

# SUSAN URSEL

30 St. Clair Avenue West, 10<sup>th</sup> Floor, Toronto, Ontario, M4V 3A1 (416) 966-3333 (416) 966-0325 (fax)

---

## EXPERIENCE

### Partner

Green & Chercover, Toronto, Ontario

Current. Continued practice before administrative tribunals and courts at a senior level for union and employee side clients. Areas of practice include labour law, pensions and benefits, human rights, constitutional litigation, education law, occupational health and safety, Workplace Safety and Insurance, and general employment law. Continuation of practice developed in previous law firms, including development of seminars and educational presentations on issues of human rights and employment equity. Past counsel to regulatory body in the garment industry with responsibility for employment standards. Union Nominee on labour arbitration panels including mediation of cases.

### Partner

Ursel & Wilkey, Toronto, Ontario

1994-98 Continued practice before administrative tribunals and courts at a senior level, including appearance in the Supreme Court of Canada on human rights case and increased work in the appellate and Divisional Courts. Responsibilities also included management and direction of small, active and progressive law firm.

### Associate Lawyer

Cornish Advocates, Toronto, Ontario

1988-1994. Litigation and counsel work in a variety of fields related to employment and labour law. Work includes areas of union side labour litigation and arbitration, human rights, Charter of Rights, pay and employment equity, pensions and benefits, occupational health and safety, Workers Compensation, and general employment law. Appearances before arbitral boards, labour relations boards, human rights Boards of Inquiry, and other administrative agencies, boards and tribunals, as well as in Provincial Civil Court, Ontario Court, General Division, Divisional Court, and Federal Court of Appeal. Client groups include private, public and broader public sector unions, governmental agencies and commissions, community and advocacy groups and individuals. Experience includes practice administration and management.

### Associate Lawyer

Golden, Green, Toronto, Ontario

1986-1988. Union side labour law firm with civil and criminal litigation, appellate and judicial review work. Appeared on arbitration, labour board hearings, and before other administrative tribunals, and in provincial, District and Supreme Courts. Areas of practice included labour and employment law, occupational health and safety, Workers Compensation, constitutional and Charter issues, human rights.

### Student at Law

Golden, Green and Starkman, Toronto, Ontario

1984- 1985.

Summer Student  
Community Legal Education Ontario, Toronto, Ontario  
Summers, 1982 and 1983. Project Supervisor and Project Researcher engaged in research and production of legal education materials.

## PROFESSIONAL AWARDS AND HONOURS

Recipient of the Canadian Bar Association SOGIC (Sexual Orientation and Gender Identity Conference) Hero Award, 2011  
Inductee into the Canadian Lesbian and Gay Archives -*Builders of Tolerance: Portraits from the Canadian Lesbian and Gay Archives- 2000*  
Recipient of the Canadian Bar Association Young Lawyer's Pro Bono Service Award, 1998 for contribution to the work of equality seeking groups and individuals  
Honoured by Siren Magazine as one of Canada's "Top Ten Lesbians" in 1998 Pride Issue

## PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Member, Human Rights Tribunal of Ontario Practice Advisory Committee, current  
Director, Lawyers International Food Enterprise, current  
Executive Member, Ontario Bar Association , Education Law Section 2006-07  
Founding member, Past Executive Member and Past Member of Board of Directors of Pro Bono Law Ontario  
Founding member, Coalition for the Reform of the Ontario Human Rights Commission  
Founding member, The Breakfast Club, now the Association of Human Rights Lawyers  
Member, Canadian Association of Labour Lawyers  
Member, Ontario Bar Association And Past Executive Members of the Constitutional and Civil Liberties Section  
Founding Member, CBAO Ad Hoc Lawyers Group for a Lesbian and Gay Committee/Section  
Past Member of the Advisory Committee to the Employment Equity Commissioner  
Member and Co-ordinator of Osgoode Hall Law School Women's Caucus 1981-84.  
Member, Steering Committee Toronto Area Caucus of Women and the Law 1981-86.  
Past Member, Charter of Rights Education Fund, participated in writing the Fund's Final report.

## SIGNIFICANT AND INTERESTING CASES

The following represent some of the cases I have been or am currently involved in which raise significant or interesting issues to a labour, employment, rights and equity practice.

Current challenge to Funding Arrangements for Health Care Services in Ontario which Detrimentially Impact Patients with HIV

Counsel to applicant before the Human Rights Tribunal of Ontario, whose request for an order permitting the use of a pseudonym due to the sensitive nature of the medical information involved is currently outstanding. The applicant is challenging certain of the funding provisions created by the Ministry of Health and Long Term Care which have resulted in his physician being unable to continue to provide him with health care services as insured services.

XY v Her Majesty the Queen in Right of Ontario

Counsel to the applicant who is a transgender person in a current case now before the Human Rights Tribunal of Ontario challenging as discriminatory the provisions of the Vital Statistics Act which require transsexual surgery and proof of same before the sex designation on the applicant's birth certificate will be changed. Decision pending.

OSSTF v. York District School Board

Arbitration case in which the issues of religious freedom and religious holiday observance were

adjudicated in respect to the denial of certain religious holidays to certain bargaining unit members. Case confirmed right of employees to their specific religious holidays based on language of collective agreement and jurisprudence.

#### Honda v. Keays

Counsel to intervenor LEAF in the Supreme Court of Canada on this appeal and cross appeal of the landmark Keays decision in which the trial judge awarded the plaintiff Keays punitive damages in the amount of \$ 500,000 in respect of the violation of his human rights as a person with a disability.

#### CAW and 407/ETR

Arbitration case in which the issues of religious freedom and security measures were adjudicated in respect of three terminated employees who had refused to participate in new biometric security technology on religious grounds. Decision affirmed the right of the employees to religious freedom.

#### OPSEU v. The Crown in Right of Ontario

Class action on behalf of a proposed class of employees of Community Care Access Centres whose pension rights have been negatively affected by reorganization of their employers by the Province. Case is currently ongoing and class has been certified.

#### Air Canada CCAA Proceedings- Counsel to Union Retirees

Acted as court appointed counsel to Union Retirees of Air Canada in respect of their pension and benefits rights, in this interesting and historic proceeding under the Companies' Creditors Arrangement Act. Work included historic resolution of pension and benefits issues, resulting in key pension regulatory arrangement which both preserved existing pensions for retirees and afforded a reasonable opportunity for company to emerge, as it now has, from protection.

#### Stonehouse et al v. Crown in Right of Ontario

Represented three complainants in the first Ontario Human Rights Tribunal case involving the of transsexual persons against discrimination. This case challenged the delisting of sex reassignment surgery as an OHIP covered service. A decision has been rendered in which three of the four complainants were awarded coverage for the surgery and other damages. Subsequently, the Province of Ontario relisted these services as covered by OHIP.

#### Chamberlain et al v. Surrey School Board

Counsel to the intervener "Families in Partnership" with respect to this case heard by the Supreme Court of Canada in June 2002. At issue was the use of the books depicting same sex parents in the K-1 Grade levels. Decision determined that a school board could not ban such books on the grounds that they might offend some families.

#### Brillinger et al v. Brockie et al

Counsel to the intervener "Equality Coalition" with respect to this case heard by the Ontario Divisional Court in December 2001. At issue in this case was whether or not a printer could deny services which are regularly available to the public, to a particular customer because either he is gay or he is affiliated with a group which supports the gay community (The Lesbian and Gay Archives). The lower tribunal's decision was affirmed and the court confirmed that such services could not be denied in this manner.

#### Trinity Western College Case

Counsel to the intervener Ontario Secondary Teachers' Federation with respect to this case heard by the Supreme Court of Canada. At issue was whether the BC College of Teachers must certify Trinity Western College as a teachers' college having regard to its anti-gay and lesbian policies, curriculum and stated objectives. Decision continued the development of the interaction of the law on discrimination and freedom of religion/conscience.

#### Federal Omnibus Challenge

Director, litigant Foundation for Equal Families, in this case which challenged over 50 federal statutes for their discrimination against same sex common law partners. Currently, the Federal Government has introduced Bill C-23 to address this issue and the litigation is pending passage of the law.

#### OSSTF Bill 160 Case

Counsel to the Ontario Secondary Teachers' Federation with respect to one aspect of this challenge to the education law, the disqualification of spouses of school board employees from running for school board trustee. Successful conclusion to the case before the Ontario Court of Appeal, which held that this was impermissible discrimination under the Charter of Rights and Freedoms.

#### Rosenberg Case

Co-counsel for Foundation for Equal Families, intervener in Rosenberg case, dealing with discrimination against same sex partners in pension regulation under the Income Tax Act, before the Ontario Court of Appeal. Decision affirming right to be free from discrimination, April 23, 1998, Federal Government did not appeal further.

#### M v H

Director, Intervener Foundation for Equal Families in M v H case, dealing with discrimination against same sex partners in family law, before the Supreme Court of Canada, March 1998 resulting in landmark equality rights decision for gay and lesbian community.

#### Vriend Case

Advising representative of Foundation for Equal Families in Vriend case, dealing with failure to include sexual orientation in Alberta human rights legislation, decision affirming obligation to include ground in law rendered in April 1998 by Supreme Court of Canada.

#### Hamilton Gay Pride Case

Won first case before a Human Rights Board of Inquiry to challenge a Mayor's refusal to proclaim Lesbian and Gay Pride Week in 1991.

#### Challenge to the Opposite Sex Spousal Provisions of the Municipal Act

Won case before an Ontario Human Rights Board of Inquiry. This case is a human rights and constitutional challenge to the provisions of the Municipal Act which require that employment benefits can only be provided to the opposite sex spouses of municipal employees. Province withdrew appeal of this decision and it stands.

#### Intervener's Counsel in Egan Case

Pro bono work on behalf of the Metropolitan Community Church of Toronto, which serves the lesbian and gay community. This is a constitutional challenge in the Supreme Court of Canada to the opposite sex definition of spouse contained in the Federal Old Age Security Act. Successful intervention application in spring 1994. Co-counsel with Charles Campbell, of Iler, Campbell, Toronto.

#### Jane Doe Case

One of initial team of counsel for plaintiff. Successfully asserted plaintiff's right to claim against the police for putting her at risk of attack by rapist. This case represents a constitutional challenge to the Metropolitan Toronto Police Forces practices in investigation of serial sexual assault cases. Case led to ground breaking decision in 1998 regarding police powers and Charter rights to equality.

#### ONA v. Northwestern General Hospital

Assisted in settlement of this major human rights race case through successful arbitration of key grievances involving termination of two of complainants from their employ with the hospital.

ONA v. Regional Municipality of Haldimand-Norfolk  
Successful argument for an expansive interpretation of employer under the Pay Equity Act.  
Participated in the drafting of legal arguments and factum.

Thornton Case

After several days of hearing, achieved settlement of one of the first Ontario human rights cases dealing with a person with A.I.D.S. who was unlawfully fired. This settlement was embodied in an Order of the Board of Inquiry, and has been praised as offering guidance to all Ontario employers in the areas of disability and employment.

## SPEAKING ENGAGEMENTS

Speaker on the topic of "Unions Perspectives on Accommodation Cases" at the Osgoode Hall Law School Professional Development LLM in Labour Program on June 10, 2011.

Panelist on the topic of "Complex Cases in Accommodation: Extraordinary Challenges in the Modern Workplace" at Lancaster House Toronto Human Rights and Accommodation Conference April 27, 2011.

Organizing Committee Member for Lancaster House Toronto Human Rights and Accommodation Conference April 27 and 28, 2011.

Speaker at Lancaster House Human Rights and Accommodation Seminar, December 2010.

Speaker on the topic: "Barriers to Workplace Diversity - Building Inclusive Workplaces" at the Ontario Public Service Labour Relations Conference on February 25, 2010.

Speaker at the Ontario Federation of Labour LGBT Conference on the topic "Equality: Are We There Yet?" on April 23, 2009.

Panelist at the opening of Nancy Nichol's documentary film "The Queer Nineties" on April 23, 2009.

Speaker at the Chief Justice of Ontario's Eleventh Colloquium on the Legal Profession: Professionalism and Serving Communities, held at the University of Windsor on October 24, 2008 on the Panel on Marginalized Communities: Moving Forward by Learning From Our Past, delivering a paper entitled "Some Notes on the Experience of Working with the Gay and Lesbian Communities of Ontario".

Speaker on the Supreme Court of Canada decision in Honda v. Keays on a Lancaster House audio program in July, 2008, and again as a panel member at the Human Resources Professionals Association Annual Law Conference as well as the Law Society of Upper Canada's Annual Employment Law Summit both in October 2008.

Fall 2008-Winter 2009, presented a series of workshops to staff and clients at Wellspring, which is a network of cancer support centres, on the issues of long term disability insurance, return to work and accommodation of illness in the workplace.

Presented a workshop on Intersectionality and Discrimination for the annual Ontario Bar Association Constitutional Law Conference on September 26, 2008.

Co-presenter with Karl Dean and Dr. Nina Josefowitz of a seminar on Accommodating Mental Illness in the Workplace, for the OSSTF Annual Summer Leadership Conference in August 2008.

Keynote Speaker at the Ontario Secondary School Teachers Federation, District 12 Status of Women Annual Awards Dinner on May 1, 2008 on the importance of the Falconer Report, as well as the ability, power and responsibility we each have to bring about change in our lives and in our communities.

Speaker at Pro Bono Students Canada- Osgoode Hall Law School event on "Doing Pro Bono Work"- November 14, 2007

Speaker at Ontario Federation of Labour Conference on Employment Equity, November 10, 2007

Speaker at Ontario Secondary School Teachers' Association Status of Women's Committee Conference- "Being Equal, the Sequel- Employment Equity Conference"-November 2, 2007

Speaker OBA Event "The New Ontario Human Rights System: What It Means for Your Practice" -June 11, 2007

Panelist at "A Summit on Gender and Diversity in Law: Moving Forward as a Profession" on May 1, 2007 at the University of Toronto Law School. She spoke on the panel "Sowing the Seeds of Change - Transforming and Humanizing the Profession"

Panelist at the University of Toronto Law School's International Women's Day panel on Diversity, Gender and Retention in the Legal Profession, organized by Dean Mayo Moran and Professor Brenda Cossman on March 8, 2007.

Speaker at Bill 107: The Proposed Human Rights Reforms, October 20, 2006 at the Ontario Bar Association's Conference "Labour Law: Staying Ahead of the Game".

Presented on the union perspective on accommodating mental disability in the workplace at the Canadian Institute Conference on "The Employer's Duty to Accommodate".

Speaker, OBA Dinner Event "Family Status Discrimination"- May 2005

Designed and delivered "Human Rights and the Collective Agreement- Winning Grievances and Arbitrations" for the Ontario Federation of Labour-December 2004

Speaker, Ontario Federation of Labour- Human Rights Committee, "Overview of Human Rights in Ontario", March 22, 2004

Speaker, Lancaster House Audio Conference "Return to Work"- December 2004

Speaker, Ontario Bar Association Human Rights Section, Human Rights in the Workplace: "Emerging Issues in Human Rights and the Workplace", February 16, 2004

Speaker, Butterworth's Conference on School Board Liability Law, "School Board Liability and Privacy Issues", November 28, 2003

Speaker, Ontario Bar Association Labour Section Workplace Criminal Misconduct: "Investigations I- Practice and Pitfalls", November 18, 2003

Speaker, OBA Constitutional and Civil Liberties Second Constitutional Conference, "Fundamental Freedoms: Applying the Word from On High", October 9, 2003

Speaker, Ontario Senior Officers Police Association, "Harassment in the Workplace", September 19, 2003

Participant in Roundtable Discussion, Law Society of Upper Canada "Access to Justice", May 29, 2003

Speaker, Police Association of Ontario- Civilians, "Harassment in the Workplace", April 28, 2003

Speaker, Hamilton OSSTF, "Sexual Harassment", April 1, 2003

Speaker, Butterworth's Conference, "The Duty to Accommodate", March 31, 2003

Speaker, OBA Institute, Labour Section, "Top Cases in Labour Law", March 20, 2003

Speaker, Lancaster House, "Human Rights and Arbitration", February 28, 2003

Speaker, Police Association of Ontario, "Harassment in the Workplace", February 25, 2003

Speaker, Lancaster House, "The Expanding Scope of Arbitration", November 15, 2002

Speaker, OSSTF Catch a Falling Star Conference, "Legal Issues", November, 2002

Speaker, OBA Constitutional and Civil Liberties First Constitutional Conference October 10, 2002

Chair, OBA Institute, Constitutional and Civil Liberties Section Program: Constitutional Swords and Shields- A Gladiator's Armoury, January 25, 2002

Panelist at Ontario Labour-Management Arbitrators' Association- Fall 2001 Continuing Education Seminar on the subject of mediation, November 15, 2001

Seminar Leader, "Diversity Protections in our Federation and In Our Province" at Status of Women Conference, O.S.S.T.F. November 10, 2001

Seminar Leader, "Harassment in the Workplace" for UNITE Conference, October 2001

Speaker at Equality for All Conference: Safe Schools for Lesbian, Gay, Bi-Sexual and Transgendered Youth, by the Rainbow Classroom Network, February 2000

Speaker at various Human Rights and Collective Bargaining Workshops around Province, by Ontario Secondary School Teachers' Federation, 1999-2001

Speaker, Ontario Federation of Labour: Labour Behind the Rainbow Conference, September 1999

Facilitator of Human Rights and Collective Bargaining Workshop, by Southern Ontario Newspaper Guild, CEP, June 1999

Facilitator of Human Rights and Collective Bargaining Workshop, by Communications, Energy and Paperworkers Union, March 1999

Designed and Delivered " Human Rights are Union Rights Workshop", by Ontario Federation of Labour, January and February 1999

Speaker on Panel dealing with litigation for equality rights for lesbians, gay men, bisexuals and transgendered people, at Queering the Nation Conference, York University, Toronto, June 27, 1998

Speaker on Panel dealing with Human Rights and the Lesbian, Gay, Bisexual and Transgendered Communities, 519 Community Centre, April 1998

Seminar Leader on Partnership Recognition Litigation: Winning out at law- October 1997 at CUPE and CLC Conference for Lesbian, Gay and Bisexual Trade Unionists & Our Allies

Speaker at INGLO Conferences (International Association of Gay and Lesbian Elected and Appointed Officials) on Canadian Legal Developments: 1995, Toronto and 1997, Philadelphia

Speaker on Legal Issues in Family Recognition for the Lesbian, Gay, Bisexual and Transgendered Communities at the Law Union's Annual Conference, November 1997

## PAPERS, PUBLICATIONS AND ARTICLES

Various papers and presentations for the OBA and other organizations on human rights, labour law, pensions and benefits including:

"Some Notes on the Experience of Working with the Gay and Lesbian Communities of Ontario", 2008 for the Chief Justice of Ontario's Eleventh Colloquium on the Legal Profession: Professionalism and Serving Communities on the Panel on Marginalized Communities: Moving Forward by Learning From Our Past.

"Mental Health and Workplace Accommodations: A New Frontier or Familiar Terrain?" 2006

"Supreme Court Continues to Define Balance Between Religious Freedom and Freedom from Discrimination- Case Comment on Trinity Western", 11 Education and Law Journal 391

Human Rights are Union Rights, with Cindy Wilkey, materials for OFL Conference, January 1999

Partnership Recognition Litigation: Winning out at law- September 1997 updated for CUPE and CLC Conference for Lesbian, Gay and Bisexual Trade Unionists & Our Allies, October, 1998.

Bill 167 and Full Human Rights in Lesbian Parenting: Living with Pride and Prejudice, edited by Katherine Arnup, Charlottetown: Gynergy Books, 1995.

Sexual Orientation and Employment Law: A Brief Introduction to the Issues for Sexual Orientation and the Law, a Seminar of the Law Society of Upper Canada's Department of Continuing Legal Education, June 21, 1994.

### Organizing Unions

Assisted Mary Cornish and Lynn Spink, with Harriet Simand.  
Published by Second Story Press, Toronto, 1994.

Asserting a Claim for Same-Sex Spousal Employment Benefits  
for Canadian Institute Seminar on Equality Issues in Benefit and Pension Plans, April 2, 1993.

HIV Infection, AIDS and the Workplace  
for Canadian Bar Association Continuing Legal Education Seminar, October 24, 1992.

Women and Employment: A Canadian Perspective, Legal Editor  
Published by YWCA. Toronto, 1987.

## COMMUNITY ACTIVITIES AND MEMBERSHIPS

Member, Law and Human Rights Mechanisms Research Team for "Envisioning Global LGBT Rights"- an international research project created by Nancy Nicol that fosters links between Canada and the Global South and will document and analyze i) criminalization of LGBT people, ii) flight from violence and persecution, iii) resistance to criminalization, and iv) the interaction

between International Treaty Body Human Rights Mechanisms and LGBT rights initiatives.  
Officer, Toronto Pride Dispute Resolution Process, current

Interviewee in "The Queer Nineties"- documentary film by Nancy Nicol, 2009

Past Director and Co-chair Legal Action Committee, of the Foundation for Equal Families

Frequent speaker for community groups on labour, employment, human rights, employment equity and related issues

Guest Speaker on CBC Newsworld, CBC Evening News, CTV Canada AM, Rogers Cable 10, CBC Later the Same Day radio show , TVO Studio 2 on gay and lesbian issues, sexual harassment, sexual assault and other legal issues

Past Member, Steering Committee, Campaign for Equal Families (organization to establish legal and social recognition of lesbian and gay partners and families)

Founding Member, Lawyers' Group to Establish a Lesbian and Gay Community Legal Fund

Co-chair ONDP Lesbian, Gay and Bisexual Committee, and former Provincial Council Delegate for Committee.

Past Member, Toronto Board of Education Triangle Program Advisory Committee

Member, Coalition for Lesbian and Gay Rights Ontario.

Past Member, Alliance for Employment Equity.

Lobbyist for community groups on employment equity and lesbian and gay rights.

Past Director and Fundraiser for The Women's Common of Metropolitan Toronto.

Past Director and President Emily Stowe Shelter for Women, Scarborough, Ontario.

Past Treasurer, Ralph Thornton Community Centre, Toronto.

Past Member, St. David NDP Riding Association Executive

Past Member, University of British Columbia Women's Committee.

## EDUCATION AND ACADEMIC HONOURS

Bar Admission Course, Toronto  
Admitted to the Bar, April 1986

Herbert Egerton Harris Advocacy Scholarship  
Second Prize, Bar Admission Course

Bachelor of Law, Osgoode Hall Law School, Graduated 1984

Bachelor of Arts, University of Toronto  
Graduated with High Honours, 1979

