COURSE DESCRIPTION AND OBJECTIVES

This course is a critical study or exploration of the role of law and our legal institutions in furthering the social welfare aspirations and objectives of our society. This is a complex undertaking as there is a divergence of opinion regarding the scope and goals of social welfare law and programs, and the ability of law to further social welfare aspirations. It also requires an ongoing evaluation of the strengths and weaknesses of law as a means or instrument to address social, economic or other disadvantage experienced by members of Canadian society.

The course is relevant both to those with a passion for social justice and those who wish to simply deepen their understanding of this area of law.

The course addresses the following themes.

1. A conceptual understanding of social welfare law.
2. A general historical overview of social welfare law in Canada from Confederation to the present.
3. How social welfare law and social welfare programs are shaped by the historical and cultural context in which they arise.
4. The role of law in the creation and implementation of social welfare programs.
5. Understanding the role of discretion in the implementation of social welfare law programs in achieving their goals.
6. The role of both legislation and court decisions in constituting social welfare law.

A key theme of the course is that social welfare law must be understood as a product of cultural values and the social, political and economic context in which it originates and evolves. It reflects both cooperative and conflictual forces and tensions in society.

Studying social welfare law requires understanding how it operates in practice. For this reason, the course includes various case studies as concrete examples of the general characteristics of social welfare law. These will include:

1. how the social and economic context in which the workers’ compensation program in B.C. emerged shaped this program,
2. the nature of employment insurance as a social welfare program as indicated by its consequences,
3. income assistance as a specific example of an economic security program,
4. the structure of our health care system as determined by the constitutional and legislation, and
5. the contributions of the courts to expanding or limiting social welfare law through examining court decisions.

METHODOLOGY

Social Welfare Law is a participative endeavour. While the course will follow both a lecture and seminar format, learning the content of the course requires participation, and this will be structured into the classes. The course will also include presentations on areas of social welfare law by guest presenters and student presentations and facilitated discussions.

EXPECTED EVALUATION METHODOLOGY (Subject to Change)

Midterm assignment: 15%
Research paper 85%

March 2018