

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, hospital 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 at 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 person 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), <canlii.ca/t/hs4l0>
Age discrimination exemption (carve out) in the *Ontario Human Rights Code* violated the *Charter*, workers over age 65 entitled to maintain access to health benefits and membership in group life insurance plans. See also summary prepared by an independent lawyer: canliiconnects.org/en/summaries/63648

Haseeb v. Imperial Oil Limited, 2018 HRTO 957 (CanLII), <canlii.ca/t/ht500>
Interpretation of "citizenship" in employment to protect all workers who have work permits and thus are eligible to work in Canada without regard to whether they are citizens or permanent residents of Canada; unanimously upheld in its entirety on appeal by the Ontario Court of Appeal, overturning the Divisional Court's judicial review and restoring the original Tribunal decision, affirming a broad and liberal approach to standing, principles of analysis of human rights claims and concurred that excluding workers who are not permanent residents or citizens amounted to discrimination based on citizenship: 2023 ONCA 364 (CanLII), <canlii.ca/t/jx9x2>. See also summary of Tribunal decision prepared by an independent lawyer: canliiconnects.org/en/summaries/63648

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

Ilha v. Ontario (Health and Long-Term Care), 2016 HRTO 1411 (CanLII), <canlii.ca/t/gvg2x> Mootness where impugned legislation re: funding for fertility treatments repealed.

Swain v. MBM Intellectual Property Law LLP, 2015 HRTO 1011 (CanLII), canlii.ca/t/gkh5r> Partner to law firm entitled to protection of Human Rights Code in Ontario, notwithstanding Supreme Court of Canada decision with a contrary result arising from case (*McCormick v. Faskens Martineau DuMoulin LLP*, [2014] 2 S.C.R., 108) 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 the 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

- devoted to resolving employment and human rights disputes (with a speciality in anti-Black racism and gender discrimination); work largely with broader public sector and community service organizations

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*); and,
- shared responsibility for the recruitment, training and management of a cadre of full-time vice-chairs and part-time members, numbering 35-40, 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; and,
- 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.

- 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; and,
- 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
- *Lesiuk v. Canada* (Federal Court of Appeal (Alta.), 2002) – co-authored factum and solely responsible for researching and analysing statistical data to support the thesis that the change in entitlement had a disparate impact on mothers who are marginalized by precarious workforce attachment, race, disability, aboriginal status, etc.

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

OTHER PUBLICATIONS

"The [legal] practice of Apartheid", Sept.9/85; "South Africa: The Case for Divestment", Nov.4/85; "Divestment and Apartheid", Oct. 6/86, "Apartheid strikes a rock", Feb. 2/87 Obiter Dicta (a publication of Osgoode Hall Law School)

Masters of Science Thesis: *A laser-schlieren shock wave study of the vibrational relaxation of cyclopropane* (University of Toronto, 1980)

UNPUBLISHED PAPERS:

"Responses to Discriminatory Acts by Employment Agencies" (1991 consultant's report to the Ministry of Labour); "Employment Standards Review: Adjudication and Enforcement Mechanisms" (1989 consultant's report to the Ministry of Labour); "Jurisdiction over Labour Relations on Indian Reserves: Some Implications for Indian Self-Government" (1987 term paper for Native Rights seminar)

NON-PROFIT/COMMUNITY ACTIVITIES

- Member, Nelson Mandela Legacy Committee (2013 -2014)
- Past Directorships: 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

- Moot court judge, *Diversity Moot Competitions* by Black Law Students Association (2015, 2016, 2019 -2022)
- Regular contributor to panels at CABL's annual conference on substantive law, practice tips and topics relating to diversity/inclusion (2011 - 2015)
- Regular speaker/faculty at conferences and seminars on human rights case law, including Osgoode Hall Professional Development Certificate in Human Rights program (2013-2016, 2019-2022)
- 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

EDUCATIONAL/PROFESSIONAL QUALIFICATIONS

1989	Call to the Bar	Ontario
1987	LL.B	Osgoode Hall
1980	M.Sc. Physical Chemistry	University of Toronto

SELECTED PRESENTATIONS ON HUMAN RIGHTS

Speaker, “*Disability and Misconduct: Proving the connection*”, Lancaster House’s 2019 Toronto Labour Arbitration and Policy Conference, December 4, 2019

Featured history-maker activist, “*Anti-Apartheid Activism in South Africa and Canada, 1980’s and 1990’s*”, People Make History Biannual Lecture Series, Faculty of Liberal Arts, Wilfrid Laurier University, Brantford, November 16, 2017

Developed and presented “*Roll Call: A Selection of S/heroes who promoted human rights*”, Law Society of Upper Canada & Canadian Assoc. of Black Lawyers presentation to mark Black History Month, Toronto, February 2017

Author and presenter of article “*Reflections on the Direct Access Model for Human Rights Adjudication*”, Council of Canadian Administrative Tribunals, May 30, 2016

Author and presenter of article “*Balancing Transparency, privacy and expediency in the digital age*”, Ontario Bar Association Institute, February 2016

Panel member, “*Shopping around: how choice of forum influences remedies*”, Human Rights & Accommodation Conference, Lancaster House, Toronto, March 31, 2015

Panel member, “*Race and the Law*”, Justice at Work: Public Interest Career Conference, Faculty of Law, University of Windsor, November 2013

Author and presenter of article “*Proving Discrimination through Circumstantial Evidence: a review of recent appellate court decisions*”, presented at 2nd annual Human Rights Summit, Law Society of Upper Canada, December 10, 2013

Author and presenter of article, “*Employment Equity – Then and Now*”, Canadian Assoc. for the Prevention of Discrimination and Harassment in Higher Education (CAPHDEE/ACPDHMES) Conference, Toronto, May 2012

Panel Chair, Social Context and Inequality: *Judging and the Complexities of Everyday Life*, “Social Justice, Law and Equality - A Conference in Honour of Judge Juanita Westmoreland-Traore”, Faculty of Law McGill University, Montreal, March 16 -17, 2012

Author and presenter of article, “*Completing the Investigation Process: some considerations in fact-finding & decision-making processes*”, Ontario Bar Association Institute, February 9, 2012

Chair of full-day workshop, “*Non-Traditional Approaches to Resolving Workplace Disputes: A hands-on session*”, Lancaster House, Toronto, (June 2011; full-day session)

Panel member, “*Honouring Black Legal Pioneers: The Journey of Black Lawyers in Canada*”, Law Society of Upper Canada & Canadian Assoc. of Black Lawyers presentation to mark the UN declared International Year for People of African Descent, February 2011

Speaker, “*Women, Race and the Application of Fairness Principles in the Workplace*” at Feminist Legal Studies Workshop at Queen’s University, Kingston, January 17, 2011

Speaker, “*Women in Law: Looking Back, Looking Forward*, on International Women’s Day”, The Equality Committee of Osgoode Hall Law School, Gender Justice at the Institute for Feminist Legal Studies and Osgoode Women’s Caucus, March 8, 2010

Speaker, “*How to ensure fairness during investigations*”, Human Resources Professional Association, Humber College, May 2008

Speaker, “*How to conduct an effective harassment investigation*”, Lancaster House, April 3, 2008

Speaker, “*What can feminists do with the law?*” at the Kathleen A. Lahey Feminist Speaker Series organized by Women and the Law at the University of Windsor, Windsor, December 2007

Author and presenter of article “*That first call: Representing Respondents in a Direct Access Regime (The New Ontario Human Rights System: What it Means for Your Practice)*”, OBA Professional Development & Law Society of Upper Canada, June 11, 2007

Author and presenter of article “*Navigating the Labyrinth: Access, Representation and Remedies from an applicant’s perspective (The New Labyrinth: Perspectives on Bill 107 presented at Six-Minute Labour Lawyer)*,” Law Society of Upper Canada, June 22, 2007

Author and presenter of article “*Race, Equality Protections and Procedural Fairness*” presented at Osgoode Hall Professional Development Program, 2nd Annual Human Rights Symposium: Focus on Racial Discrimination, May 22 - 23, 2003

Author and presenter of article “*Human Rights – What do fairness principles have to do with it?*” presented at The Sixth Annual Six-Minute Employment Lawyer, Law Society of Upper Canada, Continuing Legal Education Course, May 2, 2003

Author and presenter of article “*Asserting a claim of race discrimination in the workplace*” presented at The Fifth Annual Six-Minute Employment Lawyer, Law Society of Upper Canada, May 27, 2002

Author and presenter of article “*Women’s biology – accommodating not obliterating difference*” presented at the Law Society of Upper Canada (2000) and at Charter Challenges Program Conference, Ottawa, November 2001