMH)

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Novotel Toronto Centre Hotel, 45 The Esplanade, Toronto, ON, M5E 1W2

Conditions: Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to December 2, 2010. No refunds will be issued after this date. Please note that a 15% service charge will be held in case of a cancellation.

Discounts: Federated Press has special team discounts. Groups of 3 or more from the same organization receive 15%. For larger groups please call.

Payment must be received prior to December 8, 2010

Phone: 1-800-363-0722

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Fax: (416) 665-7733

TO REGISTER FOR EMPLOYER'S DUTY TO ACCOMMODATE

Name _____
 Title _____ Department _____
 Approving Manager Name _____
 Approving Manager Title _____
 Organization _____
 Address _____
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 Telephone _____ Fax _____ e-mail _____
 Please bill my credit card: AMEX VISA Mastercard
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WHEN CALLING, PLEASE MENTION PRIORITY CODE: MAIL COMPLETED FORM WITH PAYMENT TO:
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REGISTRATION COSTS

NUMBER OF PARTICIPANTS:
 COURSE: \$1975
 COURSE + PROCEEDINGS CD-ROM:
 \$1975 + \$175 = \$2150
 PROCEEDINGS CD-ROM: \$599
 NOTE: Please add 13% HST to all prices.
 Proceedings CD-ROM will be available 60 days
 after the course takes place
 Enclose your cheque payable to
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