

March 30 - 31, 2021 • Virtual Conference

# Managing Your Duty to Accommodate

*Strategic insights in the ever-changing landscape of duty to accommodate*

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## YOUR FACULTY CONFIRMED PARTICIPANTS INCLUDE:



**Céline Delorme**  
Emond Harnden LLP



**Ludmilla Jarda**  
Nelligan O'Brien  
Payne LLP



**Ed Mantler**  
Mental Health  
Commission of  
Canada



**Jill Lewis**  
Nelligan O'Brien  
Payne LLP



**Caroline Richard**  
Bird Richard LLP

... and more



Professional Development

Duty to accommodate is constantly evolving and with Covid-19 the complexities have become even greater. Employers are making incredibly difficult decisions about terminations, temporary layoffs, and how to maintain safe and healthy workplaces. These decisions must all be made in the context of your duty obligations. Being proactive in your duty to accommodate is a best practice that will help to avoid liabilities, and costs for non-compliance. You also gain workplace productivity that results from removing barriers in the workplace and practicing true inclusivity. Join us and gain new knowledge, new skills and strategies to ensure 2021-standards in compliance.

- Understand the scope of the expanding accommodation challenge
- Get advice for emerging areas of complexity
- Stay in control of your Covid-19 return to work and work from home strategy
- Hear strategies for being proactive in meeting your duty obligations
- Discuss how to deal with specific accommodation challenges
- Successfully manage multi-party responsibilities
- Implement data-centric accommodation process requirements
- Secure support for accommodation within your organization
- Manage the challenges of access to medical information
- Clarify layoffs and dismissals in the context of Covid-19
- Avoid costly accommodation mistakes

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# Managing Your **Duty to Accommodate**

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## DAY ONE PROGRAM AGENDA: TUESDAY, MARCH 30, 2021

10:00 - 10:10 EDT **Welcome and Opening Remarks from the Chair**

10:10 - 11:00 EDT



### **The Leadership Imperative for Human Rights in the Workplace**

**Jeff Willbond, Director General, Proactive Compliance, Canadian Human Rights Commission**

- Creating an equitable, diverse and accessible organizational culture
- Workplace accommodation is a shared responsibility between managers and employees
- True accessibility and culture change – minimizing the need for DTA requests
- Empower your employees to be their own human rights leaders
- Evaluate your organization’s operations through Proactive Compliance

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11:00 - 11:15 EDT Break

11:15 - 12:15 EDT



### **Keeping Pace with Recent Trends and Accommodation Cases**

**Caroline Richard, Partner, Bird Richard LLP**

- Cannabis – does an employer have a duty to accommodate an employee who consumes marijuana
- Gender identity and gender expression – is it only about the dress code
- Age discrimination – is retirement an unlawful word
- Competing obligations – when occupational health and safety obligations collide with requests for accommodation on the basis of religion

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12:15 - 13:15 EDT Break

13:15 - 14:00 EDT



### **Mental Health Impacts of Covid-19 on Workers: Considerations for Employers**

**Ed Mantler, VP Programs and Priorities, Mental Health Commission of Canada**

- Flexibility, empathy and clear leadership – ingredients for success during challenging times
- How tailoring your approach to the current environment to support employee mental health helps organizations
- The power and possibility of focusing on resilience and recovery
- Supporting the psychological needs of employees in remote workplaces
- Resources and support for accommodating employees with mental health challenges

# Managing Your **Duty to Accommodate**

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## DAY ONE PROGRAM AGENDA: TUESDAY, MARCH 30, 2021

14:00 - 15:00 EDT



### **12 Questions to Consider before Terminating an Employee for Absenteeism or Lateness**

**Ludmilla Jarda, Lawyer, Nelligan O'Brien Payne LLP**

- Terminating an employee for cause (generally)
- Gradual disciplinary action
- Questions to consider before terminating an employee for absenteeism or lateness

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15:00 - 15:15 EDT      Break

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15:15 - 16:15 EDT



### **Accommodating and Communicating about Episodic Disabilities (ACED): Workplace Challenges and Solutions**

**Dr. Monique Gignac, Scientific Co-Director & Senior Scientist, Professor, Institute for Work and Health, Dalla Lana School of Public Health, University of Toronto**

Employers increasingly are asked to accommodate workers living with physical and mental health conditions that cause episodic disability, where periods of wellness are punctuated by intermittent and often unpredictable activity limitations. Episodic disabilities are challenging for workplaces which must comply with legislation protecting the privacy of health information while believing they would benefit from personal health details to meet a worker's accommodation needs.

Objectives of this presentation are to understand organizational perspectives on the successes and challenges of disability communication-support processes, including:

- Differences in cultures of support
- Misgivings of others and their role in communication-support processes
- Challenges when worker's do not disclose a disability and when disability is cast as a performance problem
- New tools and resources to improve communication and accommodation processes

16:15 EDT

**End of Day One**

# Managing Your **Duty to Accommodate**

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, MARCH 31, 2021

10:00 - 10:10 EDT **Welcome and Opening Remarks from the Chair**

10:10 - 11:10 EDT



### **Active Problem Solving Strategies for Meeting Duty Obligations**

**Nancy Gowan, Gowan Health**

- What does taking an active role look like
- Investigate and research various forms of accommodation and alternate solutions
- Consult with accommodation experts for creative solutions
- Consult with the employee and integrate their potential ideas
- Set expectations about productivity and essential duties
- Have a clear process for implementation

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11:10 - 11:30 EDT Break

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11:30 - 12:30 EDT



### **The Covid-19 Pandemic: What Duty Obligations Loom Large**

**Céline Delorme, Lawyer, Emond Harnden LLP**

- What to do if an employee refuses to wear a mask
- Can I make employees sign a covid-19 waiver
- Do I need to accommodate employees that choose not to send their kids back to school
- How will absences be treated under duty to accommodate approach
- Preparing for work refusals
- Prepare for human rights issues
- Privacy issues
- Frustration of contract
- Accommodations for screening

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12:30 - 13:30 EDT Break

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13:30 - 14:30 EDT



### **Essential Tips for Accommodating Remote Workers**

**Jill Lewis, Lawyer, Nelligan O'Brien Payne LLP**

- Prepare for onboarding and maintaining compliance
- Clearly lay out the ground rules
- Review remote worker safety monitoring
- Be mindful of potential discriminatory compensation impacts
- Create a comforting environment

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## DAY TWO PROGRAM AGENDA: WEDNESDAY, MARCH 31, 2021

14:30 - 15:30 EDT



### **Return to Work Covid Toolkit**

**Julia Dales, Counsel, Dentons LLP Ottawa**

- Managing workplace health and safety at the office (employer responsibilities re health and safety control e.g. decision to recall, safety measures, symptomatic employees, privacy, etc.)
- Layoffs and recalls
- Flexible Work Arrangements (e.g. staggered return to work, working on claim, etc.)
- Work refusals
- Looking ahead: adjustments to policies and contracts as a result of Covid-19, litigation risks

15:30 - 15:45 EDT      Break

15:45 - 16:30 EDT



### **Managing Employee Work Refusals in a Covid-19 World**

**Tiffany O'Hearn Davies, Associate, Norton Rose Fulbright LLP**

- Work refusals explained
- For what reason can an employee refuse work
- What are the procedural steps for a work refusal
- A reminder of reprisals – don't
- Work refusals across jurisdictions
- Can work refused by one worker be reassigned to another
- Do employers have to pay workers after they refuse work
- How do these legal concepts apply during a pandemic
- What about teleworking employees
- Staying well positioned

16:30 EDT

**End of Day Two**

### **SPONSORSHIP AND EXHIBITION OPPORTUNITIES**

Increase your visibility with senior business strategy, technology, analytics, and business intelligence professionals at *Managing Your Duty to Accommodate*. A limited number of sponsorship options are available.

For more information or to check availability, contact our sponsorship department by telephone at 416.507.4202, or by email at [sponsorship@infonex.com](mailto:sponsorship@infonex.com).

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#### CANCELLATION POLICY:

Substitutions may be made at any time. If you are unable to attend, please make cancellations in writing and email to [register@infonex.com](mailto:register@infonex.com) or fax to 1.800.558.6520 **no later than March 16, 2021**. A credit voucher will be issued to you for the full amount, redeemable against any other INFONEX course and which is valid for twelve months (one year) from the date of issue.

Registrants who cancel after **March 16, 2021**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **March 16, 2021** and fail to attend will be liable for the entire registration fee.

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