



THE OSGOODE CERTIFICATE IN THE LAW OF EMERGENCIES:

*Practical Strategies in Disaster Preparedness,
Management and Recovery*

Public emergencies affect the legal advice you provide and how you provide it.

Get “**emergency ready**”.

Learn how to address the legal issues arising from emergency conditions and converging crises in our increasingly volatile and uncertain world. A multidisciplinary faculty will examine:

- Emergency powers and their limits
- How to advise clients when the law in an emergency situation has not been previously interpreted or is otherwise unclear
- How to deal with government and conflicting and vague information
- How to prepare your organization or firm for advising in the next emergency

Choose to register for **individual modules** OR take advantage of **special pricing** and **save over \$200** when registering for the whole certificate.

PROGRAM DIRECTOR

Prof. François Tanguay-Renaud
Osgoode Hall Law School
York University

REGISTRATION DETAILS

March 25, April 11 & 29,
and May 4 & 11, 2022:
Online, Live

*Single day registration
also available*

Can't make the date?
*Registration includes 120-day
unlimited, online access to the
recorded program.*

Register today at:
[osgoodepd.ca/
emergencylaw](https://osgoodepd.ca/emergencylaw)



The Osgoode Certificate in The Law of Emergencies

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Can't attend a module?

All participants will have 120-day on-demand access to the recordings.

Interested in only one or a few of the modules?

Each module is available for individual registration.

Were you prepared to advise your clients on the multitude of legal issues raised by the pandemic?

Would you be ready to advise in an environmental disaster generated by climate change, a disruption of public order arising from political upheavals, or any other public emergency?

The pandemic created unprecedented and thorny legal issues across many different areas of law. It is clear that global civilization has entered an era of converging crises. As a result, legal professionals across all areas of practice are being forced to seek and provide guidance in situations where there is little certainty, but quick and decisive action is required.

The Osgoode Certificate in the Law of Emergencies is designed specifically for legal professionals in private practice, in-house or in government who want to develop an expertise in emergency law. This one-of-a-kind program will give you the knowledge, tools and strategies you need to get “emergency ready” from a legal standpoint.

Choose to register for individual modules or the full certificate:

- *Module 1 – March 25, 2022*
Crises and the Law: Identification and Response
- *Module 2 – April 11, 2022*
Emergency Legislation and Regulation in Canada: Understanding and Working with the Regulatory Framework
- *Module 3 – April 29, 2022*
Emergency Management and the Public Law Framework: The Impact of Constitutional, Administrative and International Law
- *Module 4 – May 4, 2022*
Private Law Tools for Emergency Response
- *Module 5 – May 11, 2022*
Crisis Advising: Government Relations, Communications and Other Strategic Responses

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If you complete the whole certificate, you will learn:

- What constitutes an “emergency” and how it differs across different areas of law (employment/labour, indigenous, environmental, insurance, criminal, etc.)
- The current role of municipalities, provinces, and the federal government in emergencies (as well as their powers and the restrictions placed on them)
- The rules regarding emergency powers, and the tools that existing areas of law may already have to deal with emergencies
- The differences between private and public emergency law, including at the constitutional level
- The distinction between emergency-specific issues and emergency-sensitive issues
- Salient features of international emergency regimes from various jurisdictions (both domestic and international, public and private)
- How to overcome the obstacles brought on by an emergency when trying to be heard by governments on behalf of your clients
- The specific soft skills needed when advocating to governments during an emergency
- Strategies for managing your practice with a focus on knowing when/how to pivot into emergency advising

Who Should Attend

- Lawyers from all areas of practice
- Government lawyers, policy advisors and officials (federal, provincial and municipal)
- In-house counsel
- Emergency and disaster management professionals

In a world in which the frequency of major emergencies is likely to keep increasing, make sure you have the legal knowledge and skills to respond and pivot effectively.

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Agenda

MODULE 1

March 25, 2022
9:00 a.m. – 4:00 p.m. ET

Crises and the Law: Identification and Response

The pandemic has highlighted the need for legal practitioners to be prepared and “emergency ready”. The first step in being fully prepared is understanding what constitutes an emergency and what are the unique challenges that come with it. In this opening module, you will obtain a comprehensive overview of emergencies and their legal impact along with a first look at how to effectively respond when confronted with these complex situations.

Overview

- What does the law classify as an emergency? How does it differ within various areas of law?
- What are the different types of emergencies? (man-made vs. widespread, local vs. more widespread, public order, public welfare, etc.)
- What particular problems does an emergency pose for legal regulation?
- What is the problem of exceptions?
- What are the different types of legal responses?
- Applicable lessons from past responses to emergencies in Canada and abroad

Responding to General Challenges

- How to make decisions and plan under conditions of radical uncertainty
- How to obtain relevant and reliable empirical data

Faculty

Saptarishi Bandopadhyay

Assistant Professor, Osgoode Hall Law School, York University

Sanjay Khanna

Strategic Advisor and Foresight Expert, NOW Partners

David Matyas

PhD Candidate, Faculty of Law, University of Cambridge

Professor François Tanguay-Renaud

Osgoode Hall Law School, York University

MODULE 2

April 11, 2022
9:00 a.m. – 4:00 p.m. ET

Emergency Legislation and Regulation in Canada

Understanding and Working with the Regulatory Framework

- Examination of emergency statutory powers in Canada
- Detailed overview of the federal *Emergencies Act* and other federal emergency legislation (the *Quarantine Act*, the *Aeronautics Act*, etc.)
- The key commonalities and differences between provincial emergency regimes
- The role of, and interrelations between, municipalities, band councils, provinces, and the federal government in emergencies (as well as the powers and restrictions placed on them)

You will also hear from Associate Prof. Jocelyn Stacey on research with the Tsilhqot'in Nation — an Indigenous Nation comprised of six reserve communities spread throughout a large traditional territory in west-central British Columbia and the first and still only First Nation in Canada with Aboriginal title declared by the courts. Together Professor Stacey and the Nation have produced two reports on Tsilhqot'in jurisdiction during emergencies: The Fires Awakened Us (2019), on the 2017 BC wildfires, and Tsilhqot'in in the Time of COVID: Strengthening Tsilhqot'in Ways to Protect our People (2021), on the first wave of the pandemic. These research projects document the Nation's distinctive and culturally-informed approaches to emergency management response and identify the ways in which the Canadian and BC governments — through law, legislation, and on-the-ground service delivery — fall short in recognizing and supporting these approaches.

Faculty

Eric Block

McCarthy Tétrault LLP

Jody Johnson

Director, Legal Services, Halton Region

Adam Kanji

McCarthy Tétrault LLP

Jennifer King

Gowling WLG LLP

Ewa Krajewska

Henein Hutchison LLP

Associate Professor Jocelyn Stacey

Associate Dean, Graduate Studies and Professional Programs, Peter A. Allard School of Law, University of British Columbia

Lori Stoltz

Morris + Stoltz + Evans LLP

MODULE 3

April 29, 2022
9:00 a.m. 4:00 p.m. ET

Emergency Management and the Public Law Framework: The Impact of Constitutional, Administrative and International Law

Constitutional Law

- *Charter of Rights and Freedoms*
 - Emergency limitations in relation to rights protected under the *Charter*
 - Section 1 analysis and its justification in an emergency context
- Federalism (emergency power)
- Case scenarios: You will work through various practical exercise to identify and discuss key *Charter* issues as they relate to emergencies

Administrative Law

- Administrative tribunals and emergencies
- Judicial review and what is reasonable in the face of an emergency

Emergency Management through Ordinary Fields of the Law

- Emergency-specific vs. emergency-sensitive legal issue in areas such as:
 - Criminal law
 - Environmental law
 - Health & safety law

The Public International Law Framework

- Salient features of international emergency regimes and their relation to the domestic legal framework
 - General review of international disaster law and its implications for Canadian law

and governance

- The World Health Organization – an example of a specific international institution developed to manage a specific type of emergency – and its implications for Canadian law/governance
- Emergency derogations from international obligations (e.g. human rights treaties, WTO treaty)

Faculty

Amir Attaran

Full Professor, Faculty of Law, University of Ottawa

Anil Kapoor

Kapoor Barristers

David Matyas

PhD Candidate, Faculty of Law, University of Cambridge

Daniel Sheppard

Goldblatt Partners LLP

Associate Professor Jocelyn Stacey

Associate Dean, Graduate Studies and Professional Programs, Peter A. Allard School of Law, University of British Columbia

Brendan Van Nijenhuis

Stockwoods LLP

MODULE 4

May 4, 2022

9:00 a.m. – 4:00 p.m. ET

Private Law Tools for Emergency Response

This module will take a deep dive into how private law is equipped to respond to emergencies. You'll receive practical insights and strategies from experts in each area of law as they address the key issues that you need to know.

Contract Law

- Force majeure
- Frustration

Torts

- Strict liability vs. negligence and other more emergency sensitive torts
- Standard of negligence for corporations in emergencies
- Liability of the Crown (immunities)

Labour and Employment Law

- Force majeure
- Frustration
- Financial exigencies clauses in collective agreements
- Constructive dismissal and temporary lay-offs

Insurance Law and Risk Management

- The practical challenges of complying with policy terms during an emergency
- Governmental subsidies in times of crises and how they interact with insurance
- What now needs to be insured (and how) as well as the legal terms that should be in place

PLUS: Analysis of the implications in bankruptcy, corporate law and governance contexts.

Faculty

Meghan Bridges

Lenzner Slaght LLP

Simon Cameron

Osler Hoskin & Harcourt LLP

Natasha MacParland

Davies Ward Phillips & Vineberg LLP

David Matyas

PhD Candidate, Faculty of Law, University of Cambridge

Cenobar Parker

Parker Sim LLP

Danielle Stampley

Wright Henry LLP

Joyce Tam

Thomas Gold Pettingill LLP

MODULE 5

May 11, 2022

9:00 a.m. – 4:00 p.m. ET

Crisis Advising: Government Relations, Communications and Other Strategic Responses

Government Relations

- Relationships with governments during an emergency (their importance and how to manage them)
- How to overcome the obstacles brought on by an emergency when trying to be heard by

governments on behalf of your clients

- The specific soft skills needed when advocating to governments during an emergency
- How to respond to the challenges presented by vague and/or fast-evolving governmental guidance (and how to advise your clients accordingly)

Information and Disinformation

- Best practices for managing the flow of information from different sources (government, individuals, media, international, organizations, etc.)
- How to determine whether information is relevant/applicable and how to communicate with your client accordingly
- How to address the problems caused by the spread of disinformation (e.g. through social media) and how they can impact the way you advise your client

Managing Your Practice in an Emergency

- Strategies for managing your practice with a focus on knowing when/how to pivot into emergency advising
- How to structure your organization or firm to ensure that it is fully prepared for the next emergency; the benefits of having a permanent task force

Faculty

James Buchan

Gowling WLG LLP

Sanjay Khanna

Strategic Advisor and Foresight Expert, NOW Partners

Ewa Krajewska

Henein Hutchison LLP

Danielle Parr

Managing Principal, Navigator Ltd.

Professor François Tanguay-Renaud

Osgoode Hall Law School, York University

Brendan Van Nijenhuis

Stockwoods LLP

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Led by an expert faculty of practitioners, legal academics and government executives including:

Program Director



Professor François Tanguay-Renaud

Osgoode Hall Law School,
York University

Advisory Board

Professor Saptarishi Bandopadhyay

Osgoode Hall Law School,
York University

Adam Goldenberg

McCarthy Tétrault LLP

Professor Steven J. Hoffman

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Registration Details

Fee per Delegate: \$3,295 + TAX

Individual Module: \$695 + TAX

Newly Licensed*: 50% off regular rate

**This fee applies to newly licensed professionals within the past 2 years*

Fees include online attendance, electronic materials, 120-day access to the recorded sessions and technical support. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: www.osgoodepd.ca/financial-assistance

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

Stéphane McRoberts, Program Lawyer at 647.999.5723
or email smcroberts@osgoode.yorku.ca

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OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 29h 45m (24h 45m Substantive; 3h 5m Professionalism; 1h 55m EDI)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

Certificate of Program Completion

You will receive the Osgoode Certificate upon completion of **The Osgoode Certificate in The Law of Emergencies**. Participants must attend all program modules (whether live and/or by program archive) and successfully complete the multiple choice assessment to receive the certificate within 30 days of the date of the last module.

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