



Grade 12 Canadian Law

Manitoba Curriculum
Framework



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CONTENTS

Acknowledgements	vii
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Grade 12 Canadian Law: Manitoba Curriculum Framework	1
Introduction	1
Course Overview	1
Module 1: Foundations of Law	3
Module 2: <i>Canadian Charter of Rights and Freedoms</i>	4
Module 3: Criminal Law	5
Module 4: Civil Law	7
Module 5: Family Law	8
Module 6: Student Inquiry	9
Theme 6A: International Law	9
Theme 6B: Human Rights Law	10
Theme 6C: Youth and the Law	11
Theme 6D: Labour Law	12
Theme 6E: Environmental Law	13

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GRADE 12 CANADIAN LAW: MANITOBA CURRICULUM FRAMEWORK

Introduction

Law encompasses all of the rules that are created and enforced by governments to regulate the behaviour of all members of society, as well as the relationships between them.

Studying law gives students the opportunity to acquire knowledge and competencies that will help them throughout their lives as responsible citizens. Basic practical knowledge of the Canadian legal system allows students to play a positive, active role in society. In addition to understanding the relevance of law in everyday life, the outcomes of this course are aimed at helping students develop critical thinking skills and form personal opinions on contemporary legal issues through case studies, simulations, field trips, guest speakers, and debates.

The Grade 12 Canadian Law curriculum presents students with the major components of Canadian law, beginning with the foundations of law, followed by the *Canadian Charter of Rights and Freedoms*, criminal law, civil law, and family law. The course also gives students the opportunity to explore a topic of their choice through inquiry of one of the following: international law, human rights law, youth and the law, labour law, or environmental law.

This document outlines *enduring understandings* and *learning experiences* to guide the teaching of the Grade 12 Canadian Law course. Implementation of a draft of this curriculum framework began in the 2016/2017 school year. This one-credit, optional course consists of 110 hours of instruction, including formative and summative assessments, field trips, guest speakers, and related activities.

Course Overview

This curriculum contains the general themes and topics for the course. Modules 1 to 5 represent the broad content areas. Module 6 is an inquiry guide for students to further explore a topic of their choice.

- Module 1: Foundations of Law
- Module 2: *Canadian Charter of Rights and Freedoms*
- Module 3: Criminal Law
- Module 4: Civil Law
- Module 5: Family Law
- Module 6: Student Inquiry
 - International Law
 - Human Rights Law
 - Youth and the Law
 - Labour Law
 - Environmental Law

Each module features an **enduring understanding** statement that summarizes the main theme, followed by a series of **learning experiences**.

Enduring Understandings

Enduring understandings represent the knowledge and understanding that remain with students after completion of the course. Wiggins and McTighe (1998) note that

[e]nduring understandings will anchor the unit and establish a rationale for it. The term enduring refers to the big ideas, or the important understandings, that we want students to 'get inside of' and retain after they've forgotten many of the details. Put differently, the enduring understandings provide a larger purpose for learning the targeted content: They implicitly answer the question, why is this topic worth studying?

This, ultimately, is the purpose of social studies education: to deal with and understand issues, concepts, and topics that are truly worth remembering. Enduring understandings, and the general values and dispositions they imply, can inform citizenship and provide the basis for teaching for understanding.

Learning Experiences

This document includes learning experiences to focus inquiry, knowledge, and understanding. Learning experiences are concise statements of the learning that will lead students to acquire the enduring understandings of the course. Many of the learning experiences include examples of suggested topics to guide student learning; teachers should use their professional discretion when exploring additional topics that are pertinent to the context in which they teach.

Module 1: Foundations of Law

Enduring Understanding

To live together in a society peacefully and viably, we need law. Law provides us with the fundamental rules for living. Law is a complex system that touches every aspect of our lives on a daily basis. The past (including First Nations, Métis, and Inuit practices) and the present shape our legal heritage. Our laws reflect our social, economic, and political environment, and they continually evolve in response to changing social values.

Learning Experiences

- 1.1 Define law and its purpose in society by exploring its history and evolution, including the Code of Hammurabi, the Napoleonic Code, and other historical roots of law.
 - 1.2 Differentiate and develop an understanding of the various classifications of law.
 - 1.3 Distinguish between law and social mores, and explore questions regarding issues such as inherent versus conferred rights and the Doctrine of Discovery/*terra nullius*.
 - 1.4 Explore First Nations, Métis, and Inuit practices related to law and the evolving legal relationship between First Nations, Métis, and Inuit peoples and non-Indigenous Canadians, including the treaty relationship.
 - 1.5 Describe how and why laws change and the consequences of such changes on society.
 - 1.6 Demonstrate an understanding of how Canada's legal system has been created, including the influences provided by British Common Law and the French Civil Code.
 - 1.7 Demonstrate an understanding of the jurisdiction and powers of each level of government pertaining to law, as well as the hierarchy of the courts.
 - 1.8 Explore and compare the roles and responsibilities of key individuals in the judiciary system, such as judges, lawyers, and clerks.
 - 1.9 Build knowledge and understanding of key law concepts and terminology, such as case law, *habeas corpus*, and Rule of Law.
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Module 2: Canadian Charter of Rights and Freedoms

Enduring Understanding

In Canada, all branches and levels of government, regardless of political ideology, must recognize and respect the fundamental rights of its citizens, including language and Aboriginal rights. Our rights and freedoms, outlined in the *Canadian Charter of Rights and Freedoms*, are guaranteed and entrenched within our Constitution. The Supreme Court of Canada plays a vital role in interpreting the Charter, thereby making the Charter a “living tree,” an evolving document.

Learning Experiences

- 2.1 Outline the history and evolution of rights in Canada leading to the creation of the *Canadian Charter of Rights and Freedoms*, such as the “Persons Case” (Edwards v. A.G. of Canada, 1930) and the *Canadian Bill of Rights* (1960).
 - 2.2 Describe and assess each section of the Charter, its jurisdiction and enforcement, as well as its general impact on Canadian society.
 - 2.3 Examine the ongoing debate around limitations to our rights and freedoms, as outlined in the reasonable limits clause and the notwithstanding clause, as well as the role of the Supreme Court as the “guardian of the Constitution.”
 - 2.4 Explore the impact of the Charter and other documents, such as the Royal Proclamation of 1763, land claim agreements, treaties, and the *Indian Act*, on Aboriginal rights.
 - 2.5 Analyze to what extent the democratic and mobility rights of Canadians are guaranteed and protected under the Charter.
 - 2.6 Outline how the Charter protects your legal and procedural rights and establishes limits on representatives of the criminal justice system, such as the police and the Crown.
 - 2.7 Compare and contrast the concepts of equality and equity in relation to Section 15 of the Charter.
 - 2.8 Describe how minority language rights are protected in the Charter.
 - 2.9 Examine how issues such as women’s rights, gender identity, medically assisted death, and other current events have had an impact on current interpretations of the Charter, making the Charter a living document.
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Module 3: Criminal Law

Enduring Understanding

Law provides order and serves to protect individuals in society. It is designed to ensure the sanctity of life and well-being of citizens, to deter violence, and to provide rational solutions to protect people and goods. The purpose of justice has changed over time from being purely punitive to including principles of restitution and rehabilitation. Indigenous peoples have also developed viable alternatives to sentencing, some of which have been adopted into the Canadian legal system. The bigger picture of a crime, including victim rights and factors concerning the offender and the offence, are taken into account in sentencing.

Learning Experiences

- 3.1 Define the purpose and characteristics of criminal law in Canadian society, including the *Youth Criminal Justice Act*, and explore the challenge of finding balance between retribution and rehabilitation that recognizes the legal rights of both the offender and the victim.
- 3.2 Demonstrate an understanding of the elements of a criminal offence, such as *actus reus*, *mens rea*, and absolute liability.
- 3.3 Describe and analyze criminal offences that involve people, such as homicide, assault, and sexual assault.
- 3.4 Describe and analyze criminal offences that involve property, such as theft, robbery, and breaking and entering, as well as other criminal offences, such as drug trafficking and possession, identity theft, and fraud.
- 3.5 Develop an understanding of how persons other than a principal offender can be charged and convicted of a criminal act, such as with charges of conspiracy, attempt, or aiding and abetting.
- 3.6 Describe the major steps involved in investigation and arrest, including the collection and analysis of evidence, detention, and pretrial release.
- 3.7 Identify and describe defences for the accused, such as mental state, self-defense, and duress.
- 3.8 Describe the structure of the Canadian criminal court system and the roles of participants, such as the judge, witnesses, jury, Crown counsel, defence counsel, and other court personnel.
- 3.9 Describe the steps of a criminal trial, including preliminary inquiry, plea negotiations, opening statement, examination, verdict, and appeal.
- 3.10 Discuss the various goals of sentencing, such as protection of the public, deterrence, and restitution, as well as the advantages and disadvantages of different types of sentences, such as probation, conditional sentences, and incarceration.

continued

Module 3: Criminal Law (*continued*)

- 3.11 Distinguish between adult sentencing and the procedures for sentencing young offenders, as outlined in the *Youth Criminal Justice Act*.
 - 3.12 Explore the concept of restorative justice through alternative measures, such as sentencing circles and family group conferencing, as recommended by the Aboriginal Justice Inquiry (1991) and the Gladue ruling (1999).
 - 3.13 Analyze the overrepresentation of Indigenous people incarcerated in Manitoba and in Canada, and how the judicial system is responding to this issue, particularly in light of the recommendations made by the Aboriginal Justice Inquiry (1991) and in the *Truth and Reconciliation Commission of Canada: Calls to Action* document (2015).
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Module 4: Civil Law

Enduring Understanding

Civil laws are designed to protect the interests and concerns of individuals, groups, and levels of government. Civil laws must establish a balance between the rights of the individual and the needs of society. Civil law is complex, as it attempts to resolve common disputes at the individual level. These considerations also apply to Indigenous land and treaty rights.

Learning Experiences

- 4.1 Define civil law and how it differentiates from criminal law, particularly in terms of purpose, structure, procedure, and resolution.
 - 4.2 Assess the various elements involved in civil procedures, including parties involved in civil actions, stages in a civil action, class action lawsuits, and civil courts.
 - 4.3 Describe various types of compensation, such as damages and injunctions, as well as alternative dispute resolution methods, such as negotiation, mediation, and arbitration.
 - 4.4 Examine Indigenous practices and case law regarding rights on reserves, land titles, and treaty lands, as well as property rights on reserves and civil actions against government, such as residential school compensation and treaty and land rights.
 - 4.5 Analyze elements, examples, and defences of intentional and non-intentional torts, such as negligence, invasion of privacy, and defamation of character.
 - 4.6 Explain the main elements of contracts, including the factors that can invalidate them, and the different types of contracts available, such as cell phone contracts, parking agreements, purchases, rent, warranties, and mortgages.
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Module 5: Family Law

Enduring Understanding

The concept of what constitutes a family has changed over the years, and family law, which varies provincially, has evolved to reflect those changes within Canadian society. Family law outlines the legal responsibilities of what constitutes a marriage, the nature of the contemporary family, as well as the rights of family members. Family law provides protection for both spouses and children in life, health, and emotional well-being. There is an evolving relationship between federal and provincial agencies and Indigenous peoples in Canada in regards to family law – in particular, with respect to customary practices and the role of non-Indigenous agencies in supporting Indigenous families.

Learning Experiences

- 5.1 Explore the definition of a family in legal terms in Canada, and describe what constitutes family law, including marriage, child protection, and family assets.
 - 5.2 Describe and understand the legal requirements of marriage and common law relationships, including same-sex partnerships, and limitations, such as age, polygamy, and consent.
 - 5.3 Examine the legal requirements and procedures of separation and divorce, including mediation, spousal support, and division of property, as well as protection for individuals in abusive relationships.
 - 5.4 Describe the rights and responsibilities of parents and guardians and how family law protects the rights of children, including topics such as safety, custody and support, adoption, and the role of Child and Family Services.
 - 5.5 Explore issues related to custody of children, such as types of custody, access for non-custodial parents, and child support.
 - 5.6 Examine past and present policies related to customary Indigenous practices and interventions into Indigenous families by governmental agencies, such as adoption of Indigenous children, the Sixties Scoop, residential schools, and interactions with Child and Family Services.
 - 5.7 Analyze issues related to family law, such as cultural expectations, economic factors, and the effects of reproductive technology on families (e.g., surrogate motherhood and in-vitro fertilization).
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Module 6: Student Inquiry

Using the outcomes below as an inquiry guide, students research and analyze one (1) of the following themes: International Law; Human Rights Law; Youth and the Law; Labour Law; Environmental Law.

Theme 6A: International Law

Enduring Understanding

International law goes beyond the boundaries of one's country and provides guidelines for living as global citizens in an increasingly interconnected world.

Learning Experiences

- 6A.1 Explain the nature and the general principles of international law.
 - 6A.2 Identify issues that are relevant to international law, such as disarmament, international crime, refugees, problems of nationality, the conduct of war, terrorism, and the law of the sea.
 - 6A.3 Explain concepts such as diplomatic immunity and extradition.
 - 6A.4 Describe the role, function, and jurisdiction of international judicial bodies such as the International Court of Justice and the United Nations High Commissioner for Refugees.
 - 6A.5 Examine issues in implementing international law into the domestic realm and resolving international conflicts.
 - 6A.6 Analyze violations of international law and explore how the acts and laws of different countries, both past and present, have violated the principles of international law, such as segregation in the United States and the Nuremberg laws in Germany.
 - 6A.7 Evaluate the impact of the *United Nations Declaration on the Rights of Indigenous Peoples* on Canadian law.
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Theme 6B: Human Rights Law

Enduring Understanding

All human beings have the right to be protected and live freely, equally, and with dignity.

Learning Experiences

- 6B.1 Explain the reasons for the creation of the *Universal Declaration of Human Rights* and key concepts associated with the declaration.
 - 6B.2 Identify the fundamental freedoms and legal safeguards entrenched in the *Canadian Charter of Rights and Freedoms* and compare them with those contained in the *Universal Declaration of Human Rights*.
 - 6B.3 Explain what means a person can use to exercise his or her rights under the Charter, such as challenging a provincial or federal law, and describe the role of agencies such as the Ombudsman and the Human Rights Commission.
 - 6B.4 Explain how rights and freedoms may be limited and how they are accompanied by specific obligations and responsibilities.
 - 6B.5 Analyze situations in which rights and freedoms may conflict, such as those involving freedom of expression, hate literature, traditions, and defamation.
 - 6B.6 Examine the rights of groups or individuals in Canada that have not been respected, such as Indigenous rights, minority rights, gender politics, the status of women, and linguistic rights.
 - 6B.7 Assess the impact of the *Indian Act* and other legislation, as well as unfulfilled treaty obligations, on the human rights of Indigenous peoples in Canada.
 - 6B.8 Assess the contribution of key people and organizations in the promotion of human rights both nationally and internationally.
 - 6B.9 Measure the effects of collective action, such as petitions and special interest groups, on the evolution of law in democracies.
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Theme 6C: Youth and the Law

Enduring Understanding

Youth are treated differently in law. Youth are both entitled and restricted by law, in different ways and in different circumstances. Laws pertaining to youth are constantly evolving to reflect the changing nature of society.

Learning Experiences

- 6C.1 Analyze the fundamental rights described in the *Declaration of the Rights of the Child* (1959), as well as the guiding principles of the *Youth Criminal Justice Act* (2003).
 - 6C.2 Assess the effectiveness of international laws concerning the respect of children's rights.
 - 6C.3 Analyze the impact of educational inequities on First Nations reserves and the changes that are being made to improve access to education.
 - 6C.4 Debate the rationale for treating youth differently from adults in issues such as voting, driving, consent, school attendance, and criminality.
 - 6C.5 Describe the evolution of youth law from the *Juvenile Delinquents Act* (1908) to the *Youth Criminal Justice Act* (2003), including amendments to the act adopted in 2012.
 - 6C.6 Assess some of the elements of the *Youth Criminal Justice Act* (2003), including amendments adopted in 2012, and explain the arguments for and against these items.
 - 6C.7 Analyze certain aspects of criminal law that may apply to minors or concern minors but are not defined in the *Youth Criminal Justice Act*, such as possession and drug trafficking, child protection, sexual assault, and harassment.
 - 6C.8 Identify resources available for young victims.
 - 6C.9 Compare the treatment provided to adults and minors regarding arrest, detention, trial, and sentencing.
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Theme 6D: Labour Law

Enduring Understanding

Labour law is designed to protect and serve the interests of both the employer and employee. Labour laws ensure that rights and responsibilities are viable and just for the well-being of both sides in the employment relationship.

Learning Experiences

- 6D.1 Explain why labour law is required to address such issues as safety, hygiene, and basic workers' rights.
 - 6D.2 Compare the role of the federal and provincial governments in the development of laws relating to labour and the workplace.
 - 6D.3 Describe the key elements and protection granted to workers by provincial and federal legislation, such as the Workers Compensation Board of Manitoba, the *Canada Labour Code*, the *Trade Unions Act*, the *Labour Relations Act*, and the *Employment Standards Code*.
 - 6D.4 Explore issues related to workers' rights, such as organized labour, collective bargaining, and back-to-work legislation.
 - 6D.5 Describe the legal recourses available if workers' rights are not respected, such as complaints, grievances, mediation, and severance.
 - 6D.6 Analyze the effects of the liberalization of trade exchanges, globalization of the economy, and technological change on the future of collective bargaining and workplace regulations.
 - 6D.7 Analyze the rationale and impact of employment equity policies on groups such as Indigenous peoples, women, visible minorities, and people with disabilities.
 - 6D.8 Explore issues related to migrant workers, such as temporary foreign workers, skilled workers entering into Canada, and human trafficking.
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Theme 6E: Environmental Law

Enduring Understanding

Pollution and climate change have no boundaries. The earth is a dynamic, organic, and interconnected living space that needs to be protected. Environmental laws provide that protection to ensure a sustainable world for all, now and in the future.

Learning Experiences

- 6E.1 Identify the need and rationale for laws to protect the environment.
 - 6E.2 Distinguish the separation of powers regarding environmental protection among the federal, provincial, and municipal governments as it relates to such areas as forestry, fisheries, endangered species, waste management, and hazardous materials.
 - 6E.3 Assess the effects that international agreements such as the Kyoto Protocol (1997) and the Paris Agreement (2016) have had on protecting the environment, reducing greenhouse gas emissions, and promoting sustainable development.
 - 6E.4 Evaluate the roles of individuals and non-governmental organizations with regard to environmental protection.
 - 6E.5 Describe the leadership of First Nations, Métis, and Inuit communities with regard to their traditional land use practices and environmental impact.
 - 6E.6 Analyze specific criminal or civil cases related to environmental laws, such as nuclear incidents, oil spills, or poaching.
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