

## **CURRICULUM VITAE OF YOLA GRANT**

### **APPOINTMENTS AS NEUTRAL ADJUDICATOR, MEDIATOR AND INVESTIGATOR:**

- 2020-present Consensual appointments to mediate wrongful dismissal claims, human rights disputes and grievances in retail, schools, hospitals and community fora
- 2014-2019 Appointed via Order-in-Council, Ontario, to serve as Associate Chair of the Human Rights Tribunal of Ontario
- 2013-2015 Appointed by Superintendent, Financial Services Commission (FSCO) to mediate and arbitrate statutory accident benefits (in motor vehicle collisions) through ADR Chambers
- 2009-2019 Appointed by tri-partite selection panel to list of neutral investigators for workplace disputes relating to human rights, respect / conduct policies @ Ontario Power Generation and Hydro One (2009-14)
- 2010-2014 Appointed to list of neutral investigators & mediators for union member-member complaints, OPSEU
- 2006-2009 Appointed to Adjudicator Hubbard's list of neutral investigators (in the Michael MacKinnon human rights decision) to investigate human rights complaints by Corrections staff; wrote 6 in-depth investigation reports addressed to the Ministry of Community & Correctional Service re gender, anti-Black and anti-Indigenous discrimination
- 1998-2014 Appointed to list of sides-persons for rights grievance arbitrations hearing panels; *ad hoc* appointments to hearing human rights disputes Ontario Nurses Association

### **SIGNIFICANT HUMAN RIGHTS DECISIONS**

*Talos v. Grand Erie District School Board*, 2018 HRTO 680 (CanLII), <<http://canlii.ca/t/hs410>>, Age discrimination; workers over age 65 entitled to maintain access to health benefits

*Haseeb v. Imperial Oil Limited*, 2018 HRTO 957 (CanLII), <<http://canlii.ca/t/ht500>> Interpretation of "citizenship" protection in employment to include all workers who are entitled to work in Canada without regard to immigration status

*Hosein v. Ontario (Community Safety and Correctional Services)*, 2018 HRTO 298 (CanLII), <<http://canlii.ca/t/hqxf0>> Access to justice –delay –farm workers

*Swain v. MBM Intellectual Property Law LLP*, 2015 HRTO 1011 (CanLII), <http://canlii.ca/t/gkh5r>> Partner to law firm entitled to protection of Human Rights Code in Ontario, notwithstanding S.C.C. decision arising from case (*McCormick*) in British Columbia.

## **AWARDS**

**2020: Randall Echlin Award for Mentorship and Contributions to Law and Community** from the Ontario Bar Association, Labour & Employment Section

**2012: Traditional Law Practice Award** from Canadian Association of Black Lawyers for contribution to community and mentorship in law

**2002: African Canadian Achievement Award** by PRIDE News for social justice work as a legal practitioner (advocacy on behalf of Women's L.E.A.F. and Sickle Cell Association of Ontario)

**1987: Research and Writing Award by Torys LLP** for a research paper on sentencing principles under the Young Offenders Act

**1987: Torkin, Manes and Cohen Award** for academic standing, contribution to York University and community (for work in outreach legal clinics serving Black youth and Indigenous women)

## **WORK HISTORY - HUMAN RIGHTS, EMPLOYMENT & LABOUR LAW**

**Neutral Adjudicator, Mediator and Investigator** – July 2020 –present

- As Principal of *Carpe Diem Dispute Resolutions Inc.*, devoted to resolving employment and human rights disputes (with a speciality in anti-Black racism and gender discrimination); work largely with broader public sector (Peel District School Board, Durham Catholic School Board, hospitals etc.)

**Executive Director** –July 2019 –July 2020, Income Security Advocacy Centre

- promoted poverty eradication as a human right and oversaw litigation and policy advocacy to advance supports for social assistance recipients in Ontario (e.g. Transitional Child Benefits cancellation upheld) and clarifying various government initiatives (e.g. CERB provisions during COVID-19), critiquing budgets for all levels of government and auditor general reports (access to income supports and access to appeal mechanisms)

**Associate Chair** – April 2014 – April 2019, Human Rights Tribunal of Ontario

- heard and decided complex cases involving expert witnesses, intervenors and multiple parties where novel human rights issues are raised; oversaw the procedures involving 3,000 cases annually; report on activities at the Human Rights Tribunal of Ontario; and, present to the Ontario bar and to other Commissions/Tribunals in other jurisdictions on human rights case law development;
- functioned as an adjudicative lead and decided significant claims arising under Ontario's *Human Rights Code*, among them, the continuation of extended health and dental benefits

to workers who remain employed after age 65 (*Talos*) and the pre-requisite that job candidates be permanent residents before being considered for a permanent job (*Haseeb*);

- shared responsibility for the recruitment, training and management of a cadre of full-time vice chairs and part-time members, numbering 30-40, who mediated and adjudicated discrimination claims.

**Barrister** – entrepreneur & founder- August 1998 – April 2014, with Kim Bernhardt in association at *Grant & Bernhardt* as of 2001

- practice restricted to employment and human rights disputes, professional discipline and governance of non-profit corporations;
- advised management in the non-profit and municipal sectors including: reviewing and developing personnel policies, negotiating collective agreements, advising on the interpretation and administration of collective agreements;
- retained by private and public sector employers to investigate or mediate grievances, human rights and other complaints arising in the workplace (mostly hospital and community health sector).

**Counsel**, *Tribunals' Office*, Ministries of Citizenship and Labour  
June 1994 - July 1998, excepting 1 year at O.N.A. (see below)

- provided legal advice to three tribunal Chairs, a Registrar and adjudicators with respect to administrative practice related to proceedings under the *Human Rights Code*, the *Pay Equity Act*, the *Employment Equity Act*;
- drafted the rules of practice to optimize procedural fairness in human rights proceedings.

**Counsel**, *Ontario Nurses Association* (O.N.A.), April 1996 - March 1997

- represented unionized Registered Nurses in grievance arbitrations (later acted as ONA sides-person on human rights grievance arbitration panels).

**Counsel**, *Ministry of the Attorney General* (Seconded to Ministry of Labour, Legal Services Branch),  
May 1990 - June 1994

- represented the Crown in administrative hearings and provincial court to enforce employment standards (wages, termination, pregnancy leave protection etc.) and to prosecute health and safety breaches; supervised investigation of workplace injuries /accidental deaths and participated in inquests etc.

**Policy Analyst**, *Ministry of Labour*, Policy Branch, 1989 - 1991

- led community consultations on changes to the *Employment Standards Act* to include domestic workers;

- liaised on three inter-ministerial staff working groups on sexual harassment, race relations and access to trades and professions by foreign trained individuals;
- drafted the Cabinet Submission options that led to the introduction of parental leave in Ontario's *Employment Standards Act* in 1990

**Volunteer Member & Co-Chair, National Legal Committee, Women's Legal Education and Action Fund, 1991 - 1998 (pro bono)**

**Counsel, L.E.A.F. (intervenor)**

- *R. v. R.D.S.* (Supreme Court of Canada, 1998) – argued successfully that the reasonable apprehension of bias test should involve a “reasonable” person who is imbued with equality principles; *this decision is the leading case on judicial bias* and arose from a decision of Nova Scotia's first Black judge (Corrine Sparks) who was assailed in the press and on appeal by the Crown because she accepted the evidence of a Black youth over that of a police officer who had alleged that he was assaulted by the youth
- Author of "The Penetration of the Rape Shield", 3(2) 1989-90 CJWL 592 that was relied on by LEAF in an intervention before the Supreme Court of Canada to uphold the constitutionality of the rape shield; peer-reviewed journal article was favourably cited by that court in *R. v. Seaboyer*; *R. v. Gayme*, [1991] 2 S.C.R. 577

### **REFEREED PUBLICATIONS**

"The Penetration of the Rape Shield", 3(2) 1989-90 CJWL 592 later cited in *R. v. Seaboyer*; *R. v. Gayme*, [1991] 2 S.C.R. 577

"Indoor Air Pollution: An Emergent Occupational Hazard", 4(1) 1990 CJWL 235

### **NON-PROFIT / COMMUNITY / MENTORSHIP ACTIVITIES**

- Moot court judge, *Diversity Moot Competitions* by Black Law Students Association (2015, 2016, 2019 & 2020)
- Member, Nelson Mandela Legacy Committee (2013 -2014)
- Past Directorships/ Treasurer: Nelson Mandela's Children's Fund, Sickle Cell Association of Ontario, Women's Legal Education and Action Fund, Metro Toronto Housing Company Ltd., North York Women's Shelter and INTERCEDE (Toronto Organization for Domestic Workers Rights)

## **PRESENTATIONS, WORKSHOPS & COACHING**

- regular speaker/ faculty at conferences and seminars on human rights case law, including Osgoode Hall Professional Development Certificate in Human Rights program (2019, 2013-2016)
- regular contributor to panels at CABL's annual conference on substantive law, practice tips and topics relating to diversity/inclusion (2011- 2015)
- Presenter and Coach (mock adjudication), Society of Ontario Adjudicators and Regulators, Certificate in Adjudication, October 2011, 2012 & 2013

## **CONTINUING EDUCATION/ PROFESSIONAL DEVELOPMENT:**

1998 –present:

- attended numerous conferences, workshops, seminars (including audio & video) on topics related to presenting cases, cross-examination, rules of evidence, remedies, privacy, human rights and practice management
- participated actively in the presentation of topics on employment law and human rights through the Ontario Bar Association, LSUC-CLEO and Lancaster House conferences serving unions and professional human resources personnel

2011 Q-Storming Basics (Coach continuing education), Inquiry Institute Inc. (associated with International Coach Federation)

2008 Technician level certificate, Synergology (Observing and interpreting non-verbal communication), Adler School of Professional Psychology

1998 Certified Arbitrator & Mediator, Arbitration & Mediation Institute of Ontario (now ADRIO)

## **EDUCATIONAL/ PROFESSIONAL QUALIFICATIONS**

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|------|--|-------------------------------|
| 1989 | Call to the Bar                                      | Ontario                       |
| 1987 | LL.B   | Osgoode Hall, York University |
| 1980 | M.Sc. Physical Chemistry                             | University of Toronto         |
| 1978 | B.Sc. <i>cum laude</i><br>Science Specialist Program | University of Toronto         |