

## THE CANADA CONSUMER PRODUCT SAFETY ACT NAVIGATING THE MINEFIELD

TORONTO May 16, 2011 CALGARY May 18, 2011 VANCOUVER May 19, 2011

Yes! Please register the following delegate(s) (photocopy for additional delegates)

I have pre-registered by  telephone  fax  e-mail

Mr.  Ms.  \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Type of Business: \_\_\_\_\_ # of Employees: \_\_\_\_\_

Priority code

Conference Code 110063

## THE CANADA CONSUMER PRODUCT SAFETY ACT NAVIGATING THE MINEFIELD

### TO REGISTER:

Call: Toll free 1-877-298-5868 or (416) 298-5141 ext. 5868

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Mail: Lexpert®  
One Corporate Plaza  
2075 Kennedy Road, 11th Floor  
Toronto, ON M1T 3V4  
Attention: Marketing Events

### DATES AND VENUES:

TORONTO, ST. ANDREW'S CLUB AND CONFERENCE CENTRE **May 16, 2011**  
St. Andrew's Club and Conference Centre: 150 King Street West, 27th Floor, Toronto, ON M5H 1J9  
Phone: (416) 366-4228

CALGARY, TELUS CONVENTION CENTRE **MAY 18, 2011**  
The Calgary Telus Convention Centre, 120-9th Avenue SE, Calgary, AB T2G 0P3  
Phone: (403) 261-8500

VANCOUVER, THE VANCOUVER CONVENTION CENTRE **May 19, 2011**  
1055 Canada Place, Vancouver, BC V6C 0C3 Phone: 1 866 785-8232

# LEXPERT

### REGISTRATION FEE

Toronto, May 16, 2011  Calgary, May 18, 2011

Vancouver, May 19, 2011

**Early Bird Deadline:** (April 16, 2011)

\$1,195 + applicable taxes\*

**Regular Course Price:**

\$1,495 + applicable taxes\*

**Public Sector Special Price:**

\$1,295 + applicable taxes\*

**Webcast Price:**

\$995 + applicable taxes\*

**Send 3 delegates for the price of 2**

PAYMENT ENCLOSED  PAYMENT TO FOLLOW

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Confirmations will be sent to delegates upon receipt of completed registration forms.  
Please make cheques payable to Lexpert®/Thomson Carswell.

Registration fee includes the course, materials, breakfast, lunch and coffee breaks. Full payment is required in advance of the course dates. Substitutions are granted with notification to Course Registration Customer Service.

**If this brochure is undeliverable to the addressee, then please forward to a Senior Executive or Corporate Counsel. (GST Reg # 897176350)**

# LEXPERT

### SPECIFICALLY DESIGNED FOR:

- » All companies involved in the manufacturing, importation or distribution of consumer products including:
  - » In-house Counsel
  - » Vice Presidents and Directors of
    - Communications and Consumer Relations
    - Marketing and Sales
    - Operations and Quality Control
  - » Product Managers and Managers of New Product Development
  - » Government Relations Directors
  - » Government Regulators
  - » Risk Management Professionals
  - » Business and Consumer Associations

### CANCELLATION AND REFUND POLICY:

Full refunds, less a \$250.00 (plus applicable taxes) administration fee, will be given for cancellations received in writing 10 business days before the course start date. Unfortunately, refunds cannot be provided after this date. Substitution of delegates may be made at any time. Please note that Lexpert® reserves the right, if necessary, to cancel any course and will, in such an event, make a full refund of registration fees paid. For reasons beyond the control of the course organizer, it may be necessary to change the subject agenda of the program, and no liability is assumed for any such changes in content.

# LEXPERT

CUTTING EDGE • TIMELY • INTERACTIVE

THOMSON REUTERS

## THE CANADA CONSUMER PRODUCT SAFETY ACT NAVIGATING THE MINEFIELD

The seller-beware philosophy, Draconian penalties, onerous reporting requirements and broad regulatory powers that characterize the CCPSA will add an enormous level of infrastructure to the entire supply chain for consumer products. This conference offers a timely opportunity to learn about the new legislation as well as tools to assist companies, and their legal advisors, in taking proactive steps to assist and prepare for the new legislative regime

### COURSE LEADER

MARTHA A. HEALEY, PARTNER, OGILVY RENAULT LLP

### COURSE HIGHLIGHTS

- WHAT IS THE CANADA CONSUMER PRODUCT SAFETY ACT?
- UNDERSTANDING YOUR NEW OBLIGATIONS
- UNDERSTANDING THE NEW ENFORCEMENT REGIME
- MANAGING YOUR NEW RISK
- DEVELOPING NEW COMMUNICATIONS STRATEGIES

## REGISTER BEFORE APRIL 16 AND SAVE \$300!

TORONTO, ST. ANDREW'S CLUB AND CONFERENCE CENTRE **MAY 16, 2011**

CALGARY, TELUS CONVENTION CENTRE **MAY 18, 2011**

VANCOUVER, THE VANCOUVER CONVENTION CENTRE **MAY 19, 2011**

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WEBCAST ALSO AVAILABLE!

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## program outline

**8:15 – 9:00** | REGISTRATION AND BREAKFAST

**9:00 – 9:15** | INTRODUCTION

**9:15 – 10:00** | OVERVIEW OF THE CCPSA  
*PRESENTER: MARTHA HEALEY*

The CCPSA, affects virtually all manufacturers, importers, distributors, advertisers and retailers of “consumer products.” Learn how to proactively structure business operations to meet the new requirements.

- » Overview and background to the CCPSA
- » Brief summary of key events, major product issues and litigation that preceded the CCPSA
- » New national and international requirements
- » Canadian legislation *vis-à-vis* the legislative requirements of other countries

**10:00 – 11:00** | NEW OBLIGATIONS ON MANUFACTURERS, DISTRIBUTORS, RETAILERS AND ADVERTISERS  
*PRESENTER: MARTHA HEALEY*

The CCPSA imposes general prohibitions on manufacturing, importing, selling or advertising any “consumer product” that poses a danger to human health or safety and new reporting obligations. “Consumer product” is very broadly defined as “a product, including its components, parts or accessories that can reasonably be expected to be obtained by an individual to be used for non-commercial purposes, including for domestic, recreational and sports purposes.” In addition, the CCPSA imposes a new duty on manufacturers, importers and sellers to report “incidents” to Health Canada. Incidents are broadly defined and the time limits within which reports must be made are extremely short.

- » Duty to Notify
- » Incidents
- » Defects
- » Incorrect labeling
- » Onerous requirements
- » Information requirements and written reports to regulators
- » Non-complying products
- » Danger to human health and safety
- » Recalled products
- » Products subject to inspector’s order
- » Impact on commercial supply/manufacturing/ distribution arrangements

**11:00 – 11:15** | COFFEE BREAK

**11:15 – 12:00** | IMPACT OF NON-COMPLIANCE WITH THE CCPSA  
*PRESENTER: TERESA WALSH*

Fines and penalties reach \$5 million from the current maximum of \$250,000, with unlimited fines for willful or reckless behaviour, and provisions making each day on which an offence is continued a separate offence.

- » Violations
- » Offences
- » Administrative monetary penalties
- » Compliance agreements
- » Fines and/or imprisonments
- » Officers’ and directors’ liability

**12:00 – 1:30** | LUNCH

**1:30 – 2:45** | HEALTH CANADA’S ROLE  
*PRESENTER: TERESA WALSH*

The CCPSA gives Health Canada a proactive role with a broad range of discretionary powers with limited rights of appeal.

- » New teeth, proactive powers
- » Orders to compile information
- » Orders to conduct tests or studies
- » Compliance orders
- » Recall orders
- » Challenging administrative orders

**2:45 – 3:15** | COFFEE BREAK

**3:15 – 3:45** | NEW COMMUNICATION STRATEGIES  
*TORONTO: MICHAEL HORVAT*  
*VANCOUVER/CALGARY: MARTHA HEALEY*

- » Internal communications and training – bringing employees “up to speed” on new requirements and reporting obligations
- » Ensuring employee handbooks are up to date
- » Non-compliance and discipline
- » Dealing with new legislation in a unionized environment – duty to consult with union?
- » Duty of loyalty/confidentiality
- » Whistleblowing



**MARTHA A. HEALEY**

Martha Healey has considerable expertise in federal and provincial regulatory matters, specifically in federally regulated matters, including competition, health, agricultural and consumer products regulation, food, drug, cosmetic and consumer product recalls, transportation, privacy, records management and access to information. Martha advises clients regularly in the food, drug (human and veterinarian), medical device, natural health product, pesticide, animal feed, communications and other commercial sectors. Her practice includes telecommunications, transportation, life sciences and competition law (including mergers, marketing practices and advertising), as well as information and e-commerce regulation and conflict of interest investigation. She is chair of the Administrative Law and Judicial Review Team.



**TERESA WALSH**

Teresa Walsh’s civil litigation practice focuses primarily on product liability, personal injury, professional liability, class actions and commercial litigation. Her particular areas of expertise include defence of individual and class action claims involving pharmaceutical products, medical devices, household and other products. She advises innovative pharmaceutical clients and other manufacturer clients on supply contracts, indemnification contracts and regulatory matters. Teresa has considerable experience in defending personal injury claims featuring complex medical and damages issues, and in medical negligence, licensing and disciplinary matters.

- » Potential grounds for discipline
- » Preparing for increased inquiries from the media, regulators and the public
- » Managing a product issue/recall
- » Obligation for increased communication with national/international affiliates and partners

**3:45 – 4:30** | ASSESSING LITIGATION RISK AND RISK MANAGEMENT

*TORONTO: ALAN MARK*  
*CALGARY/VANCOUVER: TERESA WALSH*

Unclear language and cumbersome bureaucratic requirements combine with broad regulatory discretion and narrow rights of appeal to create a mine-filled landscape.

- » Vague language
- » Broad discretion
- » Over-reporting and under-reporting
- » Effect on supply chain
- » Competitive impact
- » New litigation risk: increased product exposure?
- » Class actions?

**4:30** | CLOSING REMARKS

This program has been accredited by the Law Society of British Columbia for 5.25 hours towards the professional development requirement for certification.

This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.



**MICHAEL HORVAT**

Michael Horvat has experience in all aspects of employment and labour law in both the federal and provincial jurisdictions. He has represented employers before the Ontario Labour Relations Board, the Ontario Superior Court of Justice, the Ontario Divisional Court, the Grievance Settlement Board, the Canadian Railway Office of Arbitration, the Ontario Employment Standards Branch, the Ontario Workplace Safety and Insurance Board, and in grievance arbitration and mediation. Michael advises employers on employment standards, human rights, discipline, discharge, union certification, wrongful dismissal, and general employment and labour law issues. Michael articulated with the firm prior to his call to the Ontario Bar.



**ALAN MARK**

Alan Mark has extensive experience as a corporate and commercial litigator. His areas of expertise include securities and M&A litigation, shareholder and partnership litigation, class actions, commercial litigation, and banking and insolvency. He has appeared at all levels of the Ontario and federal courts, including the Supreme Court of Canada, and before various administrative tribunals. Alan has been lead counsel on a number of high-profile domestic and cross-border cases. Alan is Toronto chair of the firm’s Litigation Group.

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