

# LAW

## INTRODUCTION

Law is intended to ensure fairness and to promote and maintain justice in society. Legal studies focuses on how rules are created, how they evolve, and how they are enforced and adjudicated within the legal system. Through the study of law, students examine how various forces shape law, and how law shapes interactions between and among people, institutions, and governments. The study of law enables students to develop an understanding of various areas of law, the relevance of law to everyday life, and the influence of entrenched rights and responsibilities on the Canadian legal system.

## Strands

The Grade 11 and 12 law courses each have five strands. In all of these courses, strand A, The Inquiry Process and Skill Development in Legal Studies, is followed by four content strands, which are organized thematically.

### **Citizenship Education**

The expectations in the Grade 11 and 12 law courses provide opportunities for students to explore a number of concepts connected to the citizenship education framework (see page 13).

## The Concepts of Legal Thinking

The four concepts of legal thinking – legal significance, continuity and change, interrelationships, and legal perspective – underpin thinking and learning in all law courses in the Canadian and world studies program. At least one concept of legal thinking is identified as the focus for each overall expectation in strands B–E of these courses. The following chart describes each concept and provides sample questions related to it. These questions highlight opportunities for students to apply a specific concept in their studies. (See page 16 for a fuller discussion of the concepts of disciplinary thinking.)

Legal Significance
<p>This concept requires students to determine the importance of key legal principles, cases, social forces, and events in the evolution of law. Legal significance is usually determined by the impact that a law, court decision, or legal principle has on legal structures and/or the lives of citizens, or by the impact of social and/or political forces on the development of law.</p> <p><b>Related Questions*</b></p> <ul style="list-style-type: none"> <li>– What aspect of human rights was addressed in the Oakes case (1986)? What impact did the Supreme Court of Canada decision in that case have on Canadian law relating to subsequent Charter challenges to human rights violations? (CLU3M, C1.3)</li> <li>– Why is it important for an accused person to be considered “innocent until proven guilty”? (CLU3E, B1.3)</li> <li>– Should people be legally required to vote in an election? (CLU3E, C1.1)</li> <li>– What are some issues in employment or contract law that you might have to deal with in your everyday life? What forms of legal assistance are available to help you deal with them? (CLN4C, B1.2)</li> </ul>
Continuity and Change
<p>This concept requires students to analyse how and why laws, justice system structures and practices, legal precedents, and legislative agendas change over time. Students consider forces that reinforce continuity and factors that have both short-term and long-term effects on legal systems and the administration of justice.</p> <p><b>Related Questions</b></p> <ul style="list-style-type: none"> <li>– How did Donald Marshall’s overturned conviction (in 1983) affect rules governing judicial procedures in the Canadian criminal justice system? (CLU3M, B4.3)</li> <li>– What legal changes are currently being considered to combat cyberbullying? (CLU3E, B2.4)</li> <li>– Why was Ontario’s Environmental Bill of Rights (1993) considered groundbreaking in terms of environmental law? (CLN4U, E2.1)</li> <li>– How have specific events such as the 9/11 attacks changed laws and regulations related to security? (CLN4C, D3.2)</li> </ul>

\* The “related questions” are drawn directly from the overview charts that precede the Grade 11 and 12 law courses and from the sample questions that accompany many specific expectations.

### Interrelationships

This concept requires students to consider how laws affect society and how society affects laws. Students examine the roles of the different branches of government in the development of law in Canada and how laws affect or accommodate different groups. In addition, this concept requires students to consider the interactions between various sides in trials and other legal disputes.

#### Related Questions

- How does family law reflect societal values, beliefs, and norms? (CLU3M, Overview)
- How can individuals and groups in Canada influence the executive and legislative branches of government to bring about legal change? (CLU3M, B3.1)
- What are some key influences on the development of law? (CLN4U, Overview)
- What constitutes a reasonable limitation of free speech in a democracy? (CLN4C, C1.2)

### Legal Perspective

This concept requires students to consider legal principles such as fairness, justice, equality, the presumption of innocence, and the rule of law when analysing a variety of legal issues, controversies, and cases. Students will also come to understand the role of law in balancing competing rights and freedoms.

#### Related Questions

- What are some examples of current media coverage of issues in Canadian criminal law? In your view, how accurate and/or appropriate is this media coverage? (CLU3M, E3.4)
- Why did the courts rule against both Sue Rodriguez (in *Rodriguez v. British Columbia*) and Robert Latimer (in *R. v. Latimer* [1997 and 2001]) despite considerable public sympathy for their positions? (CLU3E, C2.2)
- What is the role of the courts in balancing competing rights and freedoms? (CLN4U, C3.1)
- In view of developments in technology, are existing laws adequate to protect individuals, corporations, and governments from invasions of privacy? Why or why not? (CLN4U, E4.1)
- What happens legally when human rights compete with each other? (CLN4C, Overview)

## The Inquiry Process in Legal Studies

In each law course in the Canadian and world studies curriculum, strand A focuses explicitly on the inquiry process in legal studies, guiding students in their investigation of laws and regulations, rights and freedoms, court decisions, and legal concepts, processes, and issues. This inquiry process is *not* intended to be applied in a linear manner: students will use the applicable components of the process in the order most appropriate for them and for the task at hand. Although strand A covers all of the components of the inquiry process, it is important to note that students apply skills associated with the inquiry process throughout the content strands in each course. (See page 32 for a fuller discussion of the inquiry process in the Canadian and world studies program.)

The following chart identifies ways in which students may approach each of the components of the inquiry process in legal studies.

Formulate Questions
<p>Students formulate questions:</p> <ul style="list-style-type: none"> <li>– to explore various issues, concepts, laws and regulations, and legal cases that are related to the overall expectations in order to identify the focus of their inquiry</li> <li>– to help them determine which key concept (or concepts) of legal thinking is relevant to their inquiry</li> <li>– that reflect the selected concept(s) of legal thinking</li> <li>– to develop criteria that they will use in evaluating evidence and information; in making judgements, decisions, or predictions; in reaching conclusions; and/or in solving problems</li> </ul>
Gather and Organize
<p>Students:</p> <ul style="list-style-type: none"> <li>– collect relevant evidence and information from a variety of primary sources and secondary sources,<sup>a</sup> including community resources<sup>b</sup></li> <li>– determine if their sources are credible, accurate, and reliable</li> <li>– identify the purpose and intent of each source</li> <li>– identify the points of view in the sources they have gathered</li> <li>– use a variety of methods to organize the evidence and information they have gathered</li> <li>– record the sources of the evidence and information they are using</li> <li>– decide whether they have collected enough evidence and information for their inquiry</li> </ul>

a. Primary sources may include, but are not limited to, legal cases, legislation, policy documents, and treaties. Secondary sources may include, but are not limited to, analyses of legal opinions, editorials, news articles, reference books, and documentaries and other films. Depending on the context, digital sources, including social media and websites, can be either primary or secondary sources.

b. Community resources may include, but are not limited to, a range of resources from community groups and associations, government or law offices, and non-governmental organizations.

**Interpret and Analyse**

## Students:

- analyse evidence and information, applying the relevant concepts of legal thinking (see preceding chart)
- use different types of tools to help them interpret and/or analyse their evidence and information
- identify the key points or ideas in each source
- interpret data and representations of data (e.g., graphs, matrices, statistical tables) to help them analyse issues, events, and/or developments
- analyse their sources to determine the importance of an issue, law, and/or legal decision for individuals and/or groups, including different groups
- identify biases in individual sources
- determine if all points of view are represented in the source materials as a whole, and which, if any, are missing

**Evaluate and Draw Conclusions**

## Students:

- synthesize evidence and information and make informed, critical judgements based on that evidence and information
- make connections between different factors and contexts when analysing issues, developments, laws, and/or legal decisions
- determine the short- and long-term impact of issues, laws and regulations, practices, and/or legal decisions for different individuals, communities, groups, and/or regions
- assess the ethical implications of issues, laws, and/or legal decisions
- reach conclusions about the subject of their inquiry, and support them with their evidence
- make predictions based on their evidence and/or information

**Communicate**

## Students:

- use appropriate forms (e.g., oral, visual, written, multimedia) for different audiences and purposes
- communicate their arguments, conclusions, and predictions clearly and logically
- use legal terminology and concepts correctly and effectively
- cite sources, using appropriate forms of documentation



# Understanding Canadian Law, Grade 11

University/College Preparation

CLU3M

This course explores Canadian law, with a focus on legal issues that are relevant to the lives of people in Canada. Students will gain an understanding of laws relating to rights and freedoms in Canada; our legal system; and family, contract, employment, tort, and criminal law. Students will develop legal reasoning skills and will apply the concepts of legal thinking and the legal studies inquiry process when investigating a range of legal issues and formulating and communicating informed opinions about them.

**Prerequisite:** Canadian History since World War I, Grade 10, Academic or Applied

## OVERVIEW

The course has five strands. Instruction and learning related to the expectations in strand A are to be interwoven with instruction and learning related to expectations from the other four strands. Strand A must not be seen as independent of the other strands. Student achievement of the expectations in strand A is to be assessed and evaluated *throughout* the course.

## Strand A

<b>A. The Inquiry Process and Skill Development in Legal Studies</b>
<b>Overall Expectations</b>
<b>A1. The Inquiry Process in Legal Studies:</b> use the legal studies inquiry process and the concepts of legal thinking when investigating law and legal issues in Canada
<b>A2. Developing Transferable Skills:</b> apply in everyday contexts skills developed through the study of law, and identify careers in which a background in law might be an asset

(continued)

**Overview** *(continued)*

Throughout this course, when planning instruction, teachers should weave the expectations from strand A in with the expectations from strands B–E.

**Strands B–E**

Overall Expectations and Related Concepts of Legal Thinking	Big Ideas*	Framing Questions*
<b>B. Legal Foundations</b>		
<b>B1. Legal Principles:</b> explain the role and importance of law and the fundamental principles of justice in Canada ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	Law is based on principles derived from society's beliefs about what is fair and just.	What is just? What is fair?  How does the judiciary hold the legislative and executive branches constitutionally accountable for their actions?
<b>B2. Legal Heritage:</b> demonstrate an understanding of early laws and legal systems and their relationship to the Canadian legal system ( <b>FOCUS ON:</b> <i>Interrelationships</i> )	Legal systems of the past have influenced the Canadian legal system.	How has the law changed and how has it stayed the same?
<b>B3. Legal Roles and Responsibilities:</b> analyse the role and function of individuals, groups, and governments in Canadian law ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships; Legal Perspective</i> )	Canadian law is administered by individuals and groups working together within the justice system.	
<b>B4. Development of Law:</b> analyse and describe how various social, scientific, and technological factors have influenced and continue to influence the development of Canadian law ( <b>FOCUS ON:</b> <i>Legal Significance; Continuity and Change</i> )	Law changes over time in response to a variety of factors, including what society values and believes in, technological advances, and political trends.	
<b>C. Rights and Freedoms</b>		
<b>C1. Human Rights:</b> explain the legal significance of the Canadian Bill of Rights, the Ontario Human Rights Code, the Canadian Charter of Rights and Freedoms, and the Canadian Human Rights Act ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	The Canadian Bill of Rights, the Ontario Human Rights Code, the Canadian Human Rights Act, and the Canadian Charter of Rights and Freedoms represent Canadian beliefs about what constitutes a human right.	Why are human rights laws important?  How do diversity and changing beliefs about gender equality, freedom of expression, and freedom of religion influence Canadian law?
<b>C2. Development of Human Rights Law:</b> analyse how various factors have influenced and continue to influence the development of human rights law in Ontario and Canada ( <b>FOCUS ON:</b> <i>Continuity and Change</i> )	Canadian human rights laws and their interpretation by the courts are influenced by changing societal values, technological developments, and political trends.	Does Canadian law provide adequate protection of human rights?  What happens legally when different rights compete with each other?
<b>C3. Protecting Rights and Freedoms:</b> analyse the relationship between the formal, legal recognition of rights and freedoms in Canada and how those rights are interpreted and protected in practice ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships; Legal Perspective</i> )	Balancing minority and majority rights is a principle in Canadian human rights legislation.	
<b>C4. Legal Limitations of Human Rights:</b> analyse situations in which it may be appropriate to limit rights and freedoms, and explain the arguments for and against such limitations ( <b>FOCUS ON:</b> <i>Legal Significance; Legal Perspective</i> )	Canadian law attempts to achieve a balance between the good of society as a whole and the rights and freedoms of individuals.	

\* See page 17 for a discussion of the purpose of big ideas and framing questions.



Overall Expectations and Related Concepts of Legal Thinking	Big Ideas*	Framing Questions*
<b>D. Civil Law</b>		
<b>D1. Introduction to Tort Law:</b> analyse the legal foundations of tort law; the factors influencing its development; and the role of individuals, groups, and courts in its processes ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	Tort law provides compensation for people who have been injured by the wrongdoing of those who had a duty of care.	Why is civil law necessary?  Why is a greater degree of proof of guilt required in a criminal case than in a civil case?
<b>D2. Introduction to Family Law:</b> analyse the legal foundations of family law; the factors influencing its development; and the role of individuals, governments, and courts in its processes ( <b>FOCUS ON:</b> <i>Legal Significance; Continuity and Change</i> )	Family law exists to protect all members in domestic relationships, even when the relationships end.	How does family law reflect societal values, beliefs, and norms?  Does the law adequately protect workers?
<b>D3. Introduction to Employment Law:</b> analyse the legal foundations of employment law; the factors influencing its development; and the role of employers, employees, and the courts in its processes ( <b>FOCUS ON:</b> <i>Interrelationships; Legal Perspective</i> )	Employment law attempts to balance the rights of business owners and workers.	How do labour laws reflect the influence of unions?  What criteria should you use when deciding whether to sign a contract?
<b>D4. Introduction to Contract Law:</b> analyse the legal foundations of contract law; the factors influencing its development; and the role of individuals, groups, and the courts in its processes ( <b>FOCUS ON:</b> <i>Legal Significance; Continuity and Change; Legal Perspective</i> )	Contract law outlines voluntary legal obligations between two people or two groups.	
<b>E. Criminal Law</b>		
<b>E1. Foundations of Criminal Law:</b> explain the foundational concepts of criminal law and their legal significance ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	Criminal law is based on the principle that all members of society deserve to be protected from wrongdoing.	Is the Youth Criminal Justice Act a “good” law? What criteria can we use to judge whether a law is “good”?
<b>E2. Legal Processes and Procedures:</b> describe the structures and key roles and processes of the Canadian criminal justice system and explain key interrelationships among them ( <b>FOCUS ON:</b> <i>Interrelationships</i> )	The rules governing the criminal trial process represent an attempt to balance the rights of the accused and the rights of the victim and society.	How are the rights of the accused protected during a trial?  Do punishments fit the crime?
<b>E3. Criminal Justice System:</b> assess the ability of the Canadian criminal justice system to provide appropriate and even-handed justice to people living in Canada ( <b>FOCUS ON:</b> <i>Legal Perspective</i> )	There are different perspectives on how effectively the Canadian criminal justice system achieves a balance between crime control and prevention on the one hand and the principles of justice, fairness, and the protection of individual rights on the other.	Should a prisoner have rights?  How do the media influence perceptions and expectations related to a criminal trial and legal procedures?
<b>E4. Development of Criminal Law:</b> analyse how various factors have influenced the development of Canadian criminal law ( <b>FOCUS ON:</b> <i>Legal Significance; Continuity and Change</i> )	Precedent-setting legal cases, scientific advances, and societal trends have led to changes in Canadian criminal law and the criminal justice system.	What are some changes that have occurred in ideas about criminal justice in Canada? What are the reasons for the changes?

# A. THE INQUIRY PROCESS AND SKILL DEVELOPMENT IN LEGAL STUDIES

## OVERALL EXPECTATIONS

Throughout this course, students will:

- A1. The Inquiry Process in Legal Studies:** use the legal studies inquiry process and the concepts of legal thinking when investigating law and legal issues in Canada;
- A2. Developing Transferable Skills:** apply in everyday contexts skills developed through the study of law, and identify careers in which a background in law might be an asset.

## SPECIFIC EXPECTATIONS

### A1. The Inquiry Process in Legal Studies

Throughout this course, students will:

- A1.1** formulate different types of questions to guide investigations into law and legal issues in Canada (e.g., factual questions: *What are some of the key defences for intentional torts?*; comparative questions: *What are the similarities and differences between the rights of alleged victims of crime and alleged perpetrators of crime?*; causal questions: *What are some consequences for the legal system of the entrenching of the Canadian Charter of Rights and Freedoms in the Canadian Constitution?*)
- A1.2** select and organize relevant evidence and information from primary and secondary sources (e.g., primary: *case law, legislation, interviews*; secondary: *websites, journals, newspaper articles*)
- A1.3** assess the credibility of sources relevant to their investigations (e.g., *establish criteria to help determine the reliability, accuracy, and relevance of information; compare how the evidence is constructed or interpreted in different sources; consider the influence of factors such as bias, audience, purpose, context, and values*)
- A1.4** interpret and analyse legal issues (e.g., *related to practices such as polygamy, same-sex marriage, hate speech, human trafficking*) using evidence and information relevant to their investigations and a variety of tools and strategies, and taking into account relevant legal theories and ethical and equity concerns

*Sample question:* “Why is it important to analyse multiple interpretations of cases on a given issue?”

- A1.5** use the concepts of legal thinking (i.e., legal significance, continuity and change, interrelationships, and legal perspective) when analysing, evaluating evidence about, and formulating conclusions and/or judgements regarding legal issues (e.g., *use the concept of legal significance when analysing why the Oakes case (1986) is considered a landmark case on rights and freedoms in Canada; use the concept of continuity and change when investigating legal disputes in the past few decades over treaties between First Nations communities and Canadian governments; apply the concept of interrelationships to help them assess some of the tensions that exist between upholding the legal rights of the accused [e.g., the right to bail] and addressing societal expectations [e.g., expectations regarding community protection from possible future offences]; apply the concept of legal perspective when investigating various legal issues related to use of the Internet*)

*Sample questions:* “What concept (or concepts) of legal thinking would be the most appropriate to consider when investigating the issue of consent in sexual assault cases? Why would you choose that particular concept (those particular concepts)?”

- A1.6** evaluate and synthesize their findings to formulate conclusions and/or make informed judgements or predictions about legal issues they are investigating

*Sample question:* “What are the key legal considerations influencing a government

decision to legislate mandatory minimum sentences for some specified offences?"

- A1.7** communicate their ideas, arguments, and conclusions using various formats and styles, as appropriate for the audience and purpose (*e.g., a mock trial based on an actual Canadian human rights case; a presentation on the changes that have occurred in Canada around the definition of marriage; an essay on the influence of historical legislation on the Constitution Act, 1982; a blog on current legal issues related to workplace health and safety and young workers; a debate about the influence of media on public perceptions of how the Canadian justice system works*)
- A1.8** use accepted forms of documentation (*e.g., endnotes or footnotes, author/date citations, reference lists, bibliographies, credits*) to acknowledge different types of sources (*e.g., legal references [case law, legislation], websites, blogs, books, articles, journals, newspapers, oral evidence/interviews, archival sources*)
- A1.9** use terminology appropriate to the audience and purpose when communicating the results of their investigations (*e.g., vocabulary specific to their inquiry; terminology related to the law and legal processes*)

## A2. Developing Transferable Skills

Throughout this course, students will:

- A2.1** describe ways in which investigations related to law can help them develop skills, including the essential skills in the Ontario Skills Passport (*e.g., graphing, oral communication, technological, numeracy, literacy, decision-making skills*), that can be transferred to postsecondary opportunities, the world of work, and everyday life
- A2.2** apply in everyday contexts skills and work habits developed through and relevant to the study of law (*e.g., critical-thinking skills used to evaluate the validity of arguments, reasoning skills used to draw inferences from evidence, oral communication skills*)
- A2.3** use the concepts of legal thinking when analysing current events related to legal issues in order to enhance their understanding of these events and their role as informed citizens (*e.g., to identify competing rights relevant to controversial issues; to understand rulings related to due process and the admissibility of evidence in trials*)
- A2.4** identify careers in which a law background might be useful (*e.g., police or peace officer, court reporter, corrections officer, game warden, lawyer, paralegal worker, politician, journalist, policy analyst, staff member of a non-governmental organization, city clerk, coroner*)

# B. LEGAL FOUNDATIONS

## OVERALL EXPECTATIONS

By the end of this course, students will:

- B1. Legal Principles:** explain the role and importance of law and the fundamental principles of justice in Canada (**FOCUS ON:** *Legal Significance*)
- B2. Legal Heritage:** demonstrate an understanding of early laws and legal systems and their relationship to the Canadian legal system (**FOCUS ON:** *Interrelationships*)
- B3. Legal Roles and Responsibilities:** analyse the role and function of individuals, groups, and governments in Canadian law (**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*)
- B4. Development of Law:** analyse and describe how various social, scientific, and technological factors have influenced and continue to influence the development of Canadian law (**FOCUS ON:** *Legal Significance; Continuity and Change*)

## SPECIFIC EXPECTATIONS

### B1. Legal Principles

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

- B1.1** explain categories of law (*e.g., public versus private, substantive versus procedural*), areas of law (*e.g., criminal, constitutional, administrative, tort, family, contract, labour, environmental*), and the role of law in Canadian society (*e.g., to protect public order; to protect human rights; to resolve disputes; to facilitate orderly change; to protect the environment*)
- B1.2** explain the fundamental principles of justice in Canada and their significance in the legal system, including the rule of law, parliamentary supremacy, the presumption of innocence, the principle of equality before the law, the right of habeas corpus, elements in establishing degrees of liability (*e.g., intent, recklessness, negligence, mens rea, actus reus*), and the rule of judicial precedent
- B1.3** describe the structure of the Canadian court system, including the function and status of each court within the hierarchy of the legal system

### B2. Legal Heritage

**FOCUS ON:** *Interrelationships*

By the end of this course, students will:

- B2.1** describe how early legal systems (*e.g., as reflected in the Code of Hammurabi, Mosaic law, Roman law, First Nations customs, treaties, early adversarial system, Magna Carta*) have influenced Canadian law  
  
*Sample question:* “Influences on Canadian law include the Hammurabic, Mosaic, and Roman legal codes. Which of these three early systems is most strongly reflected in modern Canadian criminal law?”
- B2.2** explain the relationship between Roman law and codes of law developed from it (*e.g., the Code of Justinian, the Napoleonic Code, the Quebec Civil Code*)
- B2.3** analyse how legislation of the past (*e.g., the Royal Proclamation of 1763; the Quebec Act, 1774; the British North America Act, 1867; the Statute of Westminster, 1931*) influenced Canada’s Constitution (1982)

### B3. Legal Roles and Responsibilities

**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*

By the end of this course, students will:

**B3.1** describe the roles of the three branches of government (i.e., executive, legislative, judicial) in the Canadian legal system and how the roles are interrelated

**Sample questions:** “How can individuals and groups in Canada influence the executive and legislative branches of government to bring about legal change?” “What role does your local member of Parliament play in the creation of new laws?”

**B3.2** explain the legal significance of some key aspects of the Canadian Constitution (e.g., *the division of powers between the federal and provincial levels of government, the Canadian Charter of Rights and Freedoms, the amending formula, the recognition of Aboriginal rights, residual powers*)

**B3.3** analyse the impact of the Canadian Charter of Rights and Freedoms on the role and influence of the judiciary in Canada’s legal system

**Sample questions:** “Has the relationship between Parliament and the judiciary changed since the enactment of the Charter? If so, (a) in what ways, and (b) how significant are the changes?”

**B3.4** identify the roles and responsibilities of various individuals and groups within the Canadian justice system (e.g., *individuals have a responsibility to know the law and not to participate in a crime; corporations have a responsibility to comply with government regulations in the conduct of their business; governments have a legal obligation to create and enforce measures to protect citizens from avoidable harm*)

### B4. Development of Law

**FOCUS ON:** *Legal Significance; Continuity and Change*

By the end of this course, students will:

**B4.1** explain how evolving societal attitudes and values have promoted or prevented changes to Canadian law (e.g., *in laws relating to censorship, gambling, environmental protection, workplace safety, marriage, the use of marijuana, capital punishment, abortion, prostitution, polygamy*)

**B4.2** evaluate the responsiveness of Canadian legislation to societal issues (e.g., *protection of privacy, protection of intellectual property*) raised by developments in science (e.g., *advances in human genetics, new understanding of the effects of toxic/harmful substances*) and technology (e.g., *advances in information and communications technology*)

**B4.3** explain how points of view and issues associated with diverse groups and individuals (e.g., *John Diefenbaker, Donald Marshall, Tommy Douglas, Elijah Harper, Cindy Blackstock, Pierre Elliott Trudeau, Mothers Against Drunk Driving, Women’s Legal Education and Action Fund, the Famous Five*) have influenced the development of law in Canada

**Sample questions:** “What legal issues relating to Aboriginal people were highlighted by Elijah Harper’s opposition to the proposed Meech Lake Accord? What were some of the immediate and longer-term outcomes of his actions?” “How did Donald Marshall’s overturned conviction (in 1983) affect rules governing judicial procedures in the Canadian criminal justice system?” “How did the Ad Hoc Committee of Canadian Women on the Constitution influence the content of the Canadian Charter of Rights and Freedoms?” “How did the advocacy of Sandra Lovelace and Mary Two-Axe Early lead to revision of the Indian Act?”

**B4.4** describe how legislation and recent landmark cases relating to First Nations, Métis, and Inuit peoples have influenced the circumstances of Aboriginal people and the interpretation of Aboriginal rights in Canada (e.g., *the Royal Proclamation of 1763; Numbered Treaties; the Indian Act and its amendments; the creation of Nunavut; R. v. Drybones, 1970; R. v. Sparrow, 1990; R. v. Moses, 1992; Delgamuukw v. British Columbia, 1997; Bazley v. Curry, 1999; R. v. Marshall [No. 1], 1999; R. v. Powley, 2003; Tsilhqot’in Nation v. British Columbia, 2014*)

# C. RIGHTS AND FREEDOMS

## OVERALL EXPECTATIONS

By the end of this course, students will:

- C1. Human Rights:** explain the legal significance of the Canadian Bill of Rights, the Ontario Human Rights Code, the Canadian Charter of Rights and Freedoms (the Charter), and the Canadian Human Rights Act (**FOCUS ON:** *Legal Significance*)
- C2. Development of Human Rights Law:** analyse how various factors have influenced and continue to influence the development of human rights law in Ontario and Canada (**FOCUS ON:** *Continuity and Change*)
- C3. Protecting Rights and Freedoms:** analyse the relationship between the formal, legal recognition of rights and freedoms in Canada and how those rights are interpreted and protected in practice (**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*)
- C4. Legal Limitations of Human Rights:** analyse situations in which it may be appropriate to limit rights and freedoms, and explain the arguments for and against such limitations (**FOCUS ON:** *Legal Significance; Legal Perspective*)

## SPECIFIC EXPECTATIONS

### C1. Human Rights

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

- C1.1** identify the protections provided by the Charter and provincial and federal human rights codes (e.g., Charter: *protections related to freedom of religion, freedom of expression, mobility rights, equality rights, democratic rights*; human rights codes: *protections related to prohibited grounds of discrimination in workplaces, by organizations, and between individuals*) and explain their significance  
*Sample questions:* “Which Charter right ensures that Canadians have the opportunity to participate in regular elections?” “What are the prohibited grounds of discrimination identified in the Ontario Human Rights Code?”
- C1.2** describe historical and contemporary barriers to the equal enjoyment of human rights in Canada (e.g., *unequal access to voting rights; discrimination based on the grounds of race, gender, gender identity; geographic isolation; unequal access to education; residential schools; the Indian Act*) and the laws intended to help people overcome such barriers (e.g., *the Canadian Bill of Rights, the Ontario Human Rights Code, the Canadian Human Rights Act*)

*Sample questions:* “What legal remedies are available to help members of groups who face barriers to employment or career advancement (e.g., women, people with disabilities, LGBT persons, single parents, racial/ethnic minorities)? How have some laws addressed these barriers? What are some ways in which these laws may need to be strengthened?” “What are some legal actions that have been taken in Canada to respond to ethnically motivated hate crimes (e.g., crimes such as assaults on Asian Canadian anglers, James Keegstra’s denial of the Holocaust)? In the Keegstra case, what competing rights were involved?”

- C1.3** describe the legal instruments and procedures available for resolving complaints regarding human rights violations under the Ontario Human Rights Code, the Charter, and the Canadian Human Rights Act (e.g., *tribunals, commissions, Charter challenges, government acknowledgement or apology, compensation*)

*Sample questions:* “What aspect of human rights was addressed in the Oakes case (1986)? What impact did the Supreme Court of Canada decision in that case have on Canadian law relating to subsequent Charter challenges to human rights violations?”

## C2. Development of Human Rights Law

**FOCUS ON:** *Continuity and Change*

By the end of this course, students will:

**C2.1** explain the concepts of justice, equity, and inclusiveness and the ways in which they influence human rights law in Ontario and Canada (e.g., *through the requirement for procedural fairness, the principle of protecting and expanding existing rights, the principle of providing equal access to justice for people in isolated communities and for marginalized/disadvantaged groups*)

**C2.2** analyse how various social factors have contributed to change over time in Canadian human rights law (e.g., *factors such as changing social values, the impact of technological developments, increasing environmental awareness, changing demographics, changing social attitudes underpinning the findings and recommendations of the Royal Commission on the Status of Women in Canada*)

**C2.3** analyse and describe how the actions of various individuals and groups have contributed to the development of human rights law in Canada (e.g., *Clara Brett Martin, Viola Desmond, Richard Sauvé, Neil Stonechild, Henry Morgentaler, Delwin Vriend, the Association in Defence of the Wrongfully Convicted, the Assembly of First Nations, the John Howard Society, the Canadian Civil Liberties Association*)

**C2.4** analyse landmark cases related to human rights law in Canada and assess their significance (e.g., *cases related to women's rights [the Persons Case]; assisted suicide [Rodriguez v. British Columbia (Attorney General), 1993]; religious discrimination [Roncarelli v. Duplessis, 1959]; racial profiling [R. v. Brown, 2003]; rights of the disabled [R. v. Latimer, 1997]; wrongful conviction/exclusion of evidence [the case of Donald Marshall, Jr., 1983]; wrongful conviction/role of forensic evidence [the cases of David Milgaard, William Mullins-Johnson, or Guy Paul Morin]; young people claiming equal social assistance [Gosselin v. Quebec, 2002]*)

**Sample questions:** “What are the similarities and differences in the role played by forensic evidence in the Milgaard, Morin, and Mullins-Johnson cases? Which case has had the most significant impact on Canadian law regarding the admissibility and credibility of forensic evidence in a criminal trial?”

## C3. Protecting Rights and Freedoms

**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*

By the end of this course, students will:

**C3.1** explain the significance for human rights in Canada of historical and contemporary laws and judicial and other inquiries/commissions (e.g., *Chinese Head Taxes; Ontario Regulation 17; the War Measures Act [specifically, the power it grants government to override individual rights in times of “national emergency”]; the Canadian Human Rights Act; the Ontario Human Rights Code; Royal Commissions on Bilingualism and Biculturalism, the Status of Women, or Aboriginal People; the Marshall Inquiry; the Indian Residential Schools Truth and Reconciliation Commission*)

**C3.2** assess from a legal perspective the differences between the rights protections entrenched in the Constitution Act, 1982, and the rights protection afforded by earlier legislation such as the Canadian Bill of Rights

**C3.3** explain how human rights legislation and the courts attempt to balance minority and majority rights (e.g., *through provisions regarding reasonable accommodation; through provisions regarding alternative sentencing practices for First Nations, Métis, and Inuit people; through provisions regarding the ability to exercise the right to minority language education*)

## C4. Legal Limitations of Human Rights

**FOCUS ON:** *Legal Significance; Legal Perspective*

By the end of this course, students will:

**C4.1** analyse from a legal perspective situations in which a right or freedom may be limited in Canadian law (e.g., *with reference to section 1 and section 33 in the Canadian Charter of Rights and Freedoms, decisions by courts and human rights commissions, anti-terrorism legislation*)

**C4.2** evaluate the legal arguments used to justify laws limiting individual rights and freedoms (e.g., *laws against promotion of hatred and incitement to violence*) or institutional and/or police powers (e.g., *laws against invasion of privacy, laws related to youth crime*)

# D. CIVIL LAW

## OVERALL EXPECTATIONS

By the end of this course, students will:

- D1. Introduction to Tort Law:** analyse the legal foundations of tort law; the factors influencing its development; and the role of individuals, groups, and courts in its processes (**FOCUS ON:** *Legal Significance*)
- D2. Introduction to Family Law:** analyse the legal foundations of family law; the factors influencing its development; and the role of individuals, governments, and courts in its processes (**FOCUS ON:** *Legal Significance; Continuity and Change*)
- D3. Introduction to Employment Law:** analyse the legal foundations of employment law; the factors influencing its development; and the role of employers, employees, and the courts in its processes (**FOCUS ON:** *Interrelationships; Legal Perspective*)
- D4. Introduction to Contract Law:** analyse the legal foundations of contract law; the factors influencing its development; and the role of individuals, groups, and the courts in its processes (**FOCUS ON:** *Legal Significance; Continuity and Change; Legal Perspective*)

## SPECIFIC EXPECTATIONS

### D1. Introduction to Tort Law

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

**D1.1** describe the legally accepted defences for some key intentional torts (*e.g., assault and battery [Dunne v. Gauthier, 2000]; invasion of privacy [Malcolm v. Fleming, 2000]*) and some key unintentional torts (*e.g., negligence [Donoghue v. Stevenson, 1932; Thibault v. Fewer, 2001]; medical malpractice [Dobson v. Dobson, 1999]*)

**Sample question:** “What are the defences to torts of interference with the person?”

**D1.2** explain the function of the various legal processes (*e.g., statement of claim, statement of defence, examination for discovery, burden of proof*), courts, and alternative procedures (*e.g., arbitration, mediation, healing circles*) involved in settling civil disputes, and the remedies available for enforcing a judgement (*e.g., damages awards, injunctions*)

**D1.3** describe the legal status and/or function of specific individuals and groups that may be participants in a civil law dispute (*e.g., plaintiff, defendant, judge, arbitrator, mediator, jury, witnesses*)

**D1.4** explain the legal reasoning behind various legal decisions involving torts (*e.g., cases relating to product liability [Liebeck v. McDonald’s Restaurants, 1994]; classification of disabilities requiring accommodations [McKay-Panos v. Air Canada, 2006]*)

### D2. Introduction to Family Law

**FOCUS ON:** *Legal Significance; Continuity and Change*

By the end of this course, students will:

**D2.1** describe the definitions of a valid marriage and a common-law relationship in family law as established by federal and provincial law and recent court rulings and explain their legal implications for the partners in a marital or alternative partnership (*e.g., rulings on the definition of marriage [Halpern et al. v. Attorney General of Canada et al., 2003]; on identity status [Attorney General of Canada v. Lavell, 1974; Isaac v. Bedard, 1974]; the Civil Marriage Act, 2005*)

**Sample questions:** “What are some recent court rulings regarding the legal definition of marriage and family? How have they contributed to changes in family law?”



**D2.2** explain the legal differences in the ways a marriage can be dissolved (*e.g., separation, divorce, annulment, death of a spouse*) and the procedures available for resolving disputes arising from each of these circumstances

**D2.3** explain the differences between the legal rights of married spouses and the rights of common-law partners in Ontario upon the dissolution of the marriage or common-law partnership (*e.g., rights related to division of matrimonial and/or common property, alimony, child custody, child support, parental visitation rights*)

**D2.4** analyse how changing societal values and legal decisions have promoted or prevented changes in family law in Canada (*e.g., in the definition of marriage, the division of property on divorce, the area of reproductive rights, rules regarding adoption, child custody agreements, the definition of abuse*)

### D3. Introduction to Employment Law

**FOCUS ON:** *Interrelationships; Legal Perspective*

By the end of this course, students will:

**D3.1** identify the areas of federal and provincial jurisdiction in employment law and explain the key reasons for the distinction between them

*Sample questions:* “In what areas, if any, might provincial and federal employment law overlap? How might any disagreements over jurisdiction be resolved?”

**D3.2** explain the difference in Canadian law between “employment law” and “labour law”

**D3.3** describe issues related to the protection of employees’ rights (*e.g., issues regarding worker safety, including freedom from harassment and violence; working conditions for migrant workers; compensation and entitlements*) and the legal avenues and processes for adjudicating disputes and enforcing regulations related to employment conditions (*e.g., Employment Standards Act, Ontario Labour Relations Board, Workplace Safety and Insurance Board and its Appeals Tribunal, Pay Equity Commission and its Hearings Tribunal*)

*Sample questions:* “Why would the government legislate a mandatory minimum wage for workers?” “What occupational health and safety legislation exists in Ontario?” “What are the rights of a person whose employment is being terminated?”

**D3.4** analyse from a legal perspective the roles and responsibilities of employers, employees, and governments in employment law

*Sample questions:* “In employment law, what is the responsibility of the employer if there is a safety concern in the workplace? What is the responsibility of the employee?” “How can employees best advocate for their rights when faced with a workplace injury?”

**D3.5** analyse issues related to contract negotiations between employers and organized labour (*i.e., federations, unions*) and how these issues have influenced the development of labour law in Canada

*Sample question:* “What would you identify as the three most important changes to Canadian labour law that organized labour has helped to bring about in the past decade?”

### D4. Introduction to Contract Law

**FOCUS ON:** *Legal Significance; Continuity and Change; Legal Perspective*

By the end of this course, students will:

**D4.1** explain the legal significance of the main elements of a legal contract (*e.g., consent, offer and acceptance, consideration*)

**D4.2** explain from a legal perspective the roles and responsibilities of each of the parties involved in a contract

**D4.3** explain from a legal perspective the types of penalties that may be imposed or damages that may be awarded in an action for breach of contract

**D4.4** explain the legal implications of various types of contracts (*e.g., mobile phone contracts, loan agreements, leasing arrangements, product warranties, credit card agreements, landlord-tenant agreements*) and describe ways in which contract law may need to be updated to respond to changing conditions (*e.g., technological advances, the growth of social media*)

# E. CRIMINAL LAW

## OVERALL EXPECTATIONS

By the end of this course, students will:

- E1. Foundations of Criminal Law:** explain the foundational concepts of criminal law and their legal significance (**FOCUS ON:** *Legal Significance*)
- E2. Legal Processes and Procedures:** describe the structures and key roles and processes of the Canadian criminal justice system and explain key interrelationships among them (**FOCUS ON:** *Interrelationships*)
- E3. Criminal Justice System:** assess the ability of the Canadian criminal justice system to provide appropriate and even-handed justice to people living in Canada (**FOCUS ON:** *Legal Perspective*)
- E4. Development of Criminal Law:** analyse how various factors have influenced the development of Canadian criminal law (**FOCUS ON:** *Legal Significance; Continuity and Change*)

## SPECIFIC EXPECTATIONS

### E1. Foundations of Criminal Law

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

- E1.1** explain the legal meaning of key terms used to describe the elements of a crime (*e.g., mens rea, actus reus*) and different types of crime (*e.g., indictable, summary, hybrid, and quasi-criminal offences*)
- E1.2** describe some summary and indictable offences identified in the Criminal Code of Canada, and their related penalties
- E1.3** explain the philosophical principles and legal reasoning underlying the laws dealing with youth crime and the administration of justice for youth in Canada (*e.g., ages of criminal responsibility, objectives of the Youth Criminal Justice Act, sentencing principles*)

**Sample question:** “In what ways was the current Youth Criminal Justice Act intended to improve on the Young Offenders Act?”

### E2. Legal Processes and Procedures

**FOCUS ON:** *Interrelationships*

By the end of this course, students will:

- E2.1** describe the requirements associated with the process of bringing an accused person to trial (*e.g., protocols for legal search and arrest, protocols for collection of evidence, conditions*

*governing pre-trial release*), including procedural variations related to the nature of the alleged crime (*e.g., age of the accused, violent versus non-violent offences*)

- E2.2** describe the processes and the roles of key participants involved in a criminal trial (*e.g., roles of the Crown prosecutor and defence lawyer, processes related to the accused obtaining council, jury selection, gathering and disclosure of evidence, delivery of verdict, sentencing procedures and options*) and explain how the various elements are related to one another
- E2.3** explain how various sentencing options (*e.g., participation in an anger-management program, house arrest, community service, participation in a healing circle, participation in a restorative justice program*) are related to the purpose of the sentence (*e.g., rehabilitation, punishment, dissuasion*)
- E2.4** describe the legal reasons/grounds for granting an appeal in criminal cases (*e.g., mistake of fact, mistake of law*) and the available avenues for an appeal
- E2.5** describe the sentencing options for young people who contravene the existing youth criminal law (*e.g., sentencing under the Youth Criminal Justice Act, alternative sentencing provisions, imposition of an adult sentence, participation in a restorative justice program*) and the factors that influence which option is chosen

### E3. Criminal Justice System

#### FOCUS ON: *Legal Perspective*

By the end of this course, students will:

**E3.1** assess from a legal perspective how well the rights of various parties are protected in the Canadian criminal justice system (*e.g., victims' rights; the rights of the accused; the rights of the convicted [rates of incarceration among minority groups]; prisoners' rights [effects of mandatory minimum sentences]; women's rights [findings of the Missing Women Commission of Inquiry]*)

*Sample question:* "How do rates of incarceration compare for various groups of people?"

**E3.2** identify the purposes of sentencing (*e.g., deterrence, retribution, rehabilitation, protection of society*) and assess the effectiveness of the Canadian prison system in achieving those purposes (*e.g., with reference to availability of rehabilitation programs, eligibility for parole*)

**E3.3** identify some contemporary and emerging challenges that people face in dealing with law enforcement, including those that police face in carrying out their responsibilities (*e.g., language barriers, the growth of white collar and cybercrime, questions related to cultural bias, questions related to the appropriate use of force*) and evaluate their ability to respond to these challenges

**E3.4** analyse how the media (*e.g., social media, news, films, television*) influence society's perceptions and expectations related to the criminal justice system and legal procedures and trends (*e.g., with respect to crime rates, right to a fair trial, rehabilitation programs, sentencing trends, response to protests [Kanesatake, the Occupy movement, the G20 summit], prevention of white collar crime, racial profiling*)

*Sample questions:* "What are some examples of current media coverage of issues in Canadian criminal law? In your view, how accurate and/or appropriate is this media coverage?" "How does media coverage of legal issues influence our ideas about justice?" "How might the depiction of technology as a crime-fighting tool in movies and television dramas influence the public's expectations regarding real-life criminal investigations?" "Why is it important for news media to refer to 'the accused' or 'the alleged offence' in their reporting of crime stories?"

### E4. Development of Criminal Law

#### FOCUS ON: *Legal Significance; Continuity and Change*

By the end of this course, students will:

**E4.1** identify defences that, over time, have become legally accepted under Canadian criminal law (*e.g., automatism, battered spouse syndrome, self-defence, duress, insanity*) and explain the factors influencing their acceptance

*Sample question:* "What are some advances in science that have influenced decisions related to legally acceptable defences in Canada?"

**E4.2** assess, from a legal perspective, how various individuals, groups, and cases have influenced the development of Canadian criminal law (*e.g., Robert Latimer, advocates for people with disabilities, Assembly of First Nations, Canadian Association of Chiefs of Police, political parties, R. v. Lavallee, 1990*)

**E4.3** assess the significance of cases in which legal rights guaranteed under the Canadian Charter of Rights and Freedoms have been invoked in an effort to change the provisions of the Criminal Code of Canada (*e.g., cases related to Aboriginal rights [R. v. Marshall, 1999]; infringement of rights during arrest and detainment [R. v. Clayton, 2007]; presumption of innocence [R. v. Oakes, 1986]; security of the person [R. v. Morgentaler, 1988]; security of the person/protection against cruel and unusual punishment [Rodriguez v. British Columbia (Attorney General), 1993]*)