

Course Outline

COURSE: LAWS 3503 A – Equality and Discrimination

TERM: First Term - Summer 2008

PREREQUISITES: One of LAWS 2004 [1.0], LAWS 2005 [1.0] or LAWS 2105

CLASS: Day & Time: Monday & Wednesday 2:30-5:30 pm
Room: 316 SA (Southam Hall)

INSTRUCTOR: Nick E. Milanovic
(CONTRACT)

CONTACT: Office: C476 LA (Loeb)
Office Hrs: By appointment, Monday and Wednesday
Email: nikola_milanovic@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. Please note the deadline for submitting completed forms to the Paul Menton Centre is June 13, 2008 for first term summer courses and July 25, 2008 for second term summer courses. For further information, please see:

http://www.carleton.ca/pmc/students/accom_policy.html

COURSE DESCRIPTION

This course examines issues of discrimination in Canadian society and explores different ways of thinking about and responding to inequality. The goal of this course is to provide a basic understanding of the principal laws relating to equality and discrimination in Canada and to encourage critical and creative thinking about the role of law in furthering or inhibiting equality and in responding to issues of discrimination. An underlying theme of this course will consider whether our current legal approaches to matters of discrimination effectively promote equality among all members of Canadian society. Through academic articles, case-law and personal accounts, we will look at the history of discrimination in Canada, the legal meaning(s) of equality and discrimination, and present day experiences of discrimination and inequality. We will also explore the "rights debates" and different theoretical approaches to the conceptualization of human rights protection. We will study human rights legislation and the *Charter of Rights and Freedoms* and cases decided under these statutes, looking at both their potential and their limitations.

REQUIRED READING

Materials on Equality and Anti-Discrimination Law, compiled by D. Majury, 2006. The course pack can be purchased at Octopus Books, 116 Third Avenue (just off Bank Street in the Glebe). The materials are not available anywhere else. Additional required readings may be assigned as the course progresses and placed on reserve in the MacOdrum Library.

As noted above, the focus of this course is an exploration of theories, issues and cases concerning discrimination and equality law in Canadian society. There is a heavy reading load and there is an important focus on classroom discussion. **You are expected to have read all of the material assigned for each class and to come to class prepared to discuss the readings or partake in any relevant discussion every class.**

REFERENCES

The *Ontario Human Rights Code*, Available on line at <http://www.ohrc.on.ca/english/code/index.shtml>
The *Canada Human Rights Act*, available on line at <http://laws.justice.gc.ca/en/H-6/text.html>
The *Canadian Bill of Rights*, available at <http://www.etc.ca/pages/law/canada/BillofRights.html>
The *Canadian Charter of Rights and Freedoms*, available on line at <http://laws.justice.gc.ca/en/charter/>

EVALUATION

- 1) **50% - Analytical Essay** – A fifteen (15) to twenty (20) page essay will be due Monday June 23, 2008.

You will be presented in class with three (3) written essay questions that ask you to consider and evaluate a human rights issue that we are set to review and consider in class. You are to select one question and write a paper that should be from twelve (12) to fifteen (15) pages long. The essay must also be double spaced, on one side of the page, and word processed in 12 point font. **The paper is due by the end of scheduled class Monday June 23, 2008.**

In the analytical essay, you are to discuss and respond to the question posed by conducting your own research and in part by relying upon any relevant readings and classroom discussion that pertains to your topic. In the paper, you are expected to refer to and partially integrate the relevant readings in your answer to the essay question. Where our readings include both cases and articles, you are expected to discuss both in your paper, perhaps by using the articles to help you critically examine the cases. The essay questions are intended to spark your engagement with a human rights topic and to start you on a path that you then creatively and critically make your own – i.e. the questions are a starting point but not the end point for your papers. **Remember, your essays are not intended to simply be a summary of the readings or of the class discussions.** You are expected to engage with and respond to the issues emanating from the materials. Where possible, you should try to look for themes or recurring issues and incorporate those matters into your paper rather than simply discussing each article or case separately.

- 2) **50% Final examination** – To be held during the regularly scheduled examination schedule.

The examination will be three (3) hours in length and will consist of multiple choice questions that require you to recall key information and to apply the concepts learned in class to factual situations. Among other things, this exam will require students to place the concept learned in class into a 'real life' factual situation in order to identify the correct answer. It will be a closed book examination and will cover the material discussed in the course lectures and assigned readings.

Please note: essays must be handed in on time and at the location specified by the instructor. Any essay, due to be handed in during class, which is handed in after class will be treated as **LATE**. An **Extension without penalty** can only be obtained in extreme cases (e.g. death of a loved one, illness or disability etc.) with appropriate supporting documentation (e.g. doctor's note, coroner's certificate, etc.). **LATE ASSIGNMENTS** will be penalized by deducting four (4) percent for each day or part day it is late up to a maximum of seven (7) days. Any assignment or essay submitted beyond seven (7) days late without a valid excuse will automatically be failed. To be eligible to pass this course students must complete all components of the evaluation scheme noted herein, including any essay that will be marked as a failure because of lateness. For exam purposes, you are only responsible for what is contained in the required readings and substantive matters discussed in class.

DEPARTMENTAL POLICY AND PROCEDURE:

For further instructions regarding prerequisites, assignments, and grading, etc., please consult the Department of Law's Policy and Procedure Statement and the relevant pages of the Undergraduate Calendar.

READING LIST

	<u>Date</u>	<u>Topic</u>	<u>Assignment</u>	
1.	May 12	Introduction: Equality & Discrimination Law	No reading	
2.	May 14	Acknowledging Inequality	Chapter I	
3.	May 19	No lecture – Statutory Holiday	No reading	
4.	May 21	Conceptualizing Equality & Rights	Chapter II	
5.	May 26	Human Rights & the Charter	Chapter III	
6.	May 28	Understanding Inequality & Discrimination	Chapter IV	pp. 1-58
7.	June 2	Understanding Inequality & Discrimination	Chapter IV	pp. 59-105
8.	June 4	Grounds of Discrimination	Chapter V	pp. 1-41
9.	June 9	Grounds of Discrimination	Chapter V	pp. 42-88
10.	June 11	Duty to Accommodate	No reading	
11.	June 16	Affirmative Action & Other Controversies	Chapter IV	
12.	June 18	Review & Recap	No reading	
13.	June 23	Paper Due	No Reading	