

Grade 12 Canadian Law

Course Code 0580

Course Credit 1.0

ENGLISH Program

Discipline Overview

Social studies is the study of people and places, past and present, near and far, in relation to each other and to the natural world. In Manitoba, social studies focuses on the disciplines of history and geography, and embeds the interrelated concepts found within the humanities and social sciences.

Social studies has processes that allow learners to engage effectively with the curriculum and to continuously develop their global competencies and enduring understandings. Learners acquire interdependent knowledge and understanding, skills, and values to become active democratic and responsible citizens who adhere to the principles of Truth and Reconciliation, sustainable development, and human rights.

The enduring understandings of social studies focus on the following topics:

- Identity, Culture, and Community
- The Land: Places and People
- Historical Connections
- Global Interdependence
- Power and Authority
- Economics and Resources

Course Overview

The Grade 12 Canadian Law curriculum presents learners 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 learners the opportunity to explore a topic of their choice through inquiry into one of the following: international law, human rights law, youth and the law, labour law, or environmental law.

Global Competencies in Social Studies



Critical Thinking

Critical thinking in social studies is essential to making ethical decisions and to being reflective and active global citizens. It involves the processes of inquiry and historical and geographical thinking, and the use of evidence, criteria, and reasoning that allows for informed decision-making and the creation of solutions necessary for a sustainable and ethical future.

- Learners will critically, strategically, efficiently, and effectively select and use sources in their research and inquiry, to ensure a depth and breadth of understanding, to draw conclusions, and to make informed decisions.
- Learners will make reasoned judgments about the world by evaluating sources for reliability and relevance, and by analyzing for bias, which could include prejudice, racism, and stereotyping.
- Learners will connect ideas, patterns, and relationships, using criteria and reasoning to understand historical thinking concepts.
- Learners will consider multiple perspectives and contexts to understand the diversity of the human experience.
- Learners will interpret information and ideas and recognize that interpretations may change with new information.
- Learners will evaluate personal assumptions and bias based on new information and ideas.
- Learners will ask relevant and clarifying questions to broaden and deepen knowledge and understanding.
- Learners will distinguish fact from opinion and interpretation to arrive at reasoned judgments.
- Learners will weigh criteria, based on observation, experience, and/or evidence, to make informed judgments and ethical decisions about the future of the world.



Creativity

Creativity in social studies enables learners to make observations and decisions, to solve problems, and to devise innovative strategies. This involves making connections among concepts and applying a variety of tools. Creative thinking emphasizes flexibility, divergent thinking, the generation of ideas, and the exploration of diverse choices to enhance understanding and consider sustainable and ethical solutions.

- Learners will demonstrate initiative and ingenuity, explore opportunities, be open to new ideas and possibilities, and take risks to consider different choices that could shape the future.
- Learners will demonstrate curiosity about choices made by people within a given context and explore new ideas/possibilities by asking relevant questions about those choices.
- Learners will use strategies and ways of thinking including historical/geographical thinking, perspective taking, and ethical decision-making to generate innovative ideas and concepts, solve problems, and/or make a difference to consider new opportunities for the future.
- Learners will build on the ideas and understandings of others.
- Learners will create plans and adjust them as they gain understanding of new information and/or changing contexts.
- Learners will test, refine, and adapt ideas in innovative and unique ways, and persevere through ambiguity and obstacles.
- Learners will reflect, seek, and use feedback from others to consider sustainable and ethical solutions and to enhance understanding.



Citizenship

Citizenship in social studies prepares learners to be informed and engaged global citizens. As they reflect upon diverse perspectives, narratives, and stories, they develop historical/geographical knowledge and conceptual understanding of the principles of Truth and Reconciliation, sustainability, and human rights, which provide a foundation for their role as engaged and responsible citizens—locally, nationally, and globally.

- Learners will understand and reflect on their own perspective in regard to complex issues in a rapidly changing world.
- Learners will recognize bias, including racism, prejudice, stereotyping, and discrimination, and they will support the principles of Truth and Reconciliation, sustainability, and human rights.
- Learners will explore the interconnectedness of self, others, and the natural world.

- Learners will explore how the contributions of the past shape our present concepts of citizenship and democracy.
- Learners will use conceptual understanding and historical/geographical thinking to analyze information and to make informed decisions.
- Learners will explore diverse ideas, experiences, and world views to evaluate personal assumptions and bias and to make informed decisions that reflect the principles of Truth and Reconciliation, sustainability, and human rights.
- Learners will empathize with others and reflect on perspectives that do not fit their own to understand the diversity of the human experience.
- Learners will engage with others in responsible, respectful, and inclusive ways, in person and in digital contexts, to constructively shape dialogue and build relationships.
- Learners will evaluate factors and realize their own potential to propose solutions for the well-being of self, others, and the natural world.
- Learners will work with others to develop strategies to find equitable solutions that support equity, diversity, and inclusion, and that uphold human rights.
- Learners will make ethical choices to promote healthy and sustainable outcomes for the natural world.



Connection to Self

Connection to self in social studies is the learners' personal connection with historical and geographical thinking and knowing, and making connections with others and the natural world. Learners explore their dynamic relationships with people and the land, past and present, near and far, which develops knowledge and understanding of human interdependence and impact upon societies and natural environments, and of their role as responsible citizens for a sustainable and ethical future.

- Learners will recognize personal interests, strengths, challenges, and gifts to support their learning, their well-being, and their well-becoming.
- Learners will appreciate the factors that shape their identity, including the interrelationship of land and people within the cultural and historical context of their community, to gain an understanding of themselves.
- Learners will value and respect the interdependence of and personal connections to people and place, including the natural environment, to develop empathy and belonging.
- Learners will understand and use strategies to support self-regulation and well-being as citizens in a complex and ever-changing world.
- Learners will reflect on their biases, decisions, effort, and experiences, and on others' feedback.

- Learners will set goals to strengthen their learning and well-being as engaged citizens.
- Learners will have hope and demonstrate empathy as they plan for the future for themselves and as part of the natural world near and far.
- Learners will demonstrate an ability to persevere and adapt to new experiences and perspectives, environmental and global realities, and world events.
- Learners will recognize and embrace their role in lifelong learning, and take responsibility for personal growth, well-being, and well-becoming as global citizens.



Collaboration

Collaboration in social studies includes appreciating the diversity of perspectives, beliefs, and values, which is part of living in a democratic society and being part of the natural world. Collaboration includes learning with and from others and working together with a shared commitment to common purposes including Truth and Reconciliation. Collaboration builds relationships to enable learners to make informed decisions and accomplish common goals. Furthermore, productive discussion and debate concerning ethical questions serve to motivate learners, making learning more meaningful, and provide the opportunity for learners to contribute to their communities.

- Learners will seek to understand and clarify diverse perspectives, voices, and ideas.
- Learners will build on each other's ideas through productive, meaningful, and respectful interactions.
- Learners will value and put trust in others' contributions to deepen thinking about topics.
- Learners will practise active listening and ask ethical questions while considering diverse perspectives.
- Learners will work through differences and show a willingness to compromise or change perspective where appropriate to make informed and respectful decisions.
- Learners will co-construct with others by negotiating to build an ethical understanding and work together to solve problems for the well-being of people and as part of the natural world.
- Learners will use their gifts and commit to establishing and carrying out their responsibilities for a collective purpose and/or a common goal for the well-being of people and as part of the natural world.



Communication

Communication in social studies enables learners to interpret received information, and to share information and express ideas clearly and purposefully using a variety of media. This includes the development of oral, visual, print, and media literacy, and the use of information and communication technologies for the exchange of information and ideas. Learners constructively exchange information and ideas to build knowledge and to strengthen relationships for a sustainable and ethical future for themselves and the natural world.

- Learners will consider audience, purpose, context, modes, and forms to share ideas and present information thoughtfully and effectively.
- Learners will use clear and concise language to express ideas and voice perspectives that are inclusive and respectful of others, avoiding generalizations and pejoratives, while understanding how their words and actions impact others.
- Learners consider context cues (e.g., text features, non-verbal communication, tone of voice, appropriate digital images, icons) to enhance understanding when receiving messages.
- Learners will seek to understand others' perspectives to clarify and broaden thinking and negotiate constructively through active listening and questioning.
- Learners recognize how diverse contexts (linguistic, cultural, generational, experiential) can influence understanding.
- Learners will engage in productive, meaningful, and respectful discussions to build relationships and deepen understandings in a variety of ways including in digital contexts.
- Learners will relate events and stories in a way that makes sense to self and others.
- Learners will negotiate constructively with others to build consensus within a community of learners.

Enduring Understandings

Identity, Culture, and Community

Learners will explore the concepts of identity, culture, and community as they relate to individuals, societies, and nations. Many factors influence identity and life in communities, including geography and history, culture, language, economic factors, and shared beliefs and values, and these factors are subject to time and place. By studying various cultures, including one's own, learners develop a better understanding of diverse points of view and become sensitive to the fact that a community is strengthened by the interaction and interdependence among individuals through cultural diversity and pluralism.



The Land: Places and People

The exploration of people's dynamic interrelationships with places and environments creates an understanding of human dependence and impact upon the natural environment. Learners consider how connections to the land influence their identities and define their roles and responsibilities as civil stewards of the land—locally, nationally, and globally.

Historical Connections

Learners will explore how people, events, and ideas from the past shape the present and influence the future. In addition, stories and traditions allow learners to deepen their historical understanding of the influence of the past on the present. Through the exploration of one's own history, and history near and far, learners can draw on the past to understand the present and live with the future in mind, thereby providing a foundation for active democratic citizenship.

Global Interdependence

Learners will explore the interdependence of people, communities, societies, nations, and environments. This exploration will enhance the learners' global consciousness and help them develop empathy with respect to human rights and the human condition. Consideration of global connections enables them to expand their knowledge of the world in which they live and to engage in global citizenship.

Power and Authority

Learners will explore the diverse processes and structures of power and authority through time, and their impact on people, relationships, communities, and nations, along with issues of fairness and equity. Power and authority affect all human relations, in everyday life and in official situations. Rules and laws, both formal and traditional, exist to protect people and to meet their needs for living together in a just and peaceful manner. Through an exploration of power and authority and its influence on human relationships, learners develop a sense of personal empowerment as active democratic citizens.

Economics and Resources

Learners build an understanding of the impact, the sharing, and the interdependence of resources and wealth in relation to individuals, communities, and nations, both past and present. They examine economic factors that affect decision-making, the use and distribution of resources, and the development of technologies, and they consider social and environmental implications.




Learning Outcomes

Module 1: Foundations of Law

- 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.


Module 2: Canadian Charter of Rights and Freedoms

- 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, and 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 Indigenous Rights.
- 2.5** Analyze to what extent the democratic and mobility rights of Canadians are guaranteed and protected under the Charter.

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- 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.

Module 3: Criminal Law

- 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-defence, 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.
- 3.11** Distinguish between adult sentencing and the procedures for sentencing young offenders, as outlined in the Youth Criminal Justice Act.


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- 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).

Module 4: Civil Law

- 4.1** Define civil law and how it is differentiated 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.

Module 5: Family Law

- 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.

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- 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).

Module 6: Student Inquiry


Using the learning 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; or Environmental Law.

Theme 6A: International Law

- 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.

Theme 6B: Human Rights Law

- 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 the means by which a person can exercise their 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.


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- 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.

Theme 6C: Youth and the Law

- 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 with regard to respecting children's rights.
- 6C.3** Analyze the impact of educational inequities on First Nations communities 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.

Theme 6D: Labour Law

- 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.

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- 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 Canada, and human trafficking.

Theme 6E: Environmental Law

- 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.

Curriculum Implementation Resources

Curriculum implementation resources are frequently added. Please refer to https://www.edu.gov.mb.ca/k12/framework/english/socstud/resources/grade_12.html.