

ENA CHADHA

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PROFILE:

Ena Chadha served as a Vice-Chair with the Human Rights Tribunal of Ontario from 2007 to 2015. From 1993-1999, Ms. Chadha practiced privately in the areas of human rights, employment law, immigration and refugee law and also served as counsel to the Ontario Human Rights Commission. In 1999, Ms. Chadha was selected as Director of Litigation of ARCH, a test case disability legal aid clinic. Ms. Chadha has appeared before various administrative tribunals, trial and appellate courts, including prominent constitutional challenges at the Supreme Court of Canada. She has a Bachelors degree in Journalism from Ryerson, received her LL.B. from the College of Law, University of Saskatchewan, and was called to the Ontario Bar in 1994. Ms. Chadha holds certificates in Advance Alternate Dispute Resolution (Negotiations and Mediations); Intensive Trial Advocacy; and Mental Health Law. She received her LL.M. degree (research thesis on disability/human rights) from Osgoode in 2008. Ms. Chadha has spoken widely on human rights issues, including as a guest speaker for the National Judicial Institute. She has taught as an adjunct lecturer at Osgoode Hall Law School and Schulich School of Business and has published extensively on equality rights.

EDUCATION

2014	Certificate in Mental Health Law, Osgoode Hall Law School
2008	LL.M., Osgoode Hall Law School, York University “Open Access: Medical Disclosure in Human Rights Litigation” Thesis Nominated for University Best Masters Dissertation Prize
2000	Intensive Trial Advocacy Workshop, Osgoode Hall Law School, York University
1998 -1999	Advanced Alternate Dispute Resolution Certificates (Negotiations & Mediations), Stitt Feld + University of Windsor, Faculty of Law
1994	Law Society of Upper Canada - Called to the Bar
1992	Bachelor of Laws, College of Law, University of Saskatchewan
1989	Bachelor of Arts (Journalism), School of Journalism, Ryerson

PROFESSIONAL EXPERIENCE

2015 – Current	Adjunct Faculty , Schulich School of Business (MBA Negotiations and MBA Power & Politics)
2007 – 2015	Vice-Chair , Human Rights Tribunal of Ontario
2000 – 2007	Director of Litigation , ARCH: Disability Law Centre
2006	Adjunct Faculty , Osgoode Hall Law School (Administrative Law)
1996 – 2000	Sole Practitioner , Primarily administrative and civil law practice in the areas of Human Rights, Employment, Workers' Compensation and Immigration and Refugee law
1994 – 2000	Served as Counsel to the Ontario Human Rights Commission
1994 – 1995	Associate , The Law Offices of Daniel Zaretsky
1992 – 1993	Student-at-Law , Ontario Human Rights Commission

PUBLICATIONS

Journal Articles

Under Review – Tasa K., Waller M., and Chadha E., **“Team Boundary Spanning within Organizations: The Role of Political Skill and Trust in Top Management”**

Chadha E., **“Communicate Clearly: A Key Way to Protect Against Human Rights Complaints”**, (2015) 2:2 *Canadian Journal of Physician Leadership* 42.

Chadha E., **“Human Rights Disclosure Litigation: Uncovering Invisible Medical Records”**, (2010) 28 *Windsor Y.B. Access Just.* 153

Chadha E., **“‘Mentally Defectives’ Not Welcome: Mental Disability in Canadian Immigration Law, 1859-1927”**, (2008) 28:1 *Disability Studies Quarterly Journal*

Rosenbaum P. and Chadha E., **“Reconstructing Disability: Integrating Disability Theory into Section 15”** (2006) 33 *Supreme Court Law Review* (2d) 343-365

Chadha E., **“Running on Empty: The ‘Not So Special Status’ Of Paratransit Services In Ontario”** (2005) 20 *Windsor Review of Legal and Social Issues* 1-40

Chadha E. and Sheldon T., **“Promoting Equality: Economic and Social Rights For Persons With Disabilities Under Section 15”** (2004) 16 *National Journal of Constitutional Law* 25-98

Chadha E. and Schatz L., “**Human Dignity and Economic Integrity For Persons With Disabilities: A Commentary on the Supreme Court’s Decisions in *Granovsky* and *Martin***” (2004) 19 *Journal of Law and Social Policy* 94-122

Chadha E. and Holder B., “**Case Commentary - *Turnbull, et al. v. Famous Players***” (2002) 17 *Journal of Law and Social Policy* 145-156

Book Chapters

Mykitiuk R. and Chadha E., “**Sites of Exclusion: Disabled Women’s Sexual and Reproductive Rights**” in *Critical Perspectives on Human Rights and Disability Law*, (eds.) L.A. Basser, M. Jones & M. Rioux (Martinus Nijhoff, Brill Publishers, 2010)

Chadha E. “**The Social Phenomenon of Handicapping**” *Adding Feminism to Law: The Contributions of Justice Claire L'Heureux-Dubé* (Toronto: Irwin Law, 2004) 209-227.

JURISPRUDENCE

Notable Cases as HRTO Vice-Chair

- *Abdallah v. Thames Valley District School Board*, 2008 HRTO 230 (CanLII) – cited for remedial principles, including by the Ontario Divisional Court, Ontario Labour Relations Board and Quebec Human Rights Tribunal
- *Simpson v. Commissionaires (Great Lakes)*, 2009 HRTO 1362 (CanLII) – cited for accommodation principles, including by the Alberta Court of Queen’s Bench, Ontario Divisional Court and Ontario Labour Relations Board
- *Smith v. Menzies Chrysler*, 2009 HRTO 1936 (CanLII) – cited for gender/sexual harassment principles, including by the Ontario Divisional Court, Ontario Labour Relations Board and Quebec Human Rights Tribunal
- *McKay v. Toronto Police Services Board*, 2009 HRTO 1220 (CanLII) – cited for disclosure/production principles
- *Loomba v. Home Depot Canada*, 2010 HRTO 1434 (CanLII) – cited for evidentiary principles regarding credibility
- *Visic v. Elia Associates Professional Corporation*, 2011 HRTO 1230 (CanLII) – cited for principles regarding anonymity and publication bans of parties’ identities

Supreme Court Litigation as Counsel

- *Hilewitz et al. v. Canada (Minister of Citizenship)*, [2005] 2 S.C.R. 706 (challenge to immigration policy on behalf of families with children with developmental disabilities)
- *Auton (Guardian ad litem of) v. British Columbia*, [2004] 3 S.C.R. 657 (challenge to services for children with autism)
- *Workers’ Compensation Board of Nova Scotia v. Martin et al.*, [2003] 2 S.C.R. 504 (challenge to workers’ compensation policy with respect to chronic pain)

Conference Papers and Presentations

Faculty of Health Science Academic Leadership Program (McMaster University),
October 15-18, 2015, Facilitated negotiation and conflict resolution training

**Canadian Conference on Physician Leadership (CMA Physician Leadership
Institute),** April 24-25, 2015, Strategies for Effectively Managing Conflict

Faculty of Health Science Academic Leadership Program (McMaster University),
October 18-19, 2014, Facilitated negotiation and conflict resolution training

Human Rights Theory and Practice Osgoode Certificate program, April 4, 2014,
Guest Lecture on Reducing Workplace Conflict

Judging and Social Inclusion: Disability, National Judicial Institute, March 23-24, 2010
Presentation on Critical Disability Theory

Accommodating & Managing Employees with Disabilities, Federated Press, September
25, 2006, Presentation on the Duty to Accommodate

Canadian Disability Studies Association Conference, York University, May 27, 2006,
Presented Paper on Immigration & Disability

**Canadian Association for the Prevention of Discrimination and Harassment in
Higher Education,** April 4, 2006, Presentation on Education & Disability

O.B.A. Program Moderator, “Human Rights In Ontario: Can We Do Better”, April 3, 2006

University of Ottawa, Human Right Research & Education Centre, “**Strategizing
Systemic Inequality Claims: Equality Rights and the Charter**”, March 11-12, 2005

O.B.A. “Third Annual Charter Conference”, October 15, 2004, Speaker on the “Section
15 Equality Rights” Panel, Presented Paper “Human Dignity and Economic Integrity For
Persons With Disabilities”

O.B.A. “2004 Institute”, January 30, 2004, Presented co-authored paper “Practice Tips on
Administrative Advocacy”

O.B.A. “Second Annual Charter Conference”, October 9, 2003, Speaker on the “Section
15 Equality Rights” Panel, Presented Paper “**Promoting Equality: Economic and Social
Rights For Persons With Disabilities Under Section 15**”

**University of Toronto and Lancaster House “Workers’ Compensation Conference
2003”,** October 3, 2003, Speaker on the “Protecting Confidential Medical Information”

**University of Ottawa “Adding Feminism to Law: The Contributions of Madame
Justice L’Heureux-Dubé Conference”,** September 27, 2002, Speaker on the
“Administrative, Criminal and Human Rights Law” Panel, Presented Paper “**The Social
Phenomenon of Handicapping**”

Law Society of Upper Canada “National Access Awareness Week”, May 30, 2002
Guest Speaker on “Mental Health Issues and Human Rights Law”

National Association of Women and the Law Biennial Conference, March 7 -10, 2002
Panel Speaker on “Economic Inequality of Women with Disabilities”, Presented Paper
“**Human Dignity and Economic Integrity For Persons with Disabilities**”

Law Union Conference, March 2, 2002, Panel Speaker on “Disabled Workers and the
Charter”

Department of Justice “Social Context Awareness Program”, October 12, 2001
Panel Speaker on “Social Context and Persons with Disabilities”

O.B.A. “Employer Accountability for Harassment in the Workplace” Conference,
March 24, 2000, Co-authored paper “Managing Workplace Harassment: Practical
Strategies”

Mediation & Negotiation Training Exercises

Ena Chadha has authored a variety of Case Studies and Role Play Exercises, many based on real-world disputes, for use in executive training. These materials promote an experiential approach to learning techniques, concepts and the psychology behind the theories of conflict resolution and negotiation. The Case Studies are developed to provide participants with insight into different negotiation and conflict resolution styles. The Role Play Exercises provide participants with an opportunity to learn, practice and refine the skills necessary to negotiate constructive conflict resolution, while facing complex, yet realistic, dilemmas. Some examples are:

"It's A Problem" Conversation - a two party role play exercise involving competing goals of two senior employees. This exercise highlights conflict management and communication strategies.

Taming Team Tensions - a three party role play exercise involving a manager addressing a dispute between two integral team members. This exercise highlights mediation skills for managers and brokering different work styles.

Recruiting the Best - a two party role play exercise involving senior colleagues discussing an ethical dilemma. This exercise highlights the mental processes involved in evaluating and deciding between organizational versus personal interests, as well as potential human rights concerns.

Heard it Through the Grapevine - a multi-party role play exercise involving a mediator and three litigants trying to settle a hostile work environment complaint. This exercise highlights negotiation and communication skills necessary for a formal mediation.

These exercises have been facilitated at: University of Toronto (joint LL.B./M.B.A.); Osgoode Hall Law School; Schulich School of Business (joint LL.B./M.B.A. and M.B.A.); McMaster University (M.B.A.); and various executive leadership training programs.

VOLUNTEER

On-going	Guest Speaker – Various Universities, including University of Toronto, York University, Queen’s University, Ryerson University, University of Ottawa, McMaster University
2015	Member on the YMCA Brampton Advisory Council
2011	Member on the Law Society of Upper Canada Equity Advisory Group
2004– 2007	Member on the Law Society of Upper Canada Equity Committee’s Disability Working Group
2006	External Reviewer: <i>Working with Women and Girls in the Context of Immigration and Settlement: Issues and Strategies for Mental Health Professionals</i>
2002 – 2007	Board Member , National Association of Women and the Law Charitable Trust for Research and Education
2000 – 2005	Editorial Board , Journal of Law and Social Policy
1996	Board Member , Centre for Equality Rights in Accommodation
1993 – 1996	Member , City of Toronto Committee on the Status of Women