1. Fill in the blanks

**UNDERSTANDING CASE CITATIONS**

Barker v Hayes, 2008 BCCA 148

1. Practice Questions



**CanLII**

1. **FINDING AND USING DECISIONS/CASES**
	1. When does **continuous coverage start** for BC Supreme Court cases in CanLII? Hint: one way to find this is via thelink, *Primary Law Databases*, at the bottom of the page.
	2. How **many cases** from the BC Supreme Court are indexed in CanLII?
	3. Using CANLII, locate the decision from the Canadian Human Rights Tribunal with the neutral citation 2019 CHRT 22.
		1. What is the **case name**?
		2. What does Tribunal member Gabriel Gaudreault have to say about the use of **Latin maxims**? (summarized answer is fine)
		3. What **three pieces of legislation** (Codes and Acts) are cited in this tribunal decision? (Just the legislation names, not particular sections, will suffice):
2. **FINDING LEGISLATION.** Locate the BC Employment Standards Act on CANLII. Note that finding legislation within CANLII by keyword *searching* can be a little tricky. TIP: browsing instead of searching often works best.
	* 1. What is the **name of section 25**? TIP: Find this Act by browsing: BC 🡪 Statutes 🡪 click on the letter E 🡪 Employment Standards Act.
		2. What does **section 25(1)(a) state**?
		3. Click on the hyperlinked number 25, and select the option, “citing documents”. This will list cases where Section 25 of the BC Employment Standards Act was cited, allowing you a way to find cases relying upon this Act. What are the **two cases** cited here?
		4. Refer back to the main BC Employment Standards Act page. **Which part** of the Act addresses Statutory Holidays?
3. **NOTING UP A CASE.** CANLII allows you to “note up” a case/decision or legislation, which means that you can research which decisions have cited a particular case or piece of legislation of your interest. Try doing this with the BC Human Rights Code.
	1. First, find the BC Human Rights Code on the CANLII database. Next, navigate to the tab “cited by” and select it. You have the option of searching either everything that has cited this *entire* Code, or searching by *section or sub-section* of the Code. The latter will be more useful for searching for cases by topic.
		1. Select the second option to *search by section or subsection*and enter section11(*discrimination in employment advertisements*)**.**
		2. **How many cases** come up?
		3. Add the keyword “origin” to your search parameters. **How many cases** are left?
		4. Look at the first result: *MacAulay v. Grouse Mountain Resorts*.
			1. What short **subject keywords** describe the case? These keywords can help you get the gist of a case before reading it.
			2. What **Board, Tribunal or Court** was the matter was brought before?
			3. What **other section(s)** of the Human Rights Code did the Complainant cite in his claim?
4. **KEYWORD SEARCHING.** Go back to CANLII. Run a search for *wrongful dismissal* in CANLII.
	* 1. How many **cases** come up for this keyword search?
		2. What are some other ways you could **search for cases** on this topic?

**WESTLAW NEXT CANADA (EXTRA QUESTIONS – ONLY IF TIME PERMITTING)**

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***Canadian Abridgment Digest via Westlaw Next***

1. Please go to the library website and locate the subscription database, WestlawNext Canada.
2. From the Westlaw Next home page, select the *Canadian Abridgment Digest (CAD)*, which summarizes and classifies hundreds of thousands of Canadian legal cases.
	1. You will first see numerous CAD main headings (example: Aboriginal and Indigenous Law). Find **3 headings or sub-headings** where case law digests of decisions involving labour and employment issues might be found (there are many possible answers). List these and note **how many cases** are classified under each of those various sub-headings.

1.

2.

3.

***Canadian Encyclopedic Digest via WestLaw Next***

1. Go back to the main Westlaw Next home page. You will switch from searching the *Canadian Abridgment Digest* collection to searching another one of Westlaw Next’s legal research tools: The *Canadian Encyclopedic Digest*
2. Select *Canadian Encyclopedic Digest* (found under *Commentary*)
3. Here, you can search all of the encyclopedia at once, or browse by alphabetical encyclopedia entries.
	1. Scroll down to *Labour Law – British Columbia*, and click on this entry.
	2. Go to section *XIV – Economic Conflict*
	3. Next, go to subsection *10 – Picketing*
	4. Next, go to sub-sub-section (c) – *Permitted Activity*
	5. Here, you will find a comprehensive statement of the law about permitted picketing activity, based on case law and legislation. You can also use the footnotes to point you to key cases and legislation on this topic.
	6. Section 882 states, “*Picketing engages the constitutional value of freedom of expression in s. 2(b) of the Canadian Charter of Rights and Freedoms, which is a higher freedom than protection from economic harm*”. According to footnote 5, **which major food company** was part of a lawsuit which helped establish this statement of law?