

Working Title Legal Counsel

Position Number	Division, Branch/Unit Human Rights Commission	Ministry Justice and Solicitor General
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POSITION SUMMARY: Briefly describe the main purpose of the position, and why it exists for the most part (See Management Job Description Writing Guide, Page 7).

Reporting to Senior Legal Counsel of the Human Rights Commission, Legal Counsel represents and litigates the public interest, representing the Director of the Commission before human rights tribunals, the Court of Queen’s Bench, the Alberta Court of Appeal and the Supreme Court of Canada. Legal counsel also represents the Director’s interests in reference questions before the Courts as well as intervener applications.

Legal Counsel’s role is highly visible and requires effective communication skills as Legal Counsel interacts with the media and presents at various professional seminars and conferences (including national conferences) promoting the views of the Alberta Commission with respect to legal policy and application. The role is challenging and complex as Legal Counsel advocates and communicates the Commission’s position to the public with respect to important and sometimes controversial human rights cases and policy.

Legal Counsel also provides day to day legal consultation and advice to the Director, the Southern Regional Director, Senior Legal Counsel and Human Rights Officers on all issue related to human rights law including issues involving administrative, constitutional, privacy and employment law.

Legal Counsel also settles challenging files at the end stage of the process, providing advanced alternative dispute resolution services including mediation to complainants and respondents.

The role is predominately public and high profile as the main role of Legal Counsel is to represent the Commission in public hearings and on cases before the Courts which have wide ranging application across Canada.

SPECIFIC ACCOUNTABILITIES: List the most important end results or outcomes of the position and how they are achieved. Each end result shows what the position is accountable for, within what framework and what the added value is. Normally a position has 4-8 core end results. For each end result approximately 3-6 activities should be described (See Writing Guide Page 8).

- Legal Representation – This position provides legal expertise in understanding the administrative process which starts from the initial complaint all the way to an Appeal to the Supreme Court of Canada. Legal Counsel advocate for the Director in Judicial Reviews, Human Rights Panels, Court of Queen’s Bench, Court of Appeal and potentially to the Supreme Court of Canada. In Court, Legal Counsel represents the interests of the Commission as they relate to all aspects of the legislation.
- Legal Opinions – Legal Counsel provide opinions on an oral and written basis to the Human Rights Officers, Management and the Director. Legal Counsel are able to defend these arguments in case they are challenged by opposing counsel.

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- Legal Education – Legal Counsel provide written and oral presentations to Human Rights Officers as well as other Albertans on the Human Rights process. Legal Counsel attends and conducts seminars at the Canadian Bar Association, Employment Groups, and Employee Groups. Legal Counsel assists the Law Society of Alberta and other Professional Groups as well as Stakeholder Groups.
- Legal Policy – Legal Counsel coordinate with the Director as well as management to discuss issues that deal with both practical implications of the human rights process as well as policy issues surrounding the changes in human rights law in Canada. Legal Counsel analyzes trends in complaints as well as other factors to strategize about the legal implications of possible decisions made by the Commission.
- Advanced Mediation – Legal Counsel are able to solve difficult complaints which have been unable to be resolved by the Investigators or the Conciliators at stages preceding the level when Legal Counsel get a file. Files are also sent through the By-laws for the purposes of Alternative Dispute Resolution.
- Legal Drafting – Legal Counsel draft Applications, Memorandums, Opinions, Factums (Queen’s Bench and Appellant), Notices of Motion, Affidavits, correspondence as well as advanced legal contracts to ensure finality in the Human Rights process. This involves reading and research as well as review of case law across Canada and in other jurisdictions.
- Legal Decisions – Achieved through preparation of witnesses, research, litigation, oral argument, advocacy skills, organization and ability to make decisions very quickly. Legal Counsel get results not only for individual complainants but for all Albertans and promote the Ministry’s goals of creating equality for everyone.
- Legal Opinions – Through advanced research and knowledge Legal Counsel are able to provide opinions on a wide range of issues which could be specific to the legislation to increasingly complex questions about Appeal processes at the Court of Appeal.

KNOWLEDGE/EXPERIENCE: Include information on required diplomas and degrees along with identifying the most important knowledge factors, including knowledge about practical procedures, administrative, specialized techniques, etc. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (see Writing Guide Pages 9-10)

- Bachelor of Laws plus eight years related experience in civil litigation or administrative law.
- Advanced and specialized knowledge in the area of human rights law, administrative law, labour and employment law, civil litigation, constitutional, privacy and tax law.
- Civil litigation knowledge and experience including written and oral advocacy, the law of evidence, examination and cross examination of witnesses including expert witnesses and the provision of expert reports, principles of judicial and appellate court review, knowledge of the Rules of Court and Practice Notes (at all levels of Court including the Supreme Court of Canada)
- Training and experience in mediation and/or alternative dispute resolution-knowledge and experience in dealing with complex and volatile personalities.
- Effective communication and presentations skills

LEADERSHIP AND BUSINESS KNOW-HOW: Specify the level of integration, organization and leadership skills required to produce the results expected of the position. Provide recent examples. (See Writing Guide Pages 10-11)

This position requires a high level of coordination, organization and leadership in order to represent and advocate the public interest in the area of human rights law. Legal counsel’s work must proceed with care as every case has the potential to set precedent in Alberta and affect thousands of individuals.

LEADERSHIP AND BUSINESS KNOW-HOW: Specify the level of integration, organization and leadership skills required to produce the results expected of the position. Provide recent examples (See Writing Guide Pages 10-11).

Legal Counsel is required to provide leadership and give opinions to the Senior Legal Counsel on complaints which may never have been litigated before or which are controversial and require diplomacy and careful analysis through every step of the litigation process. Other complaints involve multiple respondents and interveners, with which legal counsel must communicate and coordinate effectively in order to move the complaint through the process.

Legal Counsel provides coordination between issues that deal with all external stakeholders and the various internal stakeholders (Human Rights Officers, the Management, the Director and the Chief Commissioner). Every legal issue that involves the internal stakeholders requires the Legal Counsel to review, research, consult and then develop a strategic response. Many times the matter cannot be resolved through discussions and then the Legal Counsel will have to advocate on behalf of the internal stakeholders in order to ensure that their decisions are given deference and enforced.

PROBLEM SOLVING: Describe difficult or challenging situations the position is typically expected to solve; the degree of originality of the solutions; and the assistance available (See Writing Guide Pages 11-12).

The issues facing legal counsel are usually complex and require the highest degree of problem solving and judgement. Legal Counsel routinely apply human rights principles to different and new fact situations, broadening and contributing to the development of human rights jurisprudence. At times, Legal Counsel must address human rights complaints which have never been litigated in other jurisdictions. Legal Counsel is expected to work independently and has little assistance in resolving problems of this nature except for discussion with Senior Legal Counsel, the legal team and legal research assistance from external sources.

RELATIONSHIPS/CONTACTS: Identify internal and/or external clients, partners and stakeholders with whom your position communicates and indicate the frequency, purpose and nature of the contact (i.e. how they are affected by recommendations, decision-making and action(s) taken) (See Writing Guide Pages 12-13).

Clients	Frequency	Nature and Purpose of Contact
Internal		
1. Director	From time to time	Advice, Drafting, Litigation, Policy, Review and Director of files
2. Senior Legal Counsel	Daily	Review of files, assignment of files Consultation, legal issues, legal discussions Strategy on Policy initiatives
3. Regional Managers	Weekly	Discussion of files, advice, policy and Education
4. Human Rights Officers	Weekly	Legal assistance, discussion and education
External		
1. Complainants	Daily	Case discussions, negotiations, litigation, Case preparation, legal issues and review
2. Respondents	Daily	Case discussions, negotiations, litigation, Case preparation, legal issues and review
3. Legal Counsel (complainant, respondent)	Daily	Case discussions, negotiations, litigation, Case preparation, legal issues and review and education
4. Employment groups (Employee, Employer and Union)	Weekly	Varied levels of education, seminars, policy development as well as discussing problem areas
5. Judiciary, Courts, Commissioners	Monthly	Appearances before Courts, case management, filing deadlines, review of panel decisions
6. Legal Groups (Canadian Bar	Monthly	Discussion of changes in the law, education and discussion of

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Clients	Frequency	Nature and Purpose of Contact
Association – Admin, Employment as well as other subsections, Canadian Association of Statutory Human Rights Agencies – CASHRA, Legal Education Society of Alberta, Alberta Government Civil Lawyers Association		cross-provincial initiatives.
7. Community at Large (Private Groups, Citizens and Other)	Weekly	Information and Education

IMPACT AND MAGNITUDE OF JOB (SCOPE): Identify how the position directly affects results, and the extent to which stakeholders are affected by those results. Provide recent examples (See Writing Guide [Pages 13-14](#)).

The decisions of the Legal Counsel are significant and have possible ramifications for 4 thousands of Albertans. Effective decision making and advocacy by the Legal Counsel means that important decisions are clarified through advocacy while any contraventions of the Act are resolved in accordance with the human rights principles of dignity and restoration of the individual. While some of the decisions of the Legal Counsel are made within a system of management consensus reporting to the Director and Senior Legal Counsel, most of the decisions of Legal Counsel are made independently. Legal counsel is expected to have a strong leadership role with a high level of responsibility and accountability.

Good decisions made by legal counsel mean that the Director’s position is upheld or clarified at human rights tribunals and Courts, furthering the development of human rights jurisprudence in Alberta and across Canada. Good decisions mean that human rights are protected, not only for specific individuals, but for all Albertans. Good decisions mean that respondents are educated about their roles and responsibilities and contraventions of the Act are prevented.

In this position there has also been a great deal of interaction with University Law students who have taken on cases for Albertans who do not have the assistance of the Director’s Legal Counsel. This role involves mentoring and assisting the students during the human rights administrative process.

CHANGES SINCE LAST REVIEW: Identify significant changes that have impacted the major responsibilities and accountabilities assigned to your position since the last review. (See Writing Guide [Page 14](#)).

Since the last review, the position has expanded significantly based on national and provincial changes in human rights jurisprudence brought about by a more effect based approach to discrimination. More litigation has arisen as well as increased levels of complaints. In addition, the need for clarity on novel and different human rights issues has required this legal counsel to advocate the Director’s position more often.

COMPARABLE POSITIONS: List comparable GOA benchmarks (See Writing Guide [Pages 14-15](#)).

There are no comparable government of Alberta benchmark positions available online. Legal Counsel for the Alberta Human Rights Commission represents a unique and expansive role. Legal Counsel is responsible for legal services for the entire division including litigation, research, and education. In order to fulfill this role, Legal Counsel must have knowledge and experience in many different areas of the law – not just human rights but administrative law, employment law and constitutional law. Legal Counsel must also have experience in trial and appellate court advocacy as Legal Counsel litigates at panel hearings, Queen’s Bench and the Court of Appeal of Alberta (as well as seeking and responding to leaves at the Supreme Court of Canada). Additionally legal counsel for the Commission has education responsibilities.

ORGANIZATION CHART: A current organization chart that includes supervisor, peers and staff MUST be attached. Include whether employee is permanent, wage temporary or contract and indicate position numbers (See Writing Guide [Page 15](#)).

Signatures

The signatures below indicate that the manager (incumbent) and division director/ADM have read, discussed and agreed that the information accurately reflects the work assigned (See Writing Guide [Page 15](#)).