

Carleton University

Department of Law and Legal Studies

COURSE OUTLINE

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| COURSE: | LAWS 3509B – The Charter of Rights Topics - TOPIC: The Charter, Disability Rights & the Right to Health Care Precludes additional credit for LAWS 3503 [1.0] (no longer offered) | | | | | | | | |
| TERM: | Winter 2023 | | | | | | | | |
| PREREQUISITES: | (0.5 Credit from LAWS 2105, LAWS 2201, LAWS 2302, LAWS 2502) and 0.5 credit in LAWS at the 2000 level. | | | | | | | | |
| CLASS: | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">Day&Time:</td> <td style="vertical-align: top;">Wednesdays- 6:05 – 8:55pm</td> </tr> <tr> <td style="vertical-align: top;">Room:</td> <td style="vertical-align: top;">On-line via Zoom for at least month.</td> </tr> <tr> <td colspan="2" style="vertical-align: top;">Please check Carleton Central for current Class Schedule</td> </tr> <tr> <td style="vertical-align: top;">Delivery Method</td> <td style="vertical-align: top;">PLEASE NOTE: As I am recovering from a motor vehicle accident, at least the first month of classes will be held <u>on-line through Zoom</u>. I will notify you when I am able to resume in-person classes.</td> </tr> </table> | Day&Time: | Wednesdays- 6:05 – 8:55pm | Room: | On-line via Zoom for at least month. | Please check Carleton Central for current Class Schedule | | Delivery Method | PLEASE NOTE: As I am recovering from a motor vehicle accident, at least the first month of classes will be held <u>on-line through Zoom</u>. I will notify you when I am able to resume in-person classes. |
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| INSTRUCTOR: | Dr. Roger R. Rickwood, LL.M., LL.B., M.A., B.A. (Hons) | | | | | | | | |
| CONTACT: | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">Office:</td> <td style="vertical-align: top;">By telephone - On Wednesday, 4:30 – 5:30 a.m. or by appointment</td> </tr> <tr> <td style="vertical-align: top;">Telephone:</td> <td style="vertical-align: top;">613-712-2811</td> </tr> <tr> <td style="vertical-align: top;">Email:</td> <td style="vertical-align: top;">rogerrickwood@cunet.carleton.ca</td> </tr> </table> | Office: | By telephone - On Wednesday, 4:30 – 5:30 a.m. or by appointment | Telephone: | 613-712-2811 | Email: | rogerrickwood@cunet.carleton.ca | | |
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CALENDAR COURSE DESCRIPTION

Selected issues in the Canadian Charter of Rights and Freedoms. The topics of this course may vary from year to year and are announced in advance of registration.

COURSE DESCRIPTION

Disability rights are a form of human rights. Although some 6.2 million people in Canada (22% of the population in 2017) have at least one disability, disability rights have only recently been recognized and codified into law. This course explores current issues in disability rights within the overall context of the right to health, protected in various ways by the *Constitution*, the *Charter of Rights and Freedoms (CCRF)*, human rights codes, other disability protection legislation and international law. The gap between public and private sector disability protection will be covered as well as such difference for full-time and part-time employees. The topic will be approached within our Canadian and international history of disability rights and their protection and promotion. It will provide knowledge on institutional processes, funding, adjudication, advocacy, evidence, philosophic approaches and coverage. The course will seek to answer the following questions:

1. What rights do persons with disabilities have under the CCRF?
2. How has the Supreme Court of Canada (SCC) defined such rights since the passage of the CCRF?
3. What rights do persons with disabilities have under human rights codes and disability rights protection?
4. How has the SCC incorporated coverage and delivery models into its CCRF disability decisions as developed by statute and case law through its adjudication of provincial and federal human rights codes and allied legislation?
5. Does the SCC use a medical impairment model or social development model in its adjudication of disabilities cases?
6. How has the SCC assigned the costs of funding disabilities protection in the face of demands that affected individuals be guaranteed access to whatever funding is needed?
7. Is there a gap between public and private sectors in disability protection caused by the private sector being excluded by S.32 of the CCRF and could court interpretation narrow the gap?
8. Is the approach by Canadian governments and the SCC consistent with the broad proactive human rights approach in the United Nations *International Convention for the Rights of Persons with Disabilities* which Canada signed and ratified in 2008, but did not necessarily implement?
9. What role should the SCC take in maintaining the publicly-funded, universally accessible Canadian "Medicare" system which covers many gaps in public funding of disabilities from private sector litigation under S.7 and S.15 of the CCRF?

10. Should Canadian governments move to constitutionalizing a broad right to health care (covering medications, dental care and mental differences) to ensure more equitable treatment of persons with disabilities, particularly those in marginalized and racialized groups?

In answering these questions, some comparisons will be made with the situation of people with disabilities in Canada and those in other jurisdictions.

COURSE LEARNING OUTCOMES

Students will obtain:

1. a good understanding in disability human rights issues and law in Canada from a historical perspective;
2. a basic understanding of the legal and theoretical concepts of disability human rights, differences, diversity, inclusion, equality, discrimination, nondiscrimination, and multiculturalism;
3. a development of critical, constructive and creative thinking about the role of law and the legal system in furthering/inhibiting equality and responding to discrimination and differences;
4. a good understanding of positive and negative tools of change through Human Rights Codes, the *Charter* and International Conventions and other means;
5. enhanced assessment skills in analysis, effectiveness measurement, communication, advocacy, and greater awareness of personal and societal values and feelings;
6. a basic understanding of the differences in disability rights approaches based on the medical and social development models and the evolving focus on equalization.

REQUIRED TEXTS AND READING MATERIAL

1. Sharpe, Robert J. and Kent Roach, *The Charter of Rights and Freedoms*, 7ed, (Toronto: Irwin Law, Inc., 2021), paperback, ISBN 978-1-55221-578-4
Available at the university bookstore and online from publisher
2. The *Ontario Human Rights Code* available on-line at <https://www.ontario.ca/laws/statute/90h19?search=Ontario+Human+Rights+Code>
3. The *Canadian Human Rights Act*, 1977, available on-line at <https://laws-lois.justice.gc.ca/eng/acts/h-6/>

4. The *Canadian Charter of Rights and Freedoms*, 1982, available on-line at: http://msrenee.ca/pdf/5social/Canadian_Charter_of_Rights_and_Freedoms.pdf and at <https://www.canada.ca/content/dam/pch/documents/services/download-ordercharter-bill/canadian-charter-rights-freedoms-eng.pdf>
5. The *Canadian Bill of Rights*, 1960, available on line at <https://www.laws-lois.justice.gc.ca/eng/acts/C-12.3/page-1.html#h-61447> and at: <https://www.canada.ca/content/dam/pch/documents/services/download-ordercharter-bill/canadian-bill-rights-eng.pdf>
6. The *Universal Declaration of Human Rights*, UN General Assembly Resolution 1948, available on-line at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
7. *International Convention on Economic, Social, and Cultural Rights (ICESCR)* available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-culturalrights>
8. *International Convention on Rights of Persons with Disabilities (CRPD)* available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/conventionrights-persons-disabilities>
9. *Workplace Insurance and Safety Act*, available at: <https://www.ontario.ca/laws/statute/97w16>

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

All components must be successfully completed in order to get a passing grade

Components of Final Mark

| Evaluation format | Weight | Due Date |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Personal Observation of an incident involving a disabled person. (see instructions below) | 15% | Wednesday, 1st February to be sent by email to rogerrickwood@cunet.carleton.ca |
| Midterm Exam – If in-person classes resumed, it will be In-class, closed book. If classes are still on-line, it will be at home. | 25% Exam in 2 parts. Part 1 - a quiz Part 2 - one (1) essay | Wednesday, 15th February. If it is an at-home exam, it is to be sent to: rogerrickwood@cunet.carleton.ca |
| Group Presentation (see instructions below) | 25% | From 1 st March to 5 th April |
| Class Participation (See instructions below) | 10 % | Active Participation is required - not just attendance. |
| Final Exam Closed Book | 25% Quiz and one essay | During exam period – 15 th April to 27 th |

INSTRUCTIONS FOR WRITING PERSONAL OBSERVATION OF AN INCIDENT INVOLVING A DISABLED PERSON(S) (15%)

This assignment is worth 15% of your total LAWS 3509 mark. The purpose of this assignment is to develop your descriptive skills related to an incident involving a disabled person that you have observed directly or have been told about by another person or have become aware of through mass media coverage. The report is also designed to make you reflect on your own feelings and values as an observer of discrimination against and/or abuse of a disabled person.

You are to write a minimum of three (3) pages (no more than six pages), double-spaced observation report on an incident you directly or indirectly observed inside or outside Canada. Your report is confidential. You are to document where, when, how, why and who was involved. You may conceal some details for privacy reasons. The incident does not need to be a major event. For example, it could

simply be the fact that someone without a special permit has parked in a parking spot reserved for people with a handicap. You can illustrate your report with photos, maps or diagrams.

You are to write your report in the first-person singular or first-person plural if you were a group member observing or being involved in an incident. You can describe any emotions you experience. Do you feel the incident could have been avoided by some of the players involved? Did it leave any lasting memories? Did you come to any conclusions about fairness and freedom aspects of the incident? Would you do something differently if you saw a similar situation developing today?

CLASS PRESENTATIONS (25%) – MANDATORY CLASS ATTENDANCE FOR PRESENTERS

Presentations will be made in class during the 6 classes from 1st March to 5th April. All students are expected to attend. Groups are to be formed. You are to book your time slot on a first come first-served basis. Presentations should be 30 minutes in length; each team participant should speak for 3-5 minutes. Presentations will be done by groups of 4 to 6 students, although a smaller number may be allowed. The presentation can be a debate, panel discussion, simulated hearing by a tribunal, court or parliamentary committee. Modification can be approved by the instructor. The same mark will be given for all members of a group. Opportunity for class questions, commentary and observations should be built into the presentation schedule. The instructor may make comments at the conclusion.

The topics of the presentations will be based on the subject matter for the selected date. See Federal Disability Reference Guide for additional issues and cases (on Brightspace).

Each group **must** provide the instructor with an **electronic version of their slides prior to the presentation. A short electronic *aide memoire* summarizing the presentation is also required.** These are to be sent by email to rogerrickwood@cunet.carleton.ca . **Failure to provide the slides and *aide memoire* means that no grade can be entered.** The group's electronic power points and *aides memoire* will be posted on Brightspace. **Key content points in the presentations and related discussions will be tested on the final exam.** The final presentation mark of 25 points is awarded on **content (70%), presentation style (20%) and engagement (10%)** of students. Games can reinforce student recall of key ideas and stimulate interest. Games must take up less than half the presentation time. Show respect for opposing viewpoints and avoid using long preambles in questions.

A schedule of presentations will be finalized on 1st February. Identify your topic and your group members in writing to the instructor as soon as possible. There will be time in class to discuss and form groups. The instructor will create groups for you on 8th February if you have not done so earlier.

CLASS PARTICIPATION REQUIREMENTS (10%)

Attendance will be taken by signing an attendance record circulated in class. Your participation mark is based on active participation and engagement in class discussions, not just physical attendance. Perfect attendance does not equal a grade of 10 out of 10.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

There will be a penalty of 2% per calendar day for late submissions unless an extension has been granted.

Extensions

Subject to University regulations and policies, the granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/selfdeclaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

The determination of any extension of the final exam and all materials not submitted by the end of the course is a matter for the Registrar to decide. Please make your application directly to the Registrar.

COURSE SCHEDULE

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| <p>Week 1 Jan. 11</p> | <p><u>Introduction</u></p> <ul style="list-style-type: none"> • Official Course description • Expanded Course description • Evaluation Components • Teaching Methodology • Course Learning Outcomes <p><u>Disability as a Charter and human Right (Legal, Medical, and Social Development Model(s))</u></p> <p><u>Reflections on Concepts</u></p> <ul style="list-style-type: none"> -Human Rights vs. Fundamental Rights -Disability as a Type of Human Right -Grounds of Discrimination vs. Intersectionality -Diversity, Difference & Inclusion -Equality & Equity -Discrimination & Non- discrimination -Disability is an Evolving Concept -Medical vs. Social Development Model | <p>Different definitions of disability exist from basic English definitions in <i>Black's Law Dictionary</i> and <i>Oxford Canadian Dictionary</i>. The term is not defined under the <i>International Convention for Persons with Disabilities</i>. The best Canadian definition and discussion of the term is found on the Ontario Human Rights Commission, <i>Policy on Accessible Education for Students with Disabilities</i>, March 2018 at https://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities (see Section 4). See also <i>Federal Disability Reference Guide</i> at https://www.canada.ca/content/dam/esdc-edsc/migration/documents/eng/disability/ar_c/reference_guide.pdf for WHO definition of disability.</p> <p>-“Social Model of Disability Explained” at https://www.thesocialcreatures.org/thecreaturetimes/the-social-model-of-disability</p> |
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| | <ul style="list-style-type: none"> -Ableism -Anomaly vs. Normalcy | |
| Week 2 Jan. 18 | <p><u>Right to Health & Disability & Illness Protection</u></p> <ul style="list-style-type: none"> -Constitutional jurisdiction over health -Historical delivery of health services by family, churches, charities, social organizations & private sector -Workplace accident disability and illness insurance (1919) -UDHR & Right to Life, Health & Disability Protection (1948) -ICESCR, Article 2(2) -Beginning of Canadian Medicare System (1947-1984) and <i>Canada Health Act</i> -Reference Re: <i>Artificial Reproduction Act</i>, SCC -<i>Constitution Act, 1982</i>, S.6-Mobility rights and S.36 equalization and regional disparities | <ul style="list-style-type: none"> -<i>Constitution Act, 1867</i> Provincial powers-S.92 Federal powers-S.91, S.95 S.92(2) direct taxation within province S.92(7) hospitals S.92(13) property & civil rights S.92(16) matters of a merely local or private matter S.92 education S.91(3) unrestricted tax power S.91(27) criminal law (public health) (environment) S.91(11) quarantine and maritime hospitals S.92(24) Indians and lands reserved S.95 immigration -<i>Workplace Insurance & Safety Act</i> at https://www.ontario.ca/laws/statute/97w16 -Provincial & federal labour laws ICESCR (1977 U.N.) at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights -Summary from Columbia University on Canada Health on Brightspace |
| Jan. 20 | Last day for registration and course changes | |
| Week 3 Jan. 25 | <p><u>Workers' Compensation as a Form of de facto Disability Rights</u></p> <p><u>Universal Declaration of Human Rights and Canada's Opposition</u></p> <p><u>Evolution of Human Rights in Canada</u></p> <p><i>Canadian Bill of Rights</i></p> | <ul style="list-style-type: none"> - <i>Workplace Insurance & Safety Act</i> at: https://www.ontario.ca/laws/statute/97w16 -Association of Workers' Compensation Boards at: https://awcbc.org/en/about/compensation-101/ - watch the video "Historic Compromise" at the site. -See Article 3 & Article 25 (1) at: https://www.un.org/en/about-us/universal-declaration-of-human-rights -Sharpe & Roach, 7 ed. Ch. 1, Historical Context, A,B,C,D,E,F,G. --Louise Arbour, Baldwin-Lafontaine Lecture |

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| | | (2005) – on Brightspace -At https://www.laws-lois.justice.gc.ca/eng/acts/C-12.3/page-1.html#h-61447 -Sharpe & Roach, ch. 13, Equality, Section A |
| Jan. 31 | Last day for academic withdrawal from a course with a full fee adjustment. | |
| Week 4 Feb. 1 | <p><u>Transforming Human Rights Protection from Negative Prosecution or Individual Violations to Positive Proactive Promotions and Protection of Diversity and Difference</u></p> <ol style="list-style-type: none"> 1. Expanding role of Human Rights Commission to deal with disabilities under <i>CHRA</i> (1977), <i>OHRC</i> 1980), <i>BCHRC</i> (1984) and <i>CCRF</i> 2. Expanded human rights coverage to include employment equity and payequity in keeping with recommendations of Justice Abella’s <i>Royal Commission on Employment</i> by a new <i>Employment Equity Act</i> and a remodeled <i>Canada Human Rights Act</i> 3. Remodeling the <i>Ontario Human Rights Code</i> through integrated but separate functional roles to produce speedier claims processing within a designated framework for balancing conflicting rights <p><u>PERSONAL OBSERVATION ON DISABILITY INCIDENT ISSUE DUE</u></p> | <p>-Clement, Ch. 5, especially on disabilities, p.123 and employment equity, p.123 - <i>Employment Equity Act</i>, S.C. 1985, c.44 at: https://laws-lois.justice.gc.ca/eng/acts/e-5.401/page-1.html</p> <p>-“Employment Equity” article, pp.117-130 on Brightspace -Andrew Pinto, “Ontario’s Direct Access Human Rights System A Qualified Success” April 2014 at: https://www.oba.org/JUST/The-Community/Ontarios-Direct-Access-Human-Rights-System-A-Quali?lang=en-ca</p> <p>-Ontario Human Rights Commission Policy on Balancing Conflicting Human Rights at: https://www.ohrc.on.ca/en/balancing-conflicting-rights-towards-analytical-framework</p> |
| Week 5 Feb. 8 | <u>The Drafting and the Coming of the <i>Charter</i> with Equal Protection for Persons with mental or physical disability</u> | <p>-Sharpe & Roach, ch.1, G & H, ch.13, A & B -<i>Canadian Charter of Rights & Freedoms</i>, S.15(1) & S.15(2) -Affirmative Action, in Part I, <i>Constitution</i></p> |

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| | <p>-Draft of the <i>Charter</i> originally excluded entrenched protection for persons with (disabilities, but strong lobbying of Senate and House Committee by 3 disability groups forced inclusion</p> | <p><i>Act</i>, 1982</p> <p>-Article, “What Did Disability Advocates Tell Canada’s Parliament 40 years ago This Fall to Help Win an Historic Amendment to the <i>Charter of Rights</i> to Protect Equality for People with Disabilities?”, AODA.Ca Update December 7, 2020 (On Brightspace)</p> <p>-Article, “Constitutional Equality Rights: People with Disabilities Still Celebrating 30 Years Later”, ccdonline.ca, press release, Apr. 17, 2012, on Brightspace</p> <p>- “Disability” interpreted as in <i>The Declaration of the Rights of Disabled Persons</i>, U.N. General Assembly Resolution December 1975 (on Brightspace)</p> <p>-Sharpe & Roach, ch.15, esp. sections C,H,I & J. These sections need to be interpreted in the context of chs. 3,4,5,6,13 & 18. You are not required to read all these chapters. They will be canvassed in class with reference to a “framework for S.15 analysis and adjudication” to be presented in class. Ch.13 contains <i>CCRF</i> S.7, “Life, liberty and security and the principles of fundamental justice”. This aligns with A.3 <i>UNDHR</i> Right to Life and A.25(1) Right to health and disability protection. See useful summary of equality rights in Department of Justice, “Section 19-Equality Right”, <i>Charterpedia</i>, (on Brightspace)</p> |
| Week 6 Feb. 15 | <p><u>Midterm Exam (worth 25% of course mark)</u> <u>I will let you know if this will be at home or in class.</u> -50% quiz & 50% essay</p> | |
| Feb. 17 | April examination schedule available on-line. | |
| Feb. 20 | Statutory Holiday – University Closed | |
| Feb.20-24 | <u>Winter Break – No Classes</u> | |
| Week 7 March 1 | <p><u>Alternative and Allied Disability Prevention and Protection Schemes</u></p> <p><u>PRESENTATIONS</u></p> <ol style="list-style-type: none"> 1. <i>International Convention of Rights of Persons with Disabilities</i> (2008) 2. <i>Americans with Disabilities Act (ADA)</i> (USA) <p><u>Communication & Physical</u></p> | |

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| | <p><u>Impediments to Access</u></p> <p>3. -<i>Accessibility for Ontarians with Disabilities Act (AODA)</i> -<i>Accessible Canada Act (S.C. 2019, c.10)</i> -<i>Council of Canadians with Disabilities v. Via Rail Inc. (2007) (SCC)</i> – (CHRA case) on physical impediments -<i>Donna Jodhan v. Canada (Attorney General), (2010) (FCA) (CCRF S.15(1))</i> case on information access</p> | |
| <p>Week 8 March 8</p> | <p><u>Affirmative Action/Ameliorative Measures – CCRF S.15(2)</u></p> <p><u>PRESENTATIONS</u></p> <p>1. <i>R. v. Kapp, 2008, SCC 41</i> 2. <i>Alberta (Aboriginal Affairs & Northern Development) v. Cunningham, [2011] 2 SCR 670</i></p> <p><u>Adverse Effect Discrimination</u></p> <p>3. <i>Fraser v. Canada (Attorney General), 2020 SCC 28</i> <i>Hoge v. Canada (Minister of Human Resources Development), 2004 SCC 65</i></p> | <p>Sharpe, pp. 401-404</p> <p>Sharpe, pp. 396-397</p> |
| <p>March 15</p> | <p>Last day for Academic withdrawal without fee adjustment</p> | |
| <p>Week 9 March 15</p> | <p><u>Access to Health Care</u></p> <p><u>PRESENTATIONS</u></p> <p>1. <i>Eldridge v. British Columbia (A.G.), SCC (1997)</i> 2. <i>Auton (guardian ad litem) v. B.C.A.G. SCC (2001)</i></p> <p><u>Assisted Suicide/Death</u></p> <p>3. -<i>Rodriguez v. A.G. Canada, SCC (assisted suicide case)</i> -<i>Carter v. Canada (Attorney General), [2015] 1 S.C.R. 331</i></p> <p><u>Assisted death for minors in light of recent MAID amendments.</u></p> | |
| <p>Week 10 March 22</p> | <p><u>Current Disability Issues</u></p> | |

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| | <p>PRESENTATIONS</p> <ol style="list-style-type: none"> 1. Can there be a disability in the absence of functional limitations? Does perception of a disability in itself create barriers that HR Codes and CCRF adjudication need to remove? 2. Should students with serious disabilities be placed in special classes or be integrated in classes with students who do not have a disability? 3. Should sheltered workshops for adults with disabilities be prohibited? 4. Should adults with perceived psychiatric problems be forced to undergo treatment? | <p><i>Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Montreal (city); Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)</i> 1 S.C.R. 665 (2000)</p> <p>-<i>Eaton v. Brant County Board of Education</i>, [1997] 1 SCR 241 and <i>Jeffrey Moore v. The Queen in Right of British Columbia</i>, 2012 SCC 61, [2021] 3 S.C.R. 360</p> <p>No current case law. The Harper government sought to eliminate federally-funded ones, but abandoned the initiative.</p> <p><i>British Columbia (Attorney General) v. Council of Canadians with Disabilities</i>, 2002 SCC 27</p> |
| <p>Week 11 March 29</p> | <p><u>Equality of Benefits</u></p> <p>PRESENTATIONS</p> <p>How do you determine whether disability benefits should be paid and in what amount? Who should determine challenges to such benefit decisions?</p> | <p>-<i>Granovsky v. Canada (Minister of Employment & Immigrations)</i>, 2000 SCC 28C (unequal CPP permanent and temporary disability benefits)</p> <p>-<i>Nova Scotia v. Martin; Nova Scotia v. Laseur</i>, 2 S.C.R. 504 (2003) (unequal WCB benefits for chronic pain claims compared to other causes). SCC overturned previous decision, <i>Cooper v. Canada</i> (Human Rights Commission 1976)</p> <p>-<i>Ontario (Director of Disability Support Program) v. Tranchemontagne</i> 2010 ONCA 595 confirmed ODSP Tribunal decision that <i>ODSP Act</i>, S.5(2) violated <i>OHR Code</i> and thus persons with disability solely due to dependence on alcohol, drugs, and chemical substances were entitled to income benefits. SCC had in 2006 confirmed ODSP Tribunal right to apply OHRC.</p> |

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| Week 12 April 5 | <u>Does the Right to Health Need to be Constitutionalized to Protect Disability Treatment under Medicare from S.7 and S.15 CCRF challenges by Private Health Providers?</u> PRESENTATIONS | -Abban, Vanessa, "Getting it Right: What does the Right to Health Care Mean for Canadians?", Wellesly Institute Paper, March 19, 2005. On Brightspace. - <i>Chaouilli v. Quebec (Attorney General)</i> , [2005] 1 S.C.R. 791 (Prohibition of private health insurance in Quebec) <i>Cambie Surgeries Corporation et al v. British Columbia (Attorney General)</i> , 2002 BCCA – dismissal of 2020 challenge to BC Medicare Protection Act at BCSC |
| April 7 | Statutory Holiday – University Closed | |
| April 15 to April 27 | Final exam period | |
| May 19-31 | Fall deferred final examinations will be held. | |

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at:

<https://carleton.ca/registrar/academic-integrity/>.

Statement on Student Mental Health

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ADDRESSING HUMAN RIGHTS CONCERNS

The University and all members of the University community share responsibility for ensuring that the University's educational, work and living environments are free from discrimination and harassment. Should you have concerns about harassment or discrimination relating to your age, ancestry, citizenship, colour, creed (religion), disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, sex (including pregnancy), or sexual orientation, please contact the [Department of Equity and Inclusive Communities](#) at equity@carleton.ca.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For

more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes.

Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#).

Should you have additional questions after reviewing, please contact covidinfo@carleton.ca