

BES344-2

Legal Issues in Emergency Services

1 Credit

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BES344-2 Version: 2



Legal Issues in Emergency Services

Calendar Description

This module looks at subject matters important to emergency service members who may serve in a management capacity that deals with law. The following subjects are addressed: History of the Law, Types of Law, How is Law developed and the Canadian Court System, the Law of Tort.

Rationale

This is an elective course for the Bachelor of Applied Business: Emergency Services program. This course is intended only for students studying emergency service law. It is written as an introductory level program dealing with the law as it stands in Canada. Students from other nations are advised to learn more about their own countries legal systems first.

Prerequisites

None

Co-Requisites

None

Module Learning Outcomes

Upon successful completion of this course, students will be able to

1. explain and evaluate how the history of the law impacts emergency services today.
2. describe the major developments in Canadian history of the law that impacts emergency services today.
3. differentiate between types of law and describe the division of law as it is applied to emergency services.
4. describe the hierarchical system of Canada's courts including the powers of each court.
5. discuss how law (statutes) is developed and interpreted by the courts. Differentiate between the process for provincial and municipal law interpretation.
6. explain the role of precedence in court decision-making.
7. describe administrative law and apply it to Emergency Services Industry.

8. discuss what a tort is by definition, the elements of a tort, tort law as applied to criminal law and civil law, personal and property torts and the remedy at law for torts.
9. describe the effects of the Charter and legislation as they affect your Emergency Services organization.

Resource Materials

Reference Websites:

The Canadian Legal Information Institute (CanLII) <http://www.canlii.org>

ACJNet's Resource Centre <http://www.acjnet.org/naresources/default.aspx>

LexisNexis Quicklaw service <http://www.lexisnexis.ca/ql/en/about/about.html>

Law Library <http://www.lawlibrary.ab.ca>

Canadian Courts:

Supreme Court of Canada - <http://www.scc-csc.gc.ca/>
Information, including Judgments, from the Supreme Court of Canada.

Federal Court of Canada - <http://www.fja.gc.ca/>
Office of the Commissioner for Federal Judicial Affairs

Alberta Courts - <http://www.albertacourts.ab.ca/>
Information on the Alberta Courts

British Columbia Superior Courts - <http://www.courts.gov.bc.ca/>
Information on the British Columbia Superior Courts
Provincial Court of British Columbia - <http://www.provincialcourt.bc.ca>
The Provincial Court is the first level of court in British Columbia. The Court's jurisdiction includes criminal, family, child protection, small claims, and traffic cases.

Saskatchewan Court System - <http://www.sasklawcourts.ca/>
Access to Saskatchewan's Court of Appeal, Court of Queen's Bench and Provincial Court

Manitoba Courts - <http://www.manitobacourts.mb.ca/>
Provides information about Manitoba's court system.

Ontario Courts - <http://www.ontariocourts.on.ca/>
Guide to the Ontario Courts: Court of Appeal for Ontario, Superior Court of Justice and Ontario Court of Justice

Quebec Courts - <http://www.justice.gouv.qc.ca/anglais/index-a.htm>
Quebec's Ministre de la Justice (Department of Justice)

Newfoundland Provincial Court - http://www.gov.nf.ca/just/Provincial_court/
The legal and constitutional institution responsible for delivering front line judicial services throughout the province

Northwest Territories Courts - <http://www.nwtcourts.ca/>
Providing the NWT access to justice on the same standard as in courts in other parts of Canada.

Nova Scotia Courts - <http://www.courts.ns.ca>
The Courts of Nova Scotia

Nunavut Court of Justice - <http://www.nunavutcourtofjustice.ca/>
Meet the Judges, decisions of the court and other contacts for the Nunavut Court of Justice

Prince Edward Island Courts - <http://www.gov.pe.ca/courts/>
Information about the work of the court system on PEI

Departments of Justice:

Federal: <http://canada.justice.gc.ca/en/jl/index.html>
Yukon: www.justice.gov.yk.ca/prog/infoindcom.html
Northwest Territories: www.justice.gov.nt.ca/publicservices/index.htm
Nunavut: www.gov.nu.ca/Nunavut/English/departments/JUS/
British Columbia: www.ag.gov.bc.ca/justice-services/divisions/lapd.htm
Alberta: www.justice.gov.ab.ca/organization/justice.aspx?id=899
Saskatchewan: www.saskjustice.gov.sk.ca/learning_centre/default.shtml
Manitoba: www.gov.mb.ca/justice/index.html
Ontario: www.attorneygeneral.jus.gov.on.ca/
Quebec: www.justice.gouv.qc.ca/english/programmes/prog-serv-a.htm
New Brunswick: www.gnb.ca/0062/index-e.asp
Nova Scotia: www.gov.ns.ca/just/legservices.htm
Prince Edward Island: www.gov.pe.ca/oag/lajs-info/index.php3
Newfoundland: www.gov.nf.ca/just/overview.htm

Conduct of Module

This module is approximately 15 hours in length. It is delivered on-line and may involve individual, pair, and group work. Students are required to submit assignments, take part in asynchronous discussions, and undertake exercises in the workplace that call for reflective thinking. Participation in this module is paced and mandatory, and students are expected to practice time management skills accordingly. It is critical that each student read the assigned material and keep up to date with all objective tasks, PowerPoint slides, and assigned problems.

Student counseling: Students who are experiencing difficulty with the module should immediately consult the instructor by email or telephone during posted office hours.

Module withdrawal: Students should familiarize themselves with the school's module withdrawal policy and procedures, which are explained in the student handbook/calendar.

Class discussions are conducted on the assumption that each student has adequately prepared the required material in advance.

Students should budget approximately one to two hours of time in preparation for each hour of the estimated 15 hours of class time.

Evaluation Procedures

This module uses a variety of assessment tools to evaluate student performance. The final grade is an aggregate of the following components:

Paper assignments	(1)	30%
Threaded discussions	(4)	<u>70%</u>
Total		100%

All marks are recorded as percentages and then converted to a final letter grade according to the criteria shown below.

Grade Equivalents and Course Pass Requirements

A minimum grade of D is required to pass this course.

Letter	F	D	D+	C-	C	C+	B-	B	B+	A-	A	A+
Percent Range	0-49	50-52	53-56	57-60	61-65	66-69	70-74	75-79	80-84	85-89	90-94	95-100
Points	0.00	1.00	1.30	1.70	2.00	2.30	2.70	3.00	3.30	3.70	4.00	4.00

Participation

Regular participation in threaded discussion is essential for success in the program. This is statistically supported by a high and significant correlation between participation and grades. As a result, a departmental policy (supported by a College-wide policy) is being formulated to encourage regular participation without penalizing legitimate absences. Our goal is to increase student interest and retention.

Excused Absences

Due to the nature of emergency services, however, the students' duties and/or responsibilities may prevent them from participating in given threaded discussions or submitting position papers within designated time. Students with legitimate reasons for being absent or late must inform their instructors either prior to their absence or immediately upon their return to class. Documentation may be required as proof of a legitimate absence.

Please note that to call the Business Administration office or your Department Chair is not an alternative to contacting your instructor -- you must contact your instructor directly.

It is recognized that absences, whether they be excused or unexcused, seriously hinder the required learning experience in many courses (particularly in threaded discussions in which students are to post their opinions on readings or case studies and to comment on those of their peers' that are meant for them to learn from each other). Accordingly, if the total absence (excused plus unexcused) exceeds 20 % of the required participation, a student may be required to withdraw from the courses and automatically receive a grade of "W" (Withdrawal: No credit earned. Not calculated in GPA.).

This policy is enforced by ALL BAppBus:ES Instructors at their discretion on a class-by-class basis.

NOTE: Students exceeding the permitted absence after the withdrawal date automatically receive a zero for the course at the discretion of the instructor.

Some instructors may also use a participation contract form.

Module Units/Topics

This module consists of 4 units:

1. The History of Emergency Services Law

Understand and evaluate how the history of the law impacts emergency services today.

Describe the major developments in Canadian history of the law that impacts emergency services today

To introduce the reader to the different types of law and describe the division of law as it is applied to emergency services.

2. Canadian Court Systems

To introduce the learner to the hierarchical system of Canada's courts including the powers of each court.

Learn how law (statutes) is developed and interpreted by the courts, commonly called the Doctrine of Precedent. Since the process is different for each level of government the process for provincial and municipal law will be discussed.

Understand the role of previous decisions made by various courts and the requirement to consider those previous decisions.

3. Administrative and Tort Law as it applied to Emergency Services

Describe administrative law and apply it to Emergency Services Industry.

Understand what a tort is by definition, the elements of a tort, tort law as applied to criminal law and civil law, personal and property torts and the remedy at law for torts.

4. Case Study – Researching the effect of the Charter and legislation as they effect your Emergency Services organization.

A study on the impact of the Charter on the learners’ ability within their specific Emergency Services organization to comply with requirements set forth in the legislation.

A study on a case that has taken place in the last ten years that has directly impacted the delivery of the learners’ specific emergency service.



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