



UNIVERSITY OF TORONTO  
FACULTY OF LAW

# SYMPOSIUM IN HONOUR OF JUSTICE ABELLA



Photo by Dave Chan



SEPTEMBER 23, 2022 | 8:30 AM TO 4:00 PM



JACKMAN LAW BUILDING, 78 QUEEN'S PARK | J140

This symposium will celebrate the many contributions retired Justice Abella has made to Canadian law and civic life. The symposium will be organized around three scholarly papers in areas of law in which Justice Abella has been particularly active: labour law, equality rights law, and public / administrative law. Three papers will be presented by Professors **Adelle Blackett** (McGill Law), **Paul Daly** (uOttawa Common Law) and **Martha Minow** (Harvard Law), addressing some broad themes or issues of interest in these areas. Each paper will also feature two invited commentators, who will discuss the issues in relation to Justice Abella's own work.

## Speakers



Prof. **Adelle Blackett**  
McGill Law

Prof. **Supriya Routh**  
U Victoria Law

Prof. **Claire Mumme**  
U Windsor Law

### LABOUR LAW AS SUBSTANTIVE EQUALITY

Thanks in large measure to Justice Abella's jurisprudence, Canadian labour law is infused with substantive equality principles. It has not, however, escaped critical impasses that emerge in the attempt to reconcile human rights and labour law principles and procedures. This paper explores two responses proffered in Supreme Court case law. It offers a third: an act of memory. Drawing on the legal history of racial segregation and its role in the construction of the core labour law framework through which the relationship between the 'individual' and the 'collectivity' in Canada and the United States, it nudges Canadian labour law beyond the 'choice' and toward a fulsome embrace of substantive equality's transformative potential.

## Speakers



Prof. **Paul Daly**  
uOttawa Common Law

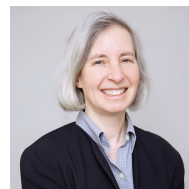
Prof. **Matthew Lewans**  
U Alberta Law

Prof. **Geneviève Cartier**  
Université de Sherbrooke  
Faculté de droit

### THE AUTONOMY OF ADMINISTRATION

Justice Abella is closely associated with deference to administrative decision-makers. I will argue that her deferential approach was multi-faceted, much more sophisticated – and, indeed, jurisprudentially controversial – than is typically assumed. Justice Abella's administrative law jurisprudence is more about administrative autonomy than it is about judicial deference, is based on her profound trust in public administration and was sometimes tempered by her inherent progressivism. But this constellation of features could well lead to the very type of 'deference as submission' against which Justice Abella consistently railed.

## Speakers



Prof. **Martha Minow**  
Harvard Law School

Prof. **Sabine Tsuruda**  
Queen's Law

Sr. Fellow  
**Elizabeth Shilton**  
Queen's Law

### EQUALITY AND EQUITY

In the United States, the terms "equality" and "equity" have become weapons in polarized political arguments rather than analytic tools. The political volley over words neglects and obscures decades of litigation, policy, and academic work including pioneering writing and thinking by Justice Rosalie Abella. Conceptions of equality and equal treatment can move well beyond simplistic plans to treat everyone alike regardless of historic and current differences and experiences. The hard work calls for a conception associated at times with equality and at times with equity of laws and policies that are responsive to individual and structural differences in people's circumstances and for navigating truly individualized consideration and approaches attentive to group membership or social structures. Doing so should honor individual choice while staying mindful of systemic patterns.

For More Information  
& Registration:

[abellasyposium.eventbrite.ca](https://abellasyposium.eventbrite.ca)

[deansoffice.law@utoronto.ca](mailto:deansoffice.law@utoronto.ca)