**Supreme Court of Canada Cases**

**Instructions:** Navigate to the *Cases in Brief* summaries of the Supreme Court of Canada’s recent decisions. Choose one civil and one criminal case to review and fill out the chart below to enhance your understanding of the appeals process.

**URL:** <https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx>

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| --- | --- |
| Case Name |  |
| URL |  |
| Appellant in Case |  |
| Respondent in Case |  |
| Facts of Case |  |
| Issue |  |
| Appeal Process  (list decisions at different levels of court) |  |
| Decision at Supreme Court and Reasoning |  |
| Impact and Explanation |  |

**Supreme Court of Canada Cases**

*Civil Example - Canada Post Corp. v. Canadian Union of Postal Workers*

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**URL:** https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx

|  |  |
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| Case Name | *Canada Post Corp. v. Canadian Union of Postal Workers* |
| URL | https://www.scc-csc.ca/case-dossier/cb/2019/37787-eng.aspx |
| Appellant in Case | Canadian Union of Postal Workers |
| Respondent in Case | Canada Post Corporation |
| Facts of Case | The union filed a complaint in 2012 about a mail depot in Burlington, Ontario. The complaint referenced the *Canada Labour Code* and its requirement that a committee to inspect each part of a workplace for dangers to workers’ health and safety at least once a year.  The union said the Burlington committee was not inspecting each part of the workplace (which the union said included all mail routes and places it was delivered) at least once a year. |
| Issue | Does the workplace include mail routes and places it was delivered?  The union argued that the definition of *workplace* as it applied to Canada Post included all mail routes and places of delivery. |
| Appeal Process  (list decisions at different levels of court) | 1 - Health and Safety Officer agreed with Union  2 - Appeals Officers at Occupational Health and Safety Tribunal agreed with Canada Post  3 - Judicial Review at Federal Court agreed with Appeals Officers and Canada Post  4 - Federal Court of Appeal said Appeals Officers made mistakes; Court in favour of union - Canada Post had to inspect all routes and places of delivery  5 - Case goes to Supreme Court |
| Decision at Supreme Court and Reasoning | Majority of judges in favour of Canada Post Corp.  Some parts of the Code applied to all places of work, while others applied to places controlled by the employer. The part about inspections applied only to places controlled by the employer - therefore only those places had to be inspected once a year.    The reasoning was also based on the fact that Canada Post didn’t control mail routes or places of delivery (i.e. private property). They had no power to fix it if there was a danger. Therefore inspecting routes didn’t really make sense. |
| Impact and Explanation | “Reasonableness” was the main standard of review. It didn’t seem reasonable to rule that Canada Post should inspect places for danger if they could not fix or change it. |

**Supreme Court of Canada Cases**

*Criminal Example - R. v. Chung*

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**URL:** https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx

|  |  |
| --- | --- |
| Case Name | *R. v. Chung* |
| URL | https://www.scc-csc.ca/case-dossier/cb/2020/38739-eng.aspx |
| Appellant in Case | Crown |
| Respondent in Case | Mr. Chung |
| Facts of Case | In 2015, Mr. Chung was driving down a street with a speed limit of 50km/hr. Chung accelerated to 140 km/h towards a major intersection, passing a car and dodging another. He then hit a car turning left and the driver of the other car died. Chung was charged with dangerous driving causing death. |
| Issue | There are two parts of a crime - *actus reus (guilty act)* and *mens rea* (guilty mind). Mr. Chung had *actus reus*, because he drove dangerously and his actions caused a death.  The issue is:  Did Mr. Chung have the *mens rea (*guilty mind)?  Were his actions (extreme speeding, but for a short period of seconds) markedly different from those of a “reasonable person”? |
| Appeal Process  (list decisions at different levels of court) | 1 - Trial judge - in favour of Chung (not guilty). The brief period of speeding wasn’t enough to determine *mens rea* for this case. Crown appeals, saying that the trial judge made legal errors.  2 - Court of Appeal agrees with Crown. Chung found guilty.  3 - Case goes to Supreme Court |
| Decision at Supreme Court and Reasoning | Majority of Supreme Court judges agree that Chung is guilty.  The trial judge made errors. The trial should have looked at “whether a reasonable person would have foreseen a danger to the public” by the excessive speeding. |
| Impact and Explanation | Excessive speeding even for a few seconds is dangerous driving. |