

This course has been approved for 20 recertification points under Section A of the Recertification Log of the Human Resource Professionals Association (HRPATM).



6th Employer's Duty to Accommodate

December 14 & 15, 2011, Toronto

Two-Day Event!

Workshop Included: Implementing Accommodation Policies and Procedures

participating organizations

Blakes, Cassels & Graydon LLP
Davis LLP
Gowling Lafleur Henderson LLP
Lakeridge Health Corporation
McCarthy Tétrault LLP
McMaster University
Optimal Performance Consultants
Rouge Valley Health System
SNC-Lavalin Inc.
Sun Life Financial Canada
University Health Network
University of Toronto

course highlights

- Legal developments in the field of accommodation
- 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

HR Executives, Managers & Consultants; In-house/Corporate/Union Counsel; Lawyers, Consultants & Experts in Human Rights, Employee/Labour Relations, Arbitration/Mediation, Disability, Occupational Health

"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."

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

"Definitely benefited. Enjoyed it very much."

Course Leader

Karen Bock,
Davis LLP



Course Leader

Jane Sleeth,
Optimal
Performance
Consultants



Alan Cantor,
University of
Toronto



Karen Clark,
Rouge Valley
Health System
and Lakeridge
Health Corpora-
tion



Norm Keith,
Gowling Lafleur
Henderson LLP



Abdul-Basit
Khan,
Blakes, Cassels
& Graydon LLP



Milé Komlen,
McMaster
University



Trevor Lawson,
McCarthy
Tétrault LLP



Rocco Meraglia,
SNC-Lavalin Inc.



as well as:

Irene Keller,
Sun Life Finan-
cial Canada

Victor Trotman,
University
Health Network.

FACULTY

COURSE LEADERS

KAREN BOCK

Karen Bock is a partner in the Employment & Labour Group at **Davis LLP** in Toronto.

JANE SLEETH

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

CO-LECTURERS

ALAN CANTOR

Alan Cantor has worked in the assistive technology and accessibility fields for over 20 years. He currently serves as a Disability and Accommodation Consultant for the **University of Toronto**.

KAREN CLARK

Karen Clark is Director, Occupational & Safety Department at **Rouge Valley Health System (RVHS)**.

NORM KEITH

Norman A. Keith, B.A., J.D., LL.M, CRSP, is the partner at **Gowlings LLP** who leads the national practice group specializing in Occupational Health and Safety, Workers' Compensation and Workplace Risk Management law.

IRENE KELLER

Irene Keller is an Organizational Health Consultant with **Sun Life Financial Canada**.

ABDUL-BASIT KHAN

Abdul-Basit Khan is a Partner in **Blakes'** Labour & Employment Group practicing in management-side labour and employment law.

MILÉ KOMLEN

Milé Komlen, a lawyer specializing in human rights law, corporate social responsibility and diversity management, is currently the Director of Human Rights & Equity Services at **McMaster University** in Hamilton, Ontario.

ABDUL-BASIT KHAN

Abdul-Basit Khan is a Partner in **Blakes'** Labour & Employment Group practicing in management-side labour and employment law.

ROCCO MERAGLIA

Rocco Meraglia is the Health Safety Environmental & Community (HSEC) Director for **SNC-Lavalin Inc.** Mining & Metallurgy Division. In this role he is responsible for ensuring compliance with all regulations for Safety, Health Environment and Community.

VICTOR TROTMAN

Victor Trotman, Senior Director, Labour Relations at the **University Health Network**, is responsible for negotiation and administration of collective agreements.

TREVOR LAWSON

Trevor Lawson is a partner in the Labour and Employment Group at **McCarthy Tetrault LLP** in Toronto. He regularly advises federally and provincially regulated employers concerning all aspects of labour and employment law.

COURSE PROGRAM

LATEST LEGAL DEVELOPMENTS IMPACTING THE DUTY TO ACCOMMODATE

Although only the Federal, Manitoba & Ontario human rights codes make specific reference to a legislative obligation for the duty to accommodate, case law indicates that this duty is implied everywhere in Canada. This session will provide the latest developments regarding federal and provincial legislation impacting the duty to accommodate as well as recent 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 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.

- Determining how to accommodate an employees needs
- Developing policies & procedures to meet your accommodation obligations
- Dealing successfully with specific accommodation challenges
- Evaluating your accommodation strategy

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.

AV PROCEEDINGS

Audio/Video segments clickable slide by slide
Papers and overheads also included
Print any of the material for your own use



COURSE PROGRAM

DESIGNING AND IMPLEMENTING AN EFFECTIVE RETURN-TO-WORK PROGRAM

This session will look at leading strategies for developing & 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 with transitional or modified duties/hours
- Ensuring managers support the return-to-work program

ACCOMMODATING VULNERABLE WORKERS

This session will look at vulnerable worker health & safety issues and how to accommodate their special needs.

- Determining who your vulnerable worker are
- Causes of worker vulnerability
- Addressing the specific health & safety needs of each group of vulnerable workers

RELIGIOUS ACCOMMODATION IN THE WORKPLACE

Employers have a responsibility to ensure they are being respectful of their employees' religious beliefs and practices. This session will examine the latest developments on religious accommodations.

- Legal requirements on providing time off for religious holidays
- 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 & business performance, enhancing company image and employee morale
- Real case scenarios, myths and realities related to what job accommodations involve

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. This session looks at an employer's duty to accommodate an employee with an addiction.

- 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

IMPLEMENTING WELLNESS PROGRAMS

This session will explore the fundamentals of successful wellness programs.

- 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

Employers have a duty to accommodate disabilities up to the point of undue hardship. This session will look at the current law pertaining to undue hardship.

- Recent case law on the procedural aspects of undue hardship assessment
- Evidence to prove undue hardship
- Undue hardship and the doctrine of frustration

RETROACTIVE ACCOMMODATION & DUTY OF FAIRNESS

Retroactive accommodation involves accommodating an individual "ex post facto" or after-the-fact. Learn how retroactive accommodation can impact your organization.

- When a past disability should be taken into account
- How retroactive accommodation can affect personal assessments & 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.

- Mental health accommodation case law
- Defining "disability" and "impairment" in the context of mental illness
- Accommodation issues for employees who deny having a mental disability

UNUSUAL CASES IN THE LAW OF ACCOMMODATION

This presentation will review recent case law that shows how expansively the law of accommodation has been stretched, with some surprising results.

- Chemical sensitivities and biometric scanning
- Sexual orientation or transgender status
- Family status and pregnancy-related issues
- Ethnic musical preferences and food choices

WORKSHOP

IMPLEMENTING ACCOMMODATION POLICIES AND PROCEDURES

This workshop brings together the elements of an accommodation strategy explored throughout the course, considering legal requirements, corporate culture and the needs of changing workforce demographics, to generate an implementation plan for your organization.

- Creating a process for assessing the need for accommodation in your organization
- Using outside expert advice to develop policy and programs
- 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 PRESENTATION

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, *Lakeridge Health Corporation*;
Karen Clark, *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

Latest Legal Developments Impacting the Duty to Accommodate

Soma Ray-Ellis,
Himelfarb Proszanski LLP

Mental Health Accommodations

Deborah Taylor-Suttie,
Sun Life Assurance Company of Canada

Accommodating Employees with Substance Abuse Problems

Ailsa Wiggins,
Gowling Lafleur Henderson LLP

Designing and Implementing an Effective Return-To-Work Program

David 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

James Heeney,
Rubin Thomlinson LLP

Duty to Accommodate in a Unionized Environment

Brenda D. Parsons,
Metroland Printing Publishing & Distributing

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

Case Study: Becoming a Barrier Free City

Ceta Ramkhalawansingh & Brenda Lee,
City of Toronto

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)

Religious Accommodation in the Workplace: Employer Obligations and Strategies

Andre Goh,
Toronto Police Service

Designing and Implementing an Effective Return to Work Program

Jane E. Sleeth,
Optimal Performance Consultants

Identifying and Managing Addiction in the Workplace

Sarah Crossley,
Ogilvy Renault 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: Metropolitan Hotel, 108 Chestnut Street, Toronto, Ontario, M5G 1R3

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 1, 2011. No refunds will be issued after this date.

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 7, 2011

Phone: 1-800-363-0722 Toronto: (416) 665-6868 Fax: (416) 665-7733

TO REGISTER FOR EMPLOYER'S DUTY TO ACCOMMODATE

Name _____
Title _____ Department _____
Approving Manager Name _____
Approving Manager Title _____
Organization _____
Address _____
City _____ Province _____ Postal Code _____
Telephone _____ Fax _____ e-mail _____
Please bill my credit card: AMEX VISA Mastercard
_____ Expiration date: ____ / ____
Signature : _____
Payment enclosed: Please invoice. PO Number: _____

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.
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