

HeadStart 2023: Comprehensive Strategies – Working with Secondary Sources

University of Alberta Law Centre June 23, 2023

Delivered by:

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Learning Objectives







Define and identify the overarching characteristics of Secondary Sources.

Examine core commercial and openaccess Secondary Sources common to legal practice.



Secondary Sources

Sources that comment on the law, but are not the law itself.

Two Main Purposes:

- Sources used to identify / locate primary sources of law.
- Sources that explain, analyze, critique, and help us understand / interpret the meaning of primary sources.



SECONDARY SOURCES

Common Examples of Secondary Sources:

- Legal encyclopedias
- Books (textbooks, monographs, loose-leaf services, annotations)
- Journals and other legal periodicals
- Legal dictionaries
- Words & phrases judicially defined



SECONDARY SOURCES

Other Examples of Secondary Sources:

- Forms and Precedents
 - Used to locate precedents for pleadings, motions, factums, briefs, letters, and other drafted materials.
- Quantum / quantum digests
 - Used for monetary or temporal quantum research
- Tables of Concordance
 - Used for locating legislative equivalencies across different jurisdictions
- Practice Materials
 - Practice notes, checklists, toolkits, standard documents and clauses
- Legal Memoranda
 - May be available externally (from commercial vendors) or internally (firm Memobank)



SECONDARY SOURCES

(More) Examples of Secondary Sources and Other Materials:

- Library of Parliament materials (ex. legislative summaries)
- Government information sheets and new releases (ex. Government of Canada backgrounders and news releases)
- Court case summaries (ex. SCC Cases in Brief)
- Court announcements (news & announcements on court practices)
- Legal education materials and seminar papers (ex. CBA, LESA)
- Professional associations newsletters (ex. LSA, CBA)
- Law firm blogs and newsletters
- Legal organization newsletters (ex. CPLEA, LawNow)
- Legal blogs by law organizations and law school faculties (ex. Slaw, ABLawg)
- Legal aggregate news sources (ex. Mondaq, Law360, Canadian Lawyer Magazine [online])





SECONDARY SOURCE	IDENTIFY / LOCATE PRIMARY SOURCES	INTERPRET OR UNDERSTAND PRIMARY SOURCES
Case Digests (Canadian Abridgement Digest, Canada Digest)		✓
Case & Statute Citators	✓	
Quantum Services	✓	
Annotations		✓
Legal Encyclopedias	✓	✓
Textbooks (Including Monographs, Treatises, and Books in Loose-leaf Form)	✓	✓

Secondary Sources (Cont.)



SECONDARY SOURCE	IDENTIFY / LOCATE PRIMARY SOURCES	INTERPRET OR UNDERSTAND PRIMARY SOURCES
Periodicals (Law Review and Journal Articles)	✓	✓
Legal Dictionaries and Books of Words & Phrases	✓	✓
Law Reform Institute Discussions		✓
Legal Blogs	✓	✓
Legal News Sources	✓	✓
Legal Practice Notes and Checklists (How-to Practice Databases)	✓	✓

Note: Many secondary sources are not exclusive to one purpose.



Legal Encyclopedias





- Volumes arranged by subject / legal topic
- Contain:
 - Concise legal principles and statements of the law, organized by subject
 - References to primary sources (legislation and case law) on topic
- If little is known about the issue and/or governing primary law → consider starting with a legal encyclopedia.
- Useful for providing comprehensive overviews of particular areas of law.

Legal Encyclopedias: What Are They?



- Referenced and cited by the courts (federal and provincial)
- Considered highly reliable authorities
 - Written by legal experts, practitioners, academics, and editors
 - Rigorous editorial and review process before publication

• Strengths:

Comprehensive overview of most of the legal topics relevant to Canadian law

• Limitations:

- My not provide in-depth analysis or commentary
- May not cover nuances of law specific to jurisdiction or critique of the law
 - Other resources may be required

Legal Encyclopedias in Practice:



- Canadian Encyclopedic Digest (available in Westlaw Canada / Edge)
 - Available in print and online
 - Publisher: Thomson Reuters Canada
- Halsbury's Laws of Canada (available in Lexis Advance Quicklaw / Lexis+)
 - Available in print and online
 - Publisher: LexisNexis Canada
- Encyclopedias specific to jurisdiction
 - JurisClasseur Québec (Quebec and Canadian law in French, published by LN)
 - Halsbury's Laws of England (English and Welsh law, cited by some Cad. Cases)
- Topical encyclopedias
 - Couch on Insurance (topical encyclopedia on insurance law (US))

WESTLAW EDGE CANADA

Enter terms, citations, databases, questions, anything \dots

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All Content Find and KeyCite by Name McGill Guide International Products and Features

Canadian Encyclopedic Digest (CED)

Rules

Primary Sources

Cases Statutes and Regulations

Board and Tribunal Decisions

Securities Regulatory Materials and Bulletins

Policy Documents and Directives

Commenter

Canadian Encyclopedic Digest

Legal Memoranua

Personal Injury Practical Guidance (ON)

Collective Agreement Summaries

Proof of Facts

Texts and Annotations

Articles and Newsletters

O'Brien's Encyclopedia of Forms

Causes of Action, Defences and Remedies

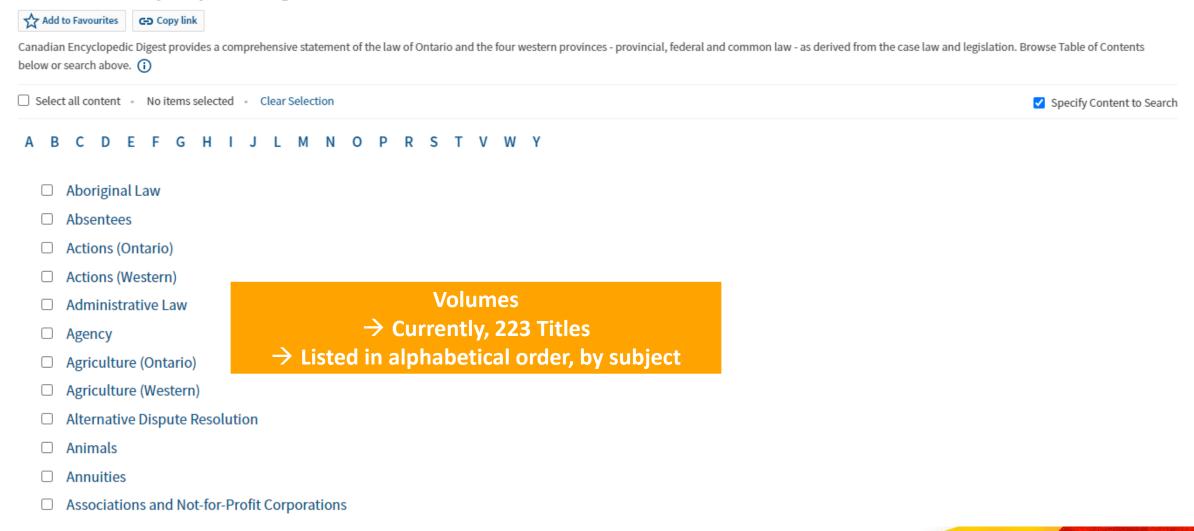
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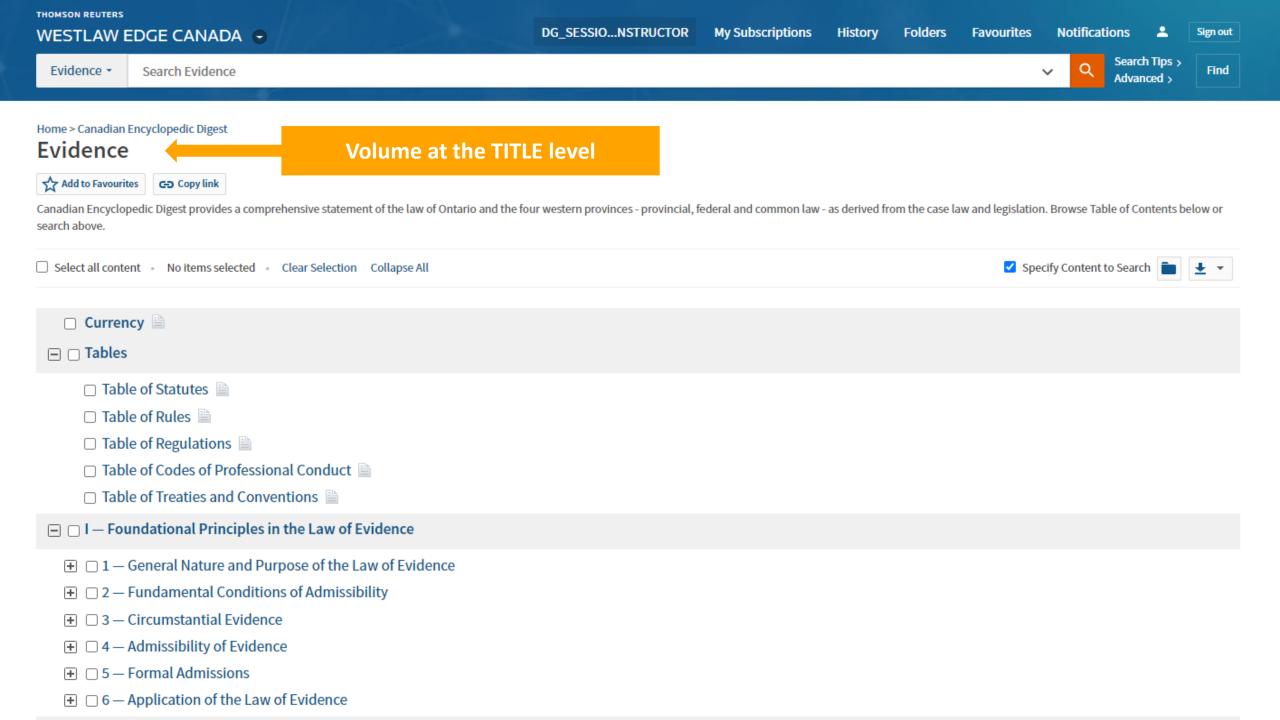


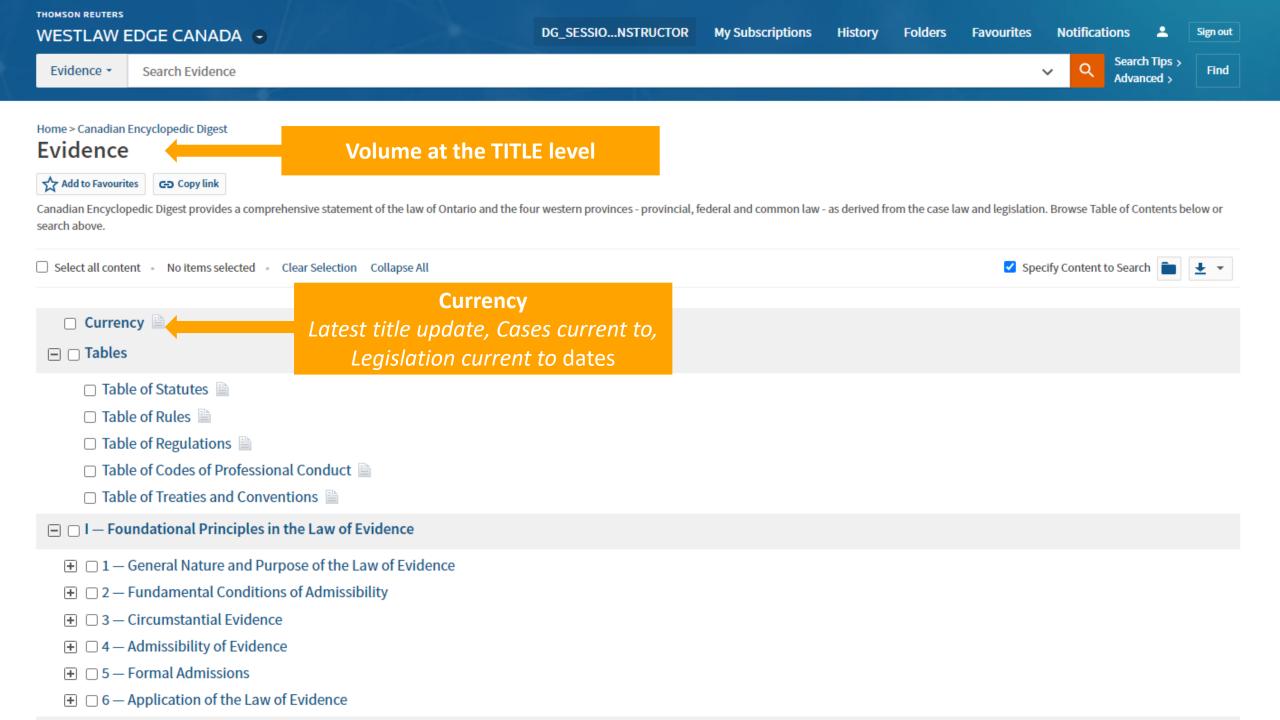
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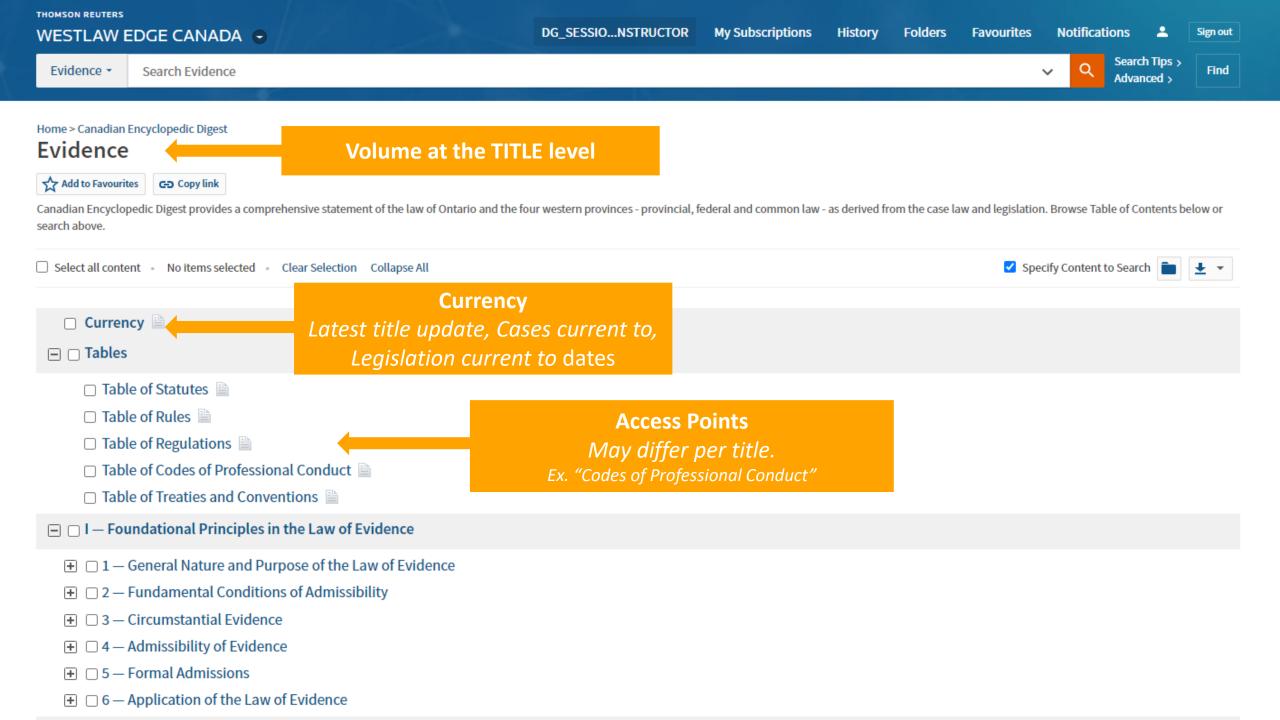
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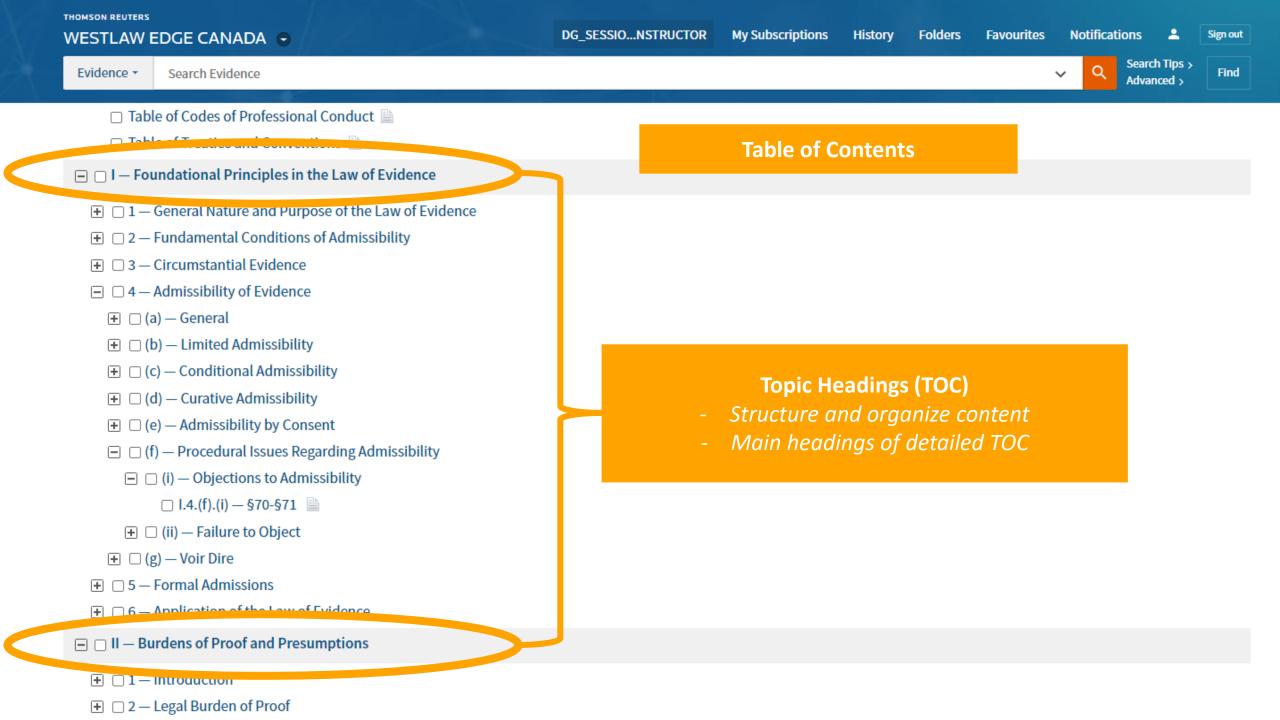
Canadian Encyclopedic Digest

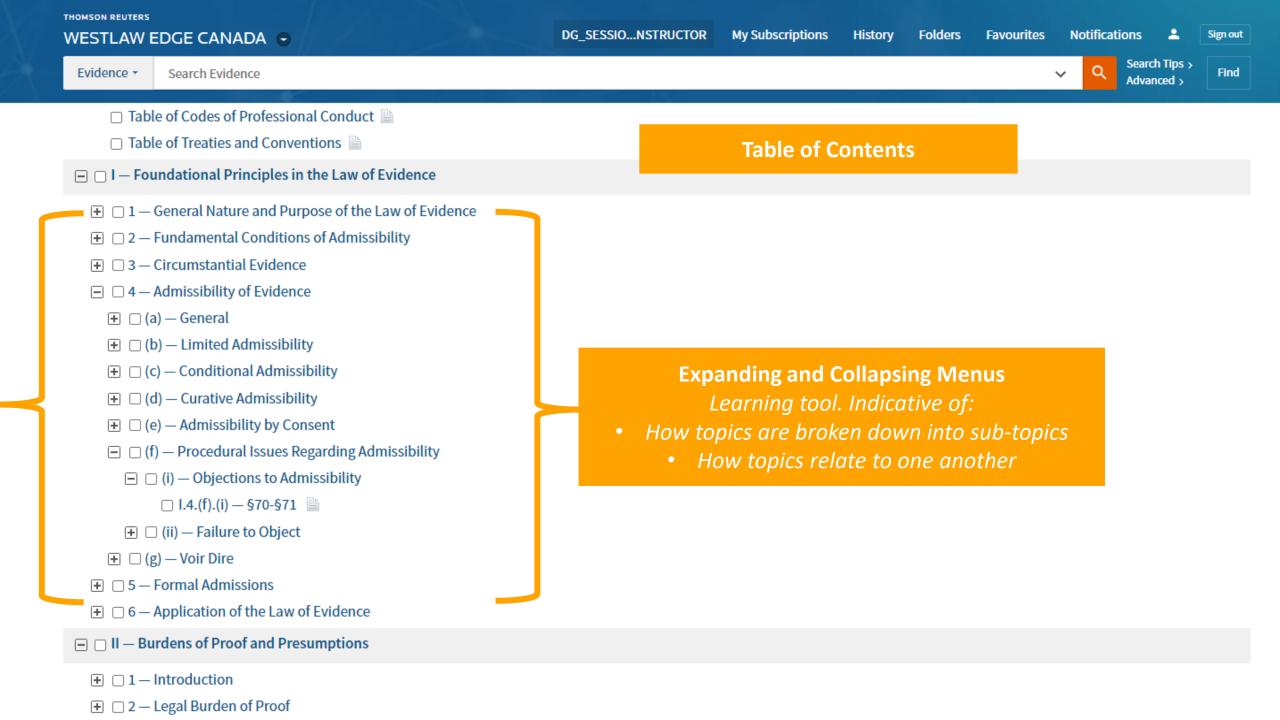












All Content

Enter terms, citations, databases, questions, anything ...

CED Evidence I.4.(f).(i)

WESTLAW EDGE CANADA

Evidence I — Foundational Principles in the Law of Evidence 4 — Admissibility of Evidence (f) — Procedural Issues Regarding Admissibility (i) — Objections to Admissibility (Approx. 5 pages)

Document

Legal Memos (0)

must explain the reason for which the evidence is being offered. † After hearin accept it subject to later argument. 2

§71 The proper time to object to evidence is when it is offered, and the party of trial, it is common for the judge to exclude the jury while the objection is cons

Footnotes:

Title Entry Page

(Continued, Scroll Down)

- One of the most important components of CED ENTRY
- Citation and links to primary law sources for black letter statements of law

Footnotes

- R. v. Wilkinson (1877), 42 U.C.Q.B. 492 (Ont. H.C.); Royal Insurance Co. v. Duffus (1890), 18 S.C.R. 711 (S.C.C.); R. v. Klymson (1994), 91 C.C.C. (3d) 161 (B.C. C.A.); R. v. Handy (2002), 2002 CarswellOnt 1968 (S.C.C.) (party must specify theory of admissibility to allow judge to rule properly on issue).
- R. v. Cloutier (1939), [1940] S.C.R. 131 (S.C.C.); Biggs Estate v. John Doe (2016), 2016 CarswellBC 2071 (B.C. C.A.) (ruling on voir dire to determine admissibility of evidence should be made shortly after conclusion of voir dire).
- 3 R. v. Luckhart (1974), 10 N.S.R. (2d) 619 (N.S. C.A.); R. v. Morgan (1983), 29 Alta. L.R. (2d) 183 (Alta. Q.B.); R. v. Enden (2007), 52 M.V.R. (5th) 92 (Sask. C.A.); but see R. v. Kutynec (1992), 70 C.C.C. (3d) 289 (Ont. C.A.); R. v. Gundy (2008), 57 C.R. (6th) 369 (Ont. C.A.) (trial judge has discretion to permit objection at later point where in interests of justice).
- R. v. Ball (1911), [1911] A.C. 47 (U.K. H.L.); R. v. Dietrich (1970), 1 C.C.C. (2d) 49 (Ont. C.A.); leave to appeal refused (1970), [1970] 3 O.R. 744n (S.C.C.).

If referencing a CED entry / section:

- Evaluate authority of primary sources cited
- Note up primary sources (especially if a few years have passed since volume was updated.)









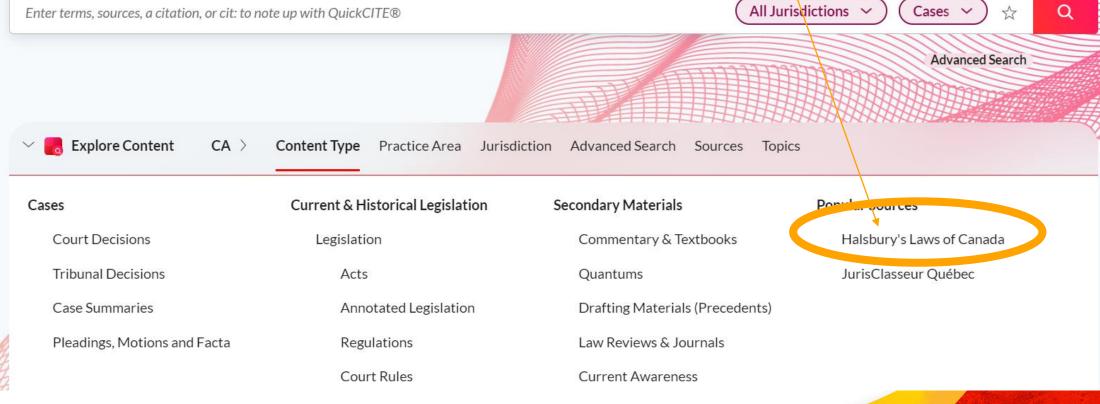


Legislative Pulse



Brief Analysis What would you like to research today?

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Home > Halsbury's Laws of Canada

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Halsbury's Laws of Canada @

Advanced Search | Tips **Volumes** Q Enter terms, sources, a citation, or cit: to note u → Currently, 72 Titles (covering 119 discreet legal subjects Search all sources on this page
 Select sources → Listed in alphabetical order, by subject

Halsbury's Laws of Canada

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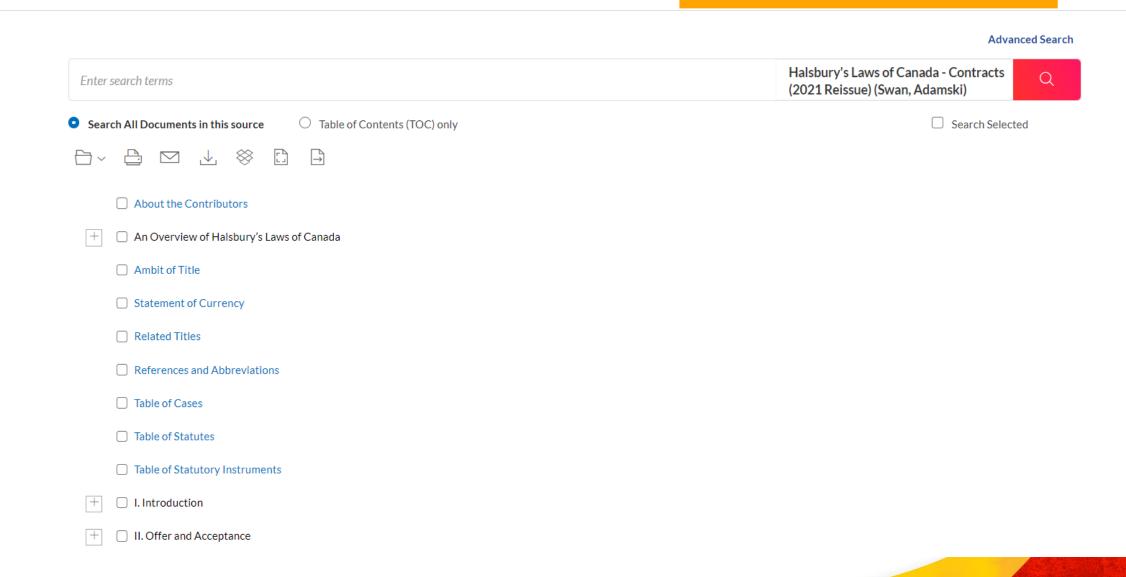
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Halsbury's Laws of Canada - Contracts (2021 Reissue) (Swan, Adamski) i ☆



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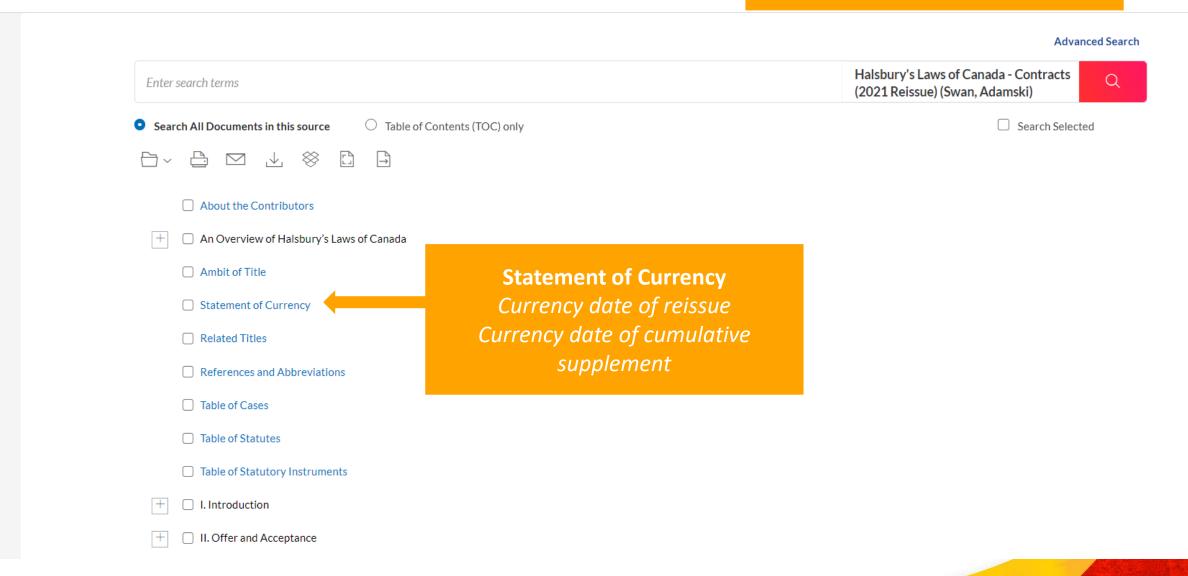


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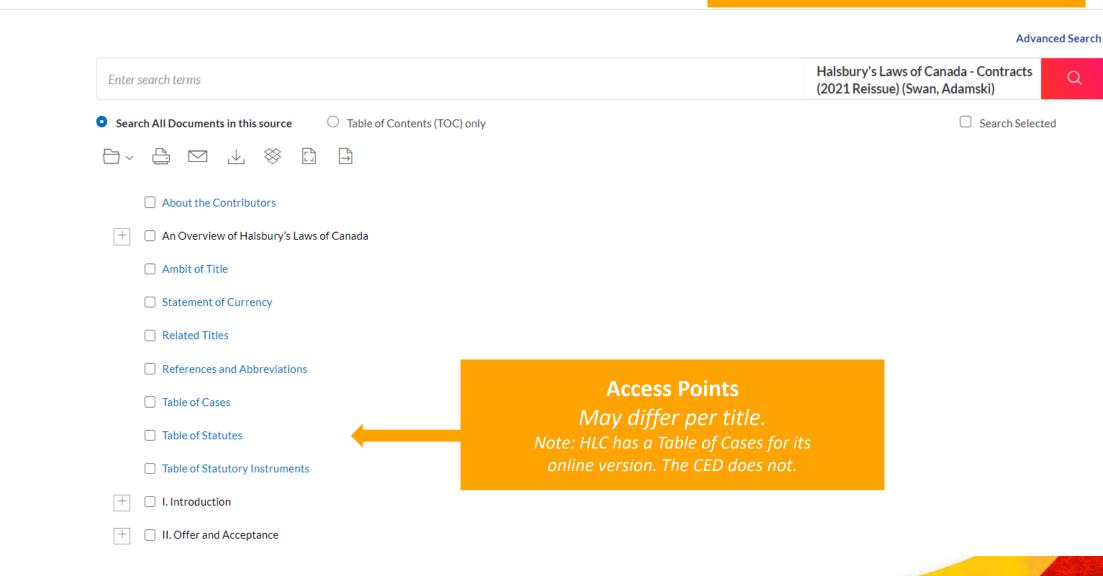
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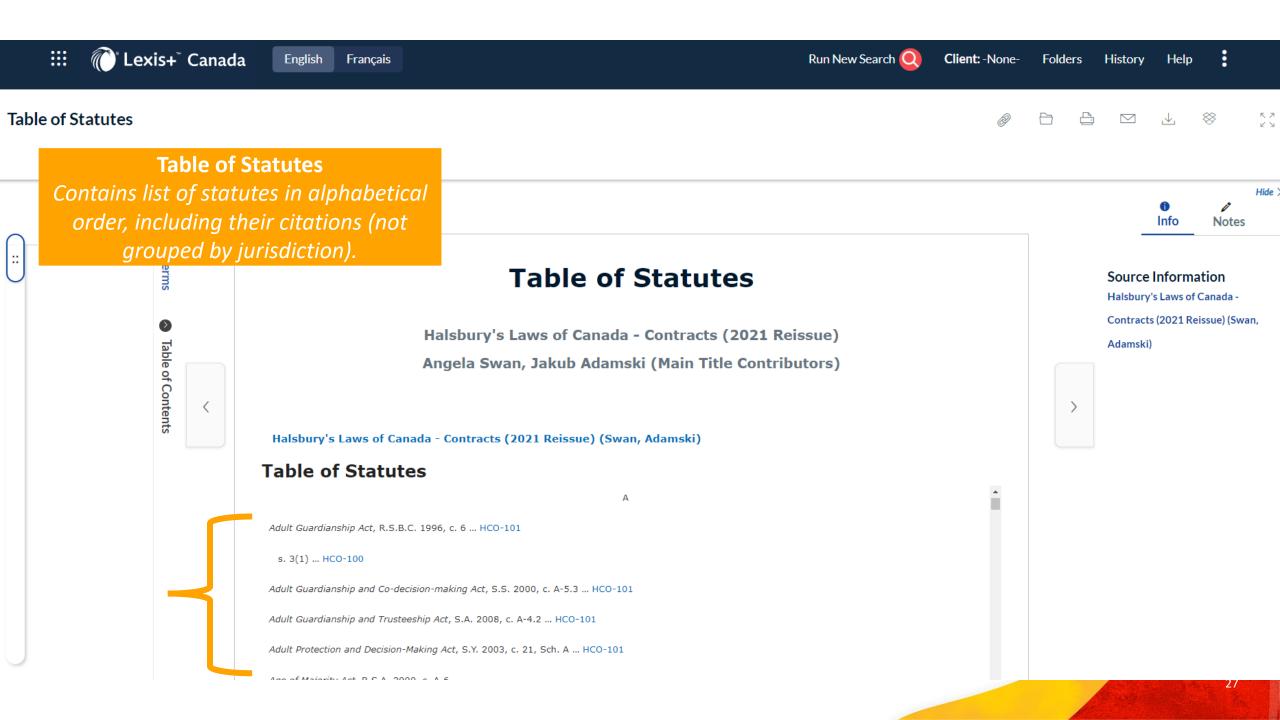


Table of Cases

Contains both list of cases cited by the main title (reissue) and the cumulative supplement (supplementary table of cases

Table of Cases

Halsbury's Laws of Canada - Contracts (2021 Reissue)

Angela Swan, Jakub Adamski (Main Title Contributors) (Updates prepared by LexisNexis Canada Inc.)

Halsbury's Laws of Canada - Contracts (2021 Reissue) (Swan, Adamski)

Supplementary Table of Cases

Cumulative Supplement - Current to September 15, 2021

contracts (2021 Reissue)

1001790 BC Ltd. v. 0996530 BC Ltd., [2021] B.C.J. No. 1865, 2021 BCCA 321 (B.C.C.A.) ... HCO-106

1353141 Alberta Ltd. v. Roswell Group Inc., [2019] A.J. No. 980, 2019 ABQB 559 (Alta. Q.B.), affd [2020] A.J. No. 1323, 2020 ABCA 428 (Alta. C.A.) ... HCO-14, HCO-16

Bidell Equipment LP v. Caliber Midstream GP LLC, [2019] A.J. No. 572, 2019 ABQB 296 (Alta. Q.B.), affd [2020] A.J. No. 1446, 2020 ABCA 478 (Alta. C.A.), leave to appeal refused [2021] S.C.C.A. No. 72 (S.C.C.) ... HCO-6, HCO-152

C.M. Callow Inc. v. Zollinger, [2020] S.C.J. No. 45, 2020 SCC 45 (S.C.C.) ... HCO-103

Canlanka Ventures Ltd. v. Capital Direct Lending Corp., [2021] A.J. No. 416, 2021 ABCA 115 (Alta. C.A.) ... HCO-119

Corner Brook (City) v. Bailey, [2021] S.C.J. No. 29, 2021 SCC 29 (S.C.C.) ... HCO-46

Dawe v. Equitable Life Insurance Co. of Canada, [2019] O.J. No. 3217, 2019 ONCA 512 (Ont. C.A.), leave to appeal refused [2019] S.C.C.A. No. 419 (S.C.C.) ... HCO-49

Fram Elgin Mills 90 Inc. v. Romandale Farms Ltd., [2021] O.J. No. 1703, 2021 ONCA 201 (Ont. C.A.) ... HCO-63

Jesan Real Estate Ltd. v. Doyle, [2020] O.J. No. 4879, 2020 ONCA 714 (Ont. C.A.) ... HCO-14

Owners, Strata Plan LMS 3905 v. Crystal Square Parking Corp., [2020] S.C.J. No. 29, 2020 SCC 29 (S.C.C.) ... HCO-99

Pearce v. 4 Pillars Consulting Group Inc., [2021] B.C.J. No. 1059, 2021 BCCA 198 (B.C.C.A.) ... HCO-144, HCO-184

Sattva Capital Corp., v. Creston Moly Corp., [2014] S.C.J. No. 53, 2014 SCC 53 (S.C.C.) ... HCO-46

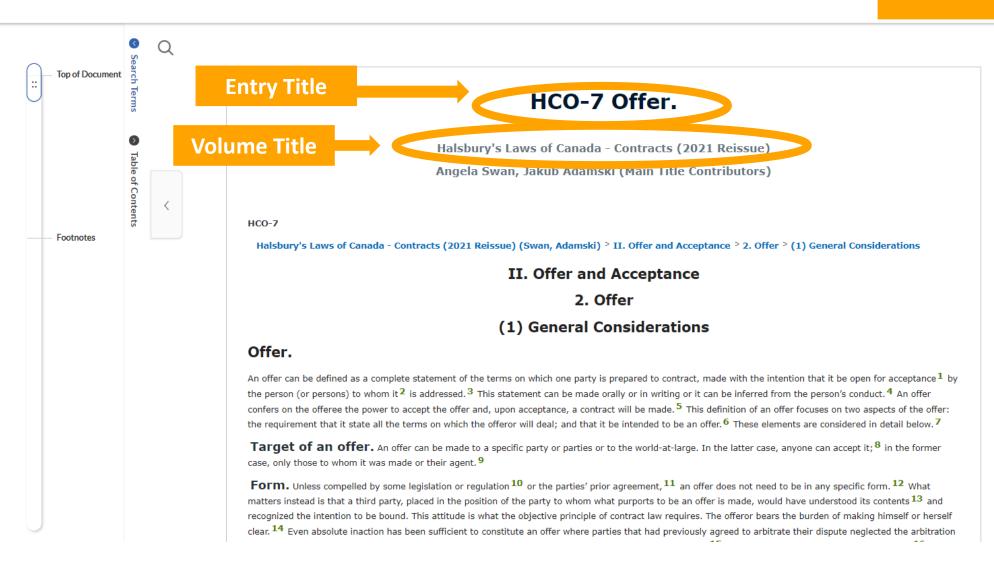
Table Of Cases (Main Title)

ates Ltd., 2002 NBQB 312, 253 N.B.R. (2d) 126, 3 R.P.R. (4th) 288, [2002] N.B.J. No. 322 (N.B.Q.B.) ... HCO-35

0856464 BC Ltd. v. TimberWest Forest Corp, 2014 BCSC 2433, [2014] B.C.J. No. 3170 (B.C.S.C.) ... HCO-37

HCO-7 Offer.

Title Entry Page



Source Information Halsbury's Laws of Canada - Contracts (2021

Info

Reissue) (Swan, Adamski)

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Notes

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Footnotes

Provide citations to primary law (statutes and case law) as well as to other HLC entries.

Footnote(s)

- 1 See, e.g., Carlill v. Carbolic Smoke Ball Co., [1893] 1 Q.B. 256, [1891-1894] All E.R. Rep. 127 (C.A.); and Leonard v. Pepsico, Inc., 88 F. Supp. 2d 116 (S.D.N.Y. 1999), affd 210 F.3d 88 (2d Cir. 2000), where the plaintiff sought specific performance of an alleged offer made in a well-known television commercial to exchange a Harrier jet fighter plane for 7,000,000 points. The trial judge and the Circuit Court of Appeals dismissed the claim on the basis that the defendant's advertisement was not an offer; because no reasonable person could have believed that the advertisement was an offer and that the commercial was evidently done in jest. A similar limit on responsibility was recognized by the House of Lords in Williams v. Natural Life Health Foods Ltd., [1998] 2 All E.R. 577, [1998] 1 W.L.R. 830, [1998] H.L.J. No. 17 (H.L.), though in that case the basis for the plaintiff's claim was that he had relied on a statement by an officer of the defendant.
- 2 See, e.g., Richter v. McKeachie, 2009 BCSC 288, [2009] B.C.J. No. 391 at para. 30 (B.C.S.C.). Thus, normally, an offer made to one person does not constitute an offer to another: see, e.g., Merchant's Gas Co. v. Hall, [1955] O.W.N. 750, [1955] O.J. No. 221 (Ont. H.C.J.), affd [1955] O.W.N. 888, [1955] O.J. No. 343 (Ont. C.A.); Triple "R" Demolition Inc. v. 1186468 Ontario Ltd. (1998), 37 C.L.R. (2d) 125, [1998] O.J. No. 835 (Ont. Div. Ct.).
- 3 Restatement (Second) of Contracts (St. Paul, MN: American Law Institute Publishers, 1981) at § 24 defines an offer as "the manifestation of willingness to enter into a bargain, so made as to justify another person in understanding that his assent to that bargain is invited and will conclude it."
- 4 See, e.g., Clarke v. Earl of Dunraven and Mount-Earl (The "Satanita"), [1897] A.C. 59 (H.L.).
- 5 Canadian Dyers Assn. Ltd. v. Burton (1920), 47 O.L.R. 259, [1920] O.J. No. 138 (Ont. H.C.J.); Dale v. Manitoba (1997), 147 D.L.R. (4th) 605, [1997] 8 W.W.R. 447, [1997] M.J. No. 342 (Man. C.A.); Grant v. New Brunswick (1973), 35 D.L.R. (3d) 141, 6 N.B.R. (2d) 95, [1973] N.B.J. No. 47 (N.B.C.A.).
- 6 See Harvey v. Facey, [1893] A.C. 552 (P.C.), for an example of the lack of requisite intention.
- 7 See HCO-32 ("Indefiniteness") and HCO-10 ("Objective understanding of the intention to contract") respectively.
- 8 For example, offers to sell or purchase shares of corporations listed or intended to be listed on a stock exchange are heavily regulated. Where an offering corporation offers shares to the public it must structure its offer as a prospectus whose form, content and even delivery schedule are heavily regulated. See, e.g., (ON) Securities Act, R.S.O. 1990, c. S.5, s. 71, which, subject to certain exemptions, requires the delivery to an investor of a prospectus, a written document containing, at the minimum, statutorily imposed representations and warranties about the security that is being purchased in the primary market. Moreover, failure to deliver the prospectus to purchasers gives ground for the purchasers to rescind their purchase within a specified period of time: see, e.g., (ON) Securities Act, R.S.O. 1990, c. S.5, s. 136. Similarly, where a party makes an offer to purchase a substantial amount of shares of a publicly traded company, the structure, content and duration of the parties' offer is likewise heavily regulated. See, e.g., (ON) Securities Act, R.S.O. 1990, c. S.5, Part XX.
- 9 See, e.g., 942925 Alberta Ltd. v. Thompson, 2008 ABCA 81, 432 A.R. 177, 165 A.C.W.S. (3d) 663, 47 B.L.R. (4th) 1, [2008] A.J. No. 194 (Alta. C.A.), where a purported offer was held invalid because it did not comply with a shotgun clause in a shareholders' agreement to which the litigants were parties.
- 10 See, e.g., cases where a reward is offered for information leading to the capture or conviction of a wanted individual (Williams v. Carwardine (1833), 4 B. & Ad. 621, 110 E.R. 590 (K.B.); Shuey v. United States (1875), 92 U.S. 73 (U.S.S.C. 1875)). In such cases two particular problems



Law Books

General Legal Books, Textbooks, Monographs, Loos-leaf services, Annotations, Dictionaries, Words & Phrases, and Quantum



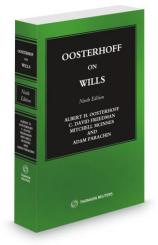


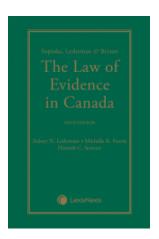
- Come in many forms
- Referred to as "Commentary"
- Focus on an area of law, topic, or subject
 - Greater depth of analysis than legal encyclopedias
- Depending on type of law book, will provide:
 - Coverage: Comprehensive / breadth of discussion
 - Specific Temporal / Jurisdictional coverage
 - Various depths of analyses

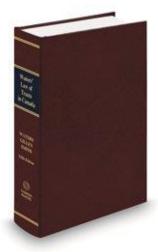


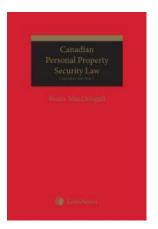
1. General Legal Books

- Aimed at practitioners and students
- For use in law schools and legal workplace
- May include in-depth discussions and statements of the law as well as current/recent developments
- May include some historical development of the law







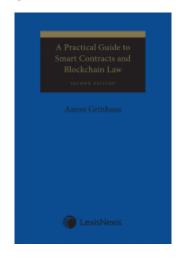


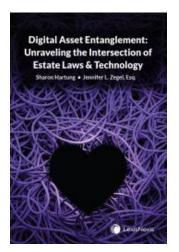


2. Monographs

- Detailed level of analysis covering a narrower issue / area of law
- May contain legal theory along with practice, may be more scholarly / theoretical in nature
- May critique law (as it is written and/or how law it is applied)
- May include recommendations

 how law should be shaped



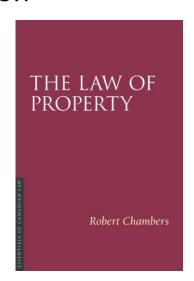


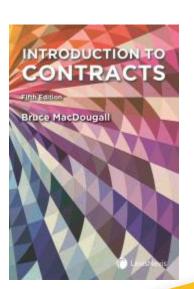


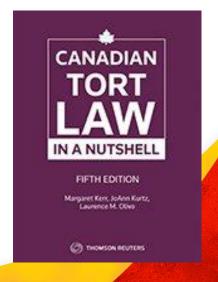


3. Textbooks

- Written primarily for those new to the area of law.
- May be used by laypeople or those from other disciplines
- Concepts: Broad to narrow. Explanatory in nature, accessible language
- Breaks down / organizes area of law into main components
- Some titles have a student edition





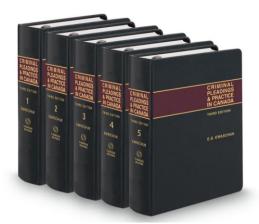


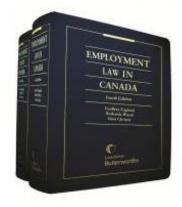


4. Loose-leaf Services

- Serials
- Similar content as general legal books, but updated periodically
- Usually, more extensive in coverage; more up-to-date (legal developments)
- May have single or multiple volumes
- Users must note currency (date last updated) in citation





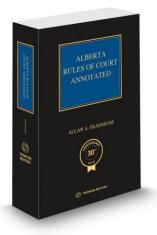


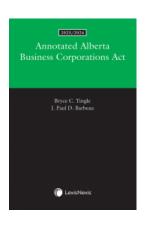
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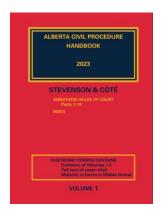
5. Annotations

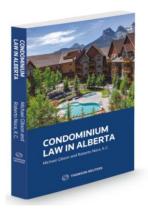
- Judicial, tribunal, and/or secondary source commentary on specific pieces of legislation (statutes and/or regulations)
- Use when seeking judicial interpretation, application, or discussion on a specific piece of legislation
- Commentary at the section / provision level











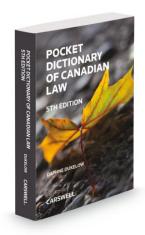
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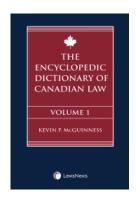
6. Legal Dictionaries

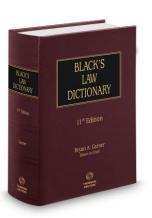
- Provide brief descriptions of legal concepts and terms of art
- Focus on brevity, will not contain detailed discussion
- Use at the start of research
- Words & Phrases

 an index of judicial interpretations of words & phrases in Canadian court and tribunal decisions.









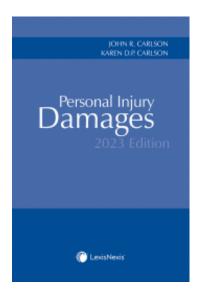
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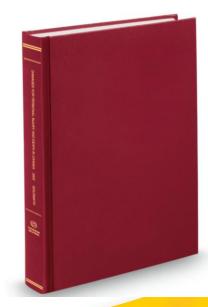


7. Quantum

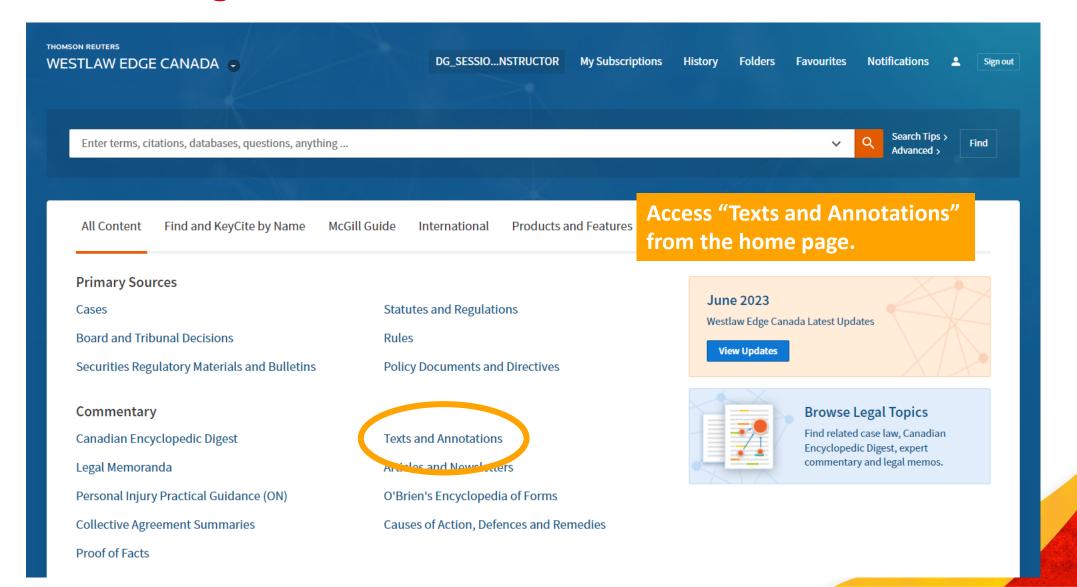
- Collections of court decisions in which provide
 - monetary quantums (damages)
 - temporal quantums (ex. sentencing quantum, termination notice quantum)
- Will contain citations to primary sources (cases and/or tribunal decisions)
- Do not discuss cases.



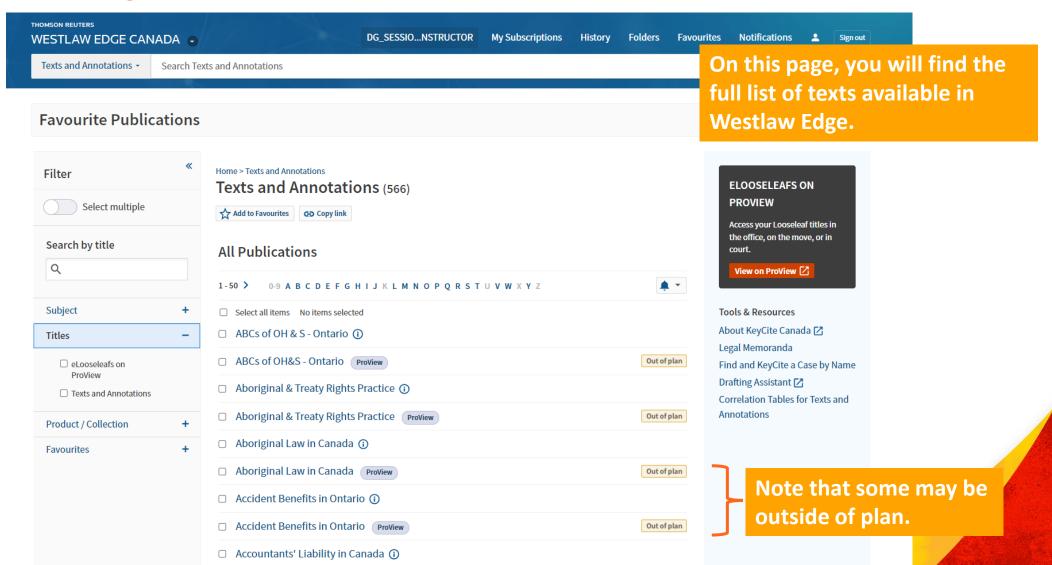




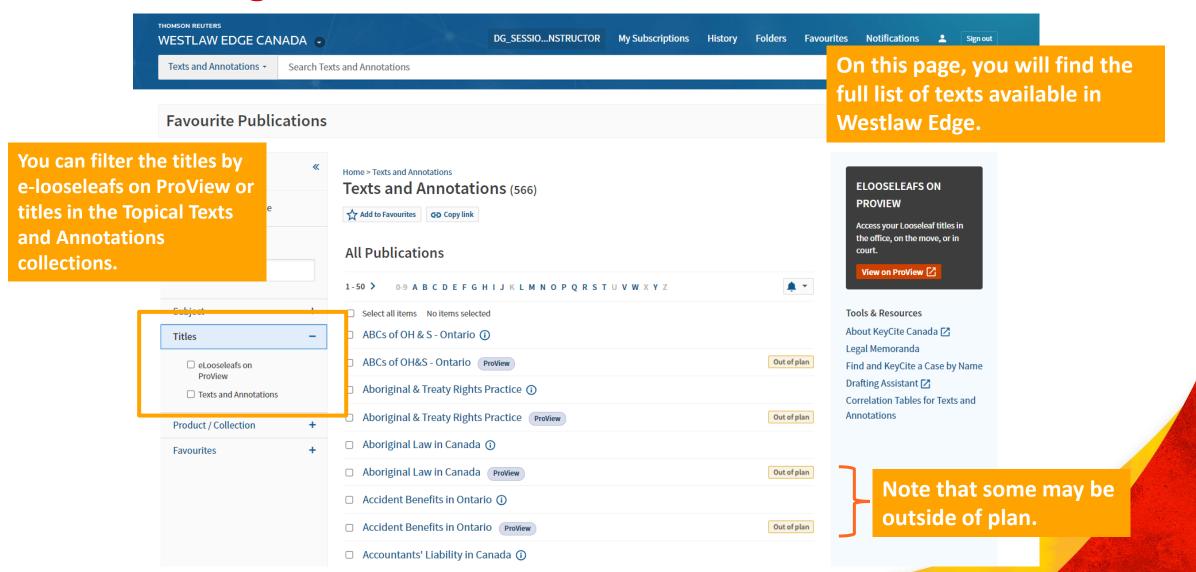










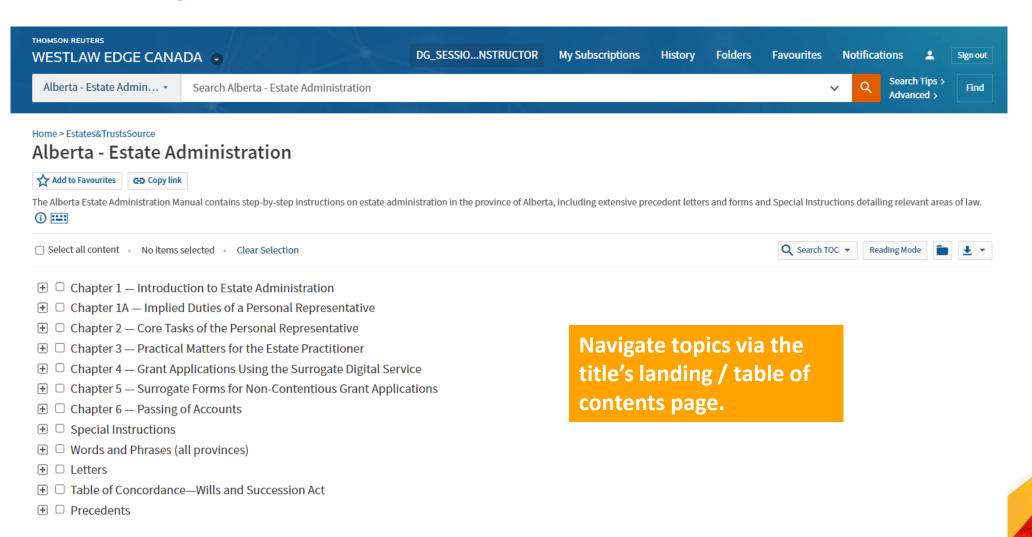


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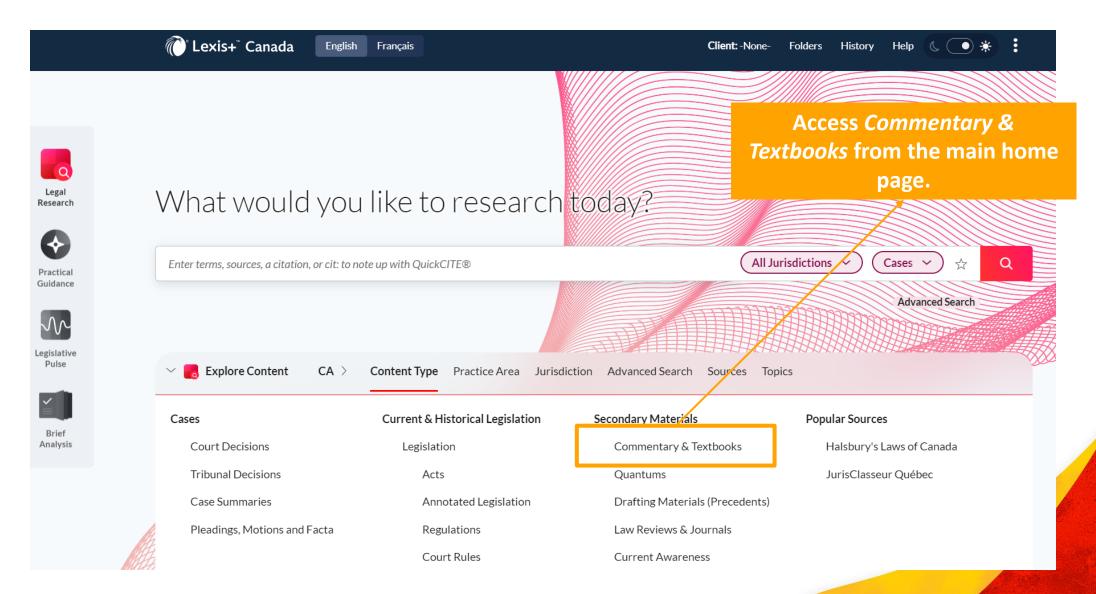


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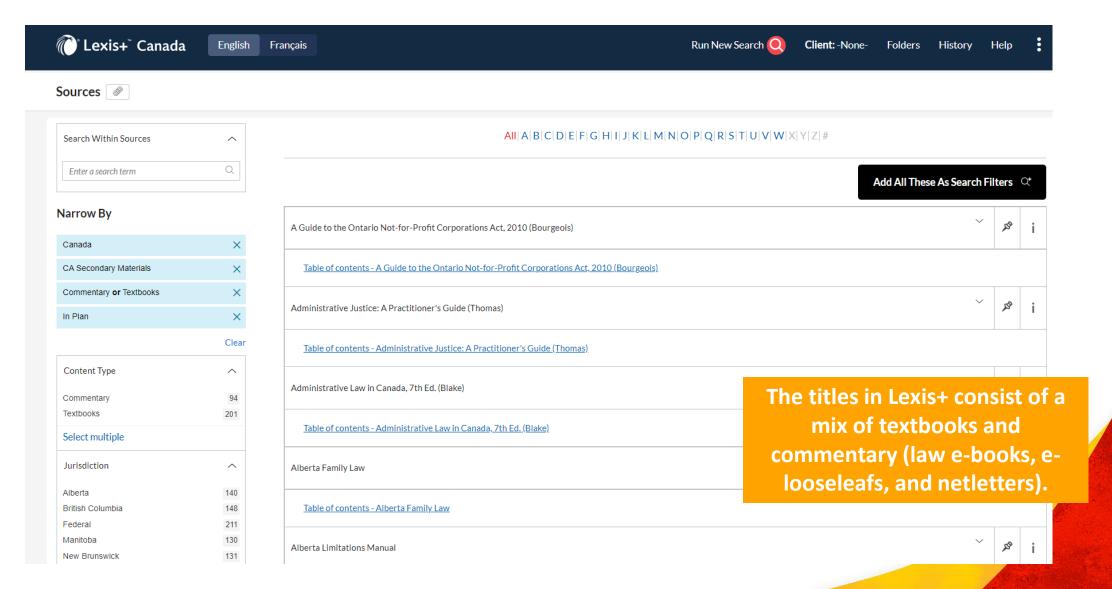




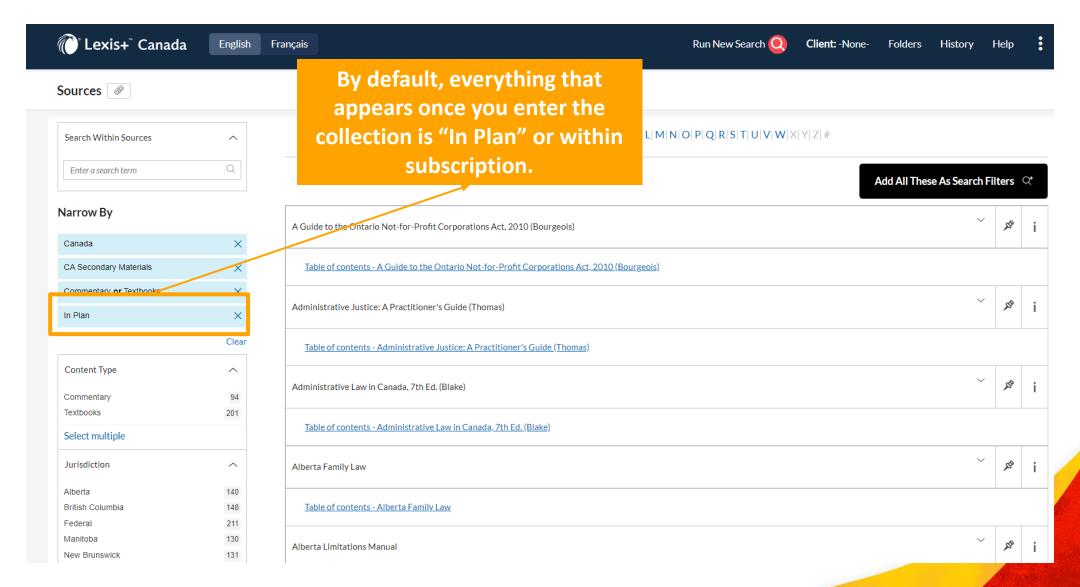




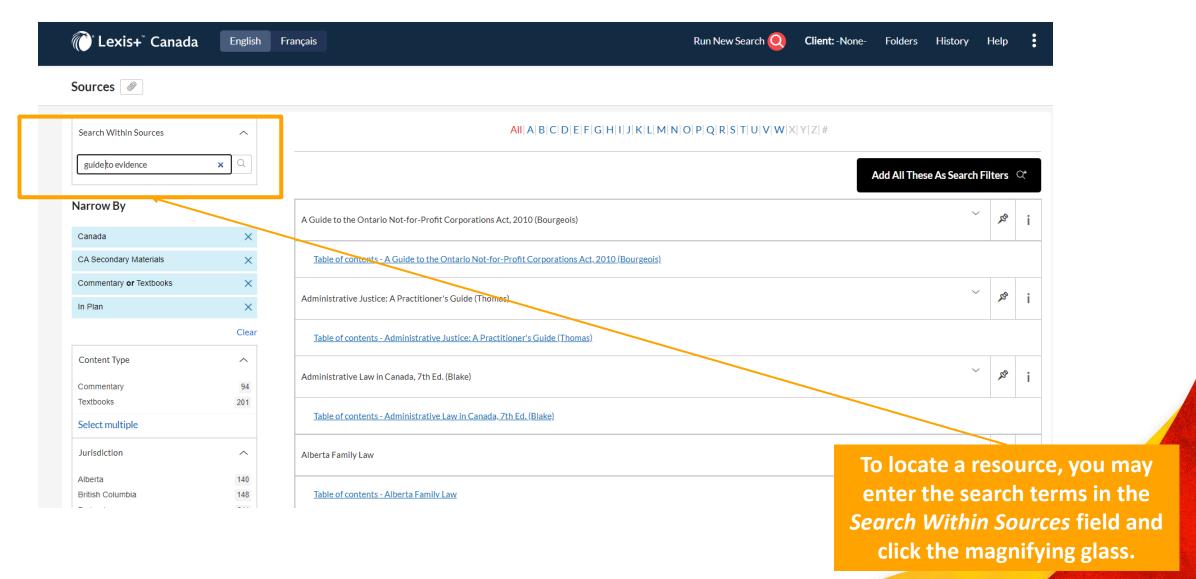




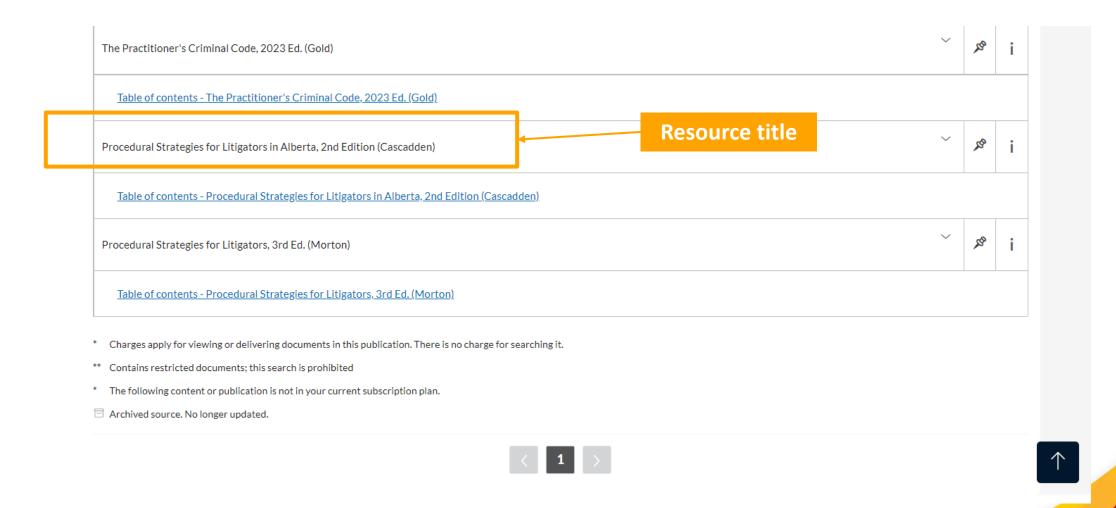




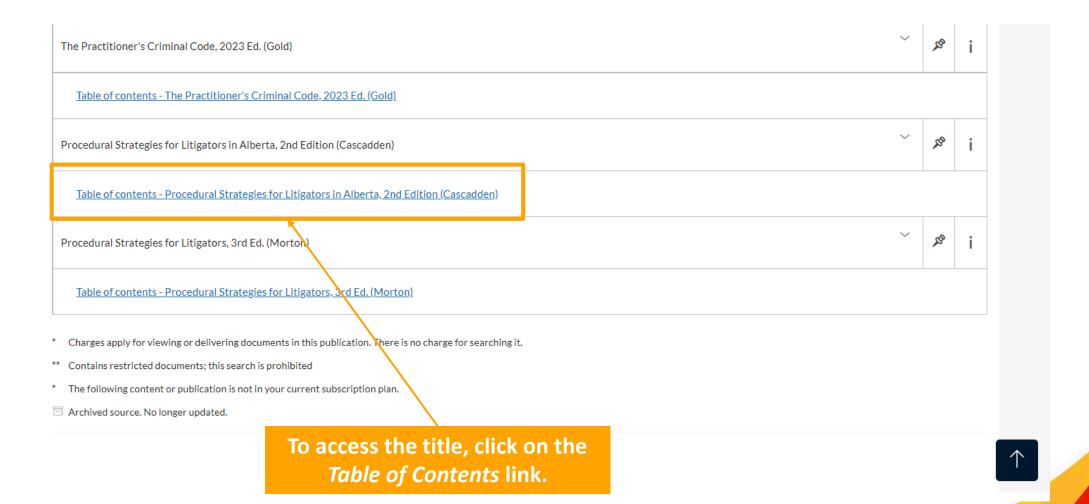




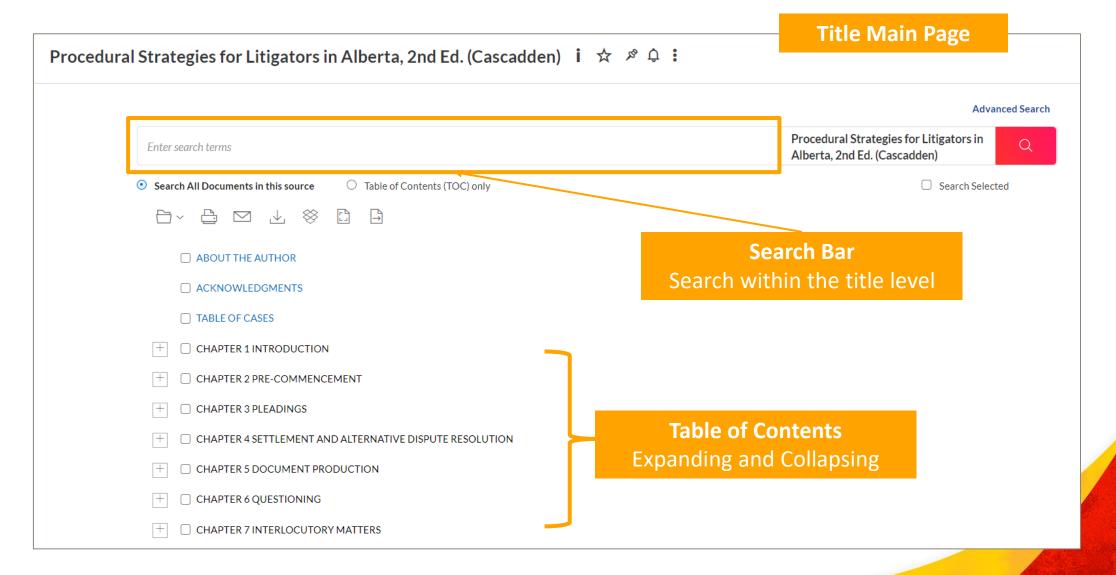
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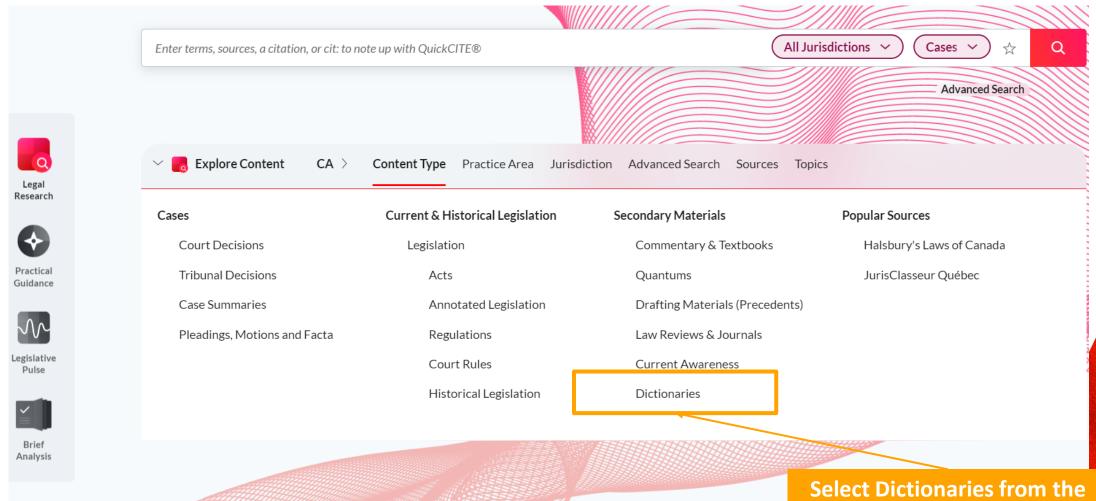






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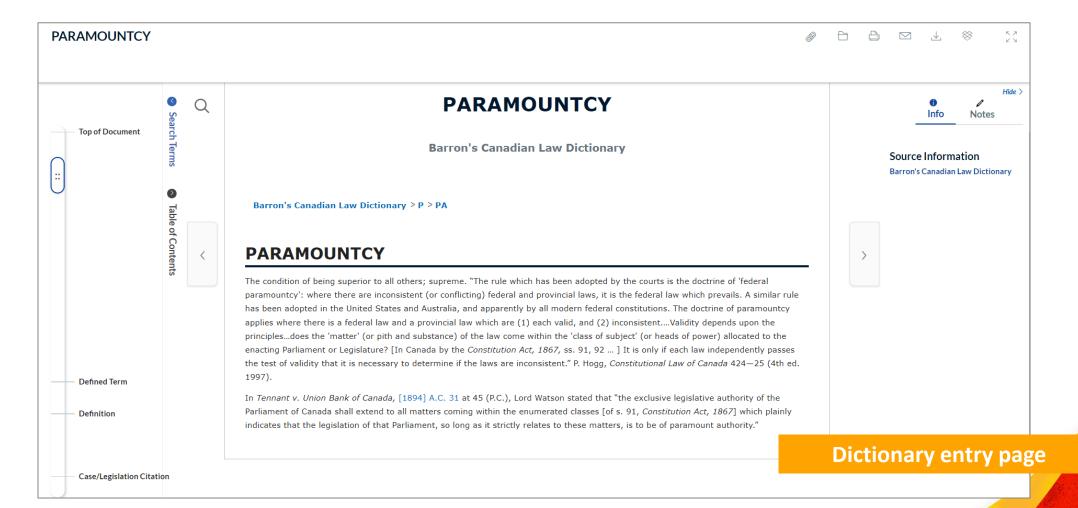
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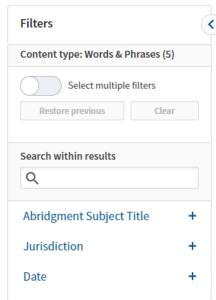
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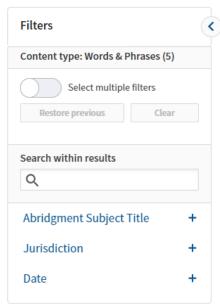


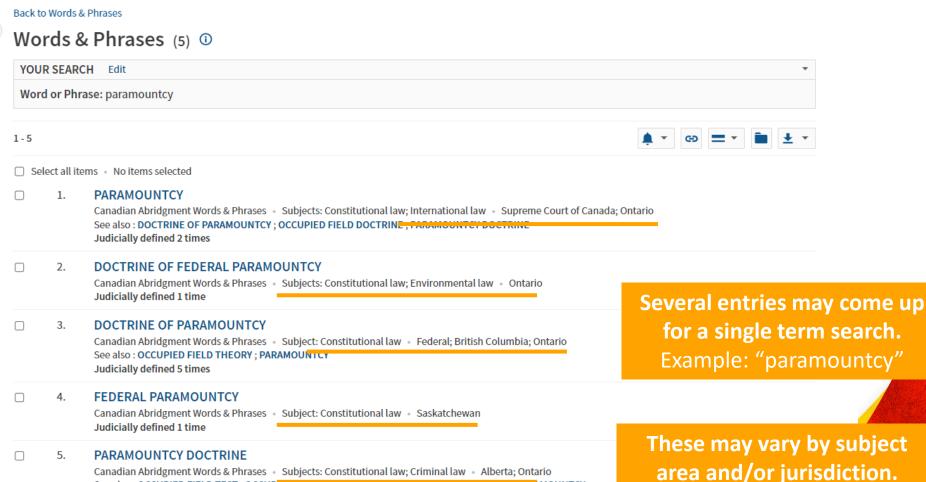
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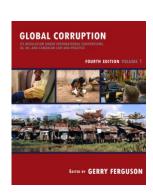
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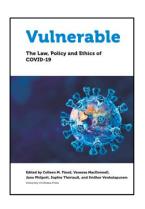
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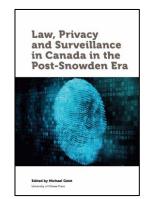




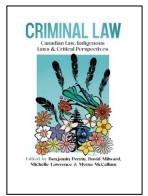


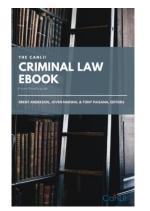


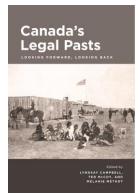


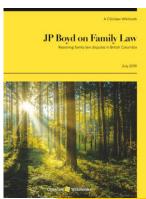














Law Articles & Journals





1. Law Reviews & Law Journals

- Most common type of articles cited in secondary sources
- Scholarly type of commentary
 - Multiple law reviews and law journals (Appendix D of McGill Guide)
- Usually heavily footnoted
- Provides in-depth analysis of issue
- May critique the law, propose how law should develop in future
- Usually on narrow, specific issue → defined / stated in article

Where to Find Articles:



2. Law Reports

- Unique to Canada
- Law Reports → where case law is published
 - Ex. Dominion Law Reports (DLR), Alberta Law Reports (Alta LR), Canadian Cases on the Law of Insurance
- Articles, case summaries, case commentaries

 published in law reports
 - Infrequent, not in all issues

Where to Find Articles:



3. Newsletters

- Newsletters -> net letters, current awareness
 - Short-form serial, covers recent developments in law
 - Published at greater frequency than journals (weekly, bi-weekly)
- Usually contain:
 - Case summaries & headnotes
 - Short articles, updates / current developments in law
- Distributed online (some still in print)
- Lawyers can subscribe to specific titles, receive online alerts
 - Depending on database subscriptions.
 - Law firms \rightarrow current awareness for lawyers





- Lexis+ (Lexis Advance Quicklaw) and Westlaw Edge (Westlaw Canada)
 - Wide selection of Canadian law reviews
 - Coverage dates can vary
 - Generally, going back to mid-1980s (earliest)
 - Depending on subscription, may require payment to access
 - Digital format: text only, no PDF
 - PDF → exact version as article appeared in law review (paginated, helpful for citation)

Databases with Law Review Collections



Hein Online

- Wide selection of Canadian law reviews
- Good for known searches (locating articles with known title, citation)
- Coverage dating back to Vol. 1 for most journal titles
 - Greater scope of coverage for older articles
- Embargo
 - May not have full articles for most recent issue(s) / from the past 1-3 years
 - Index only
 - Deal with publishers for specific titles
 - Publisher → retains exclusivity for certain period





CanLII

- Selected Canadian law reviews
- Coverage dates can vary
- Growing collection, working with publishers to make articles open access
- Many law reviews (universities) are available in CanLII



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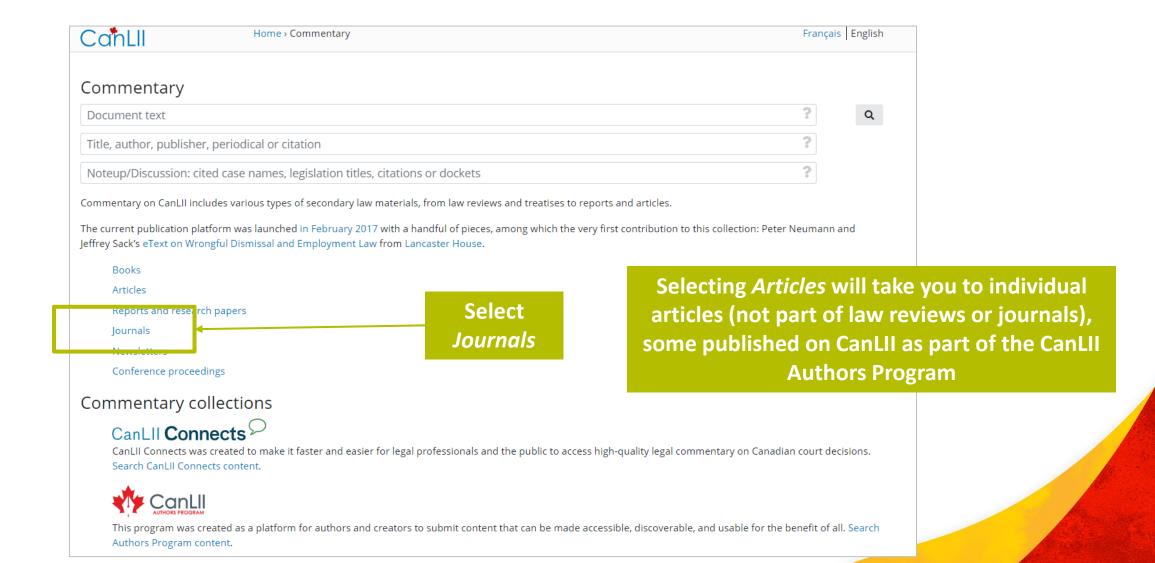




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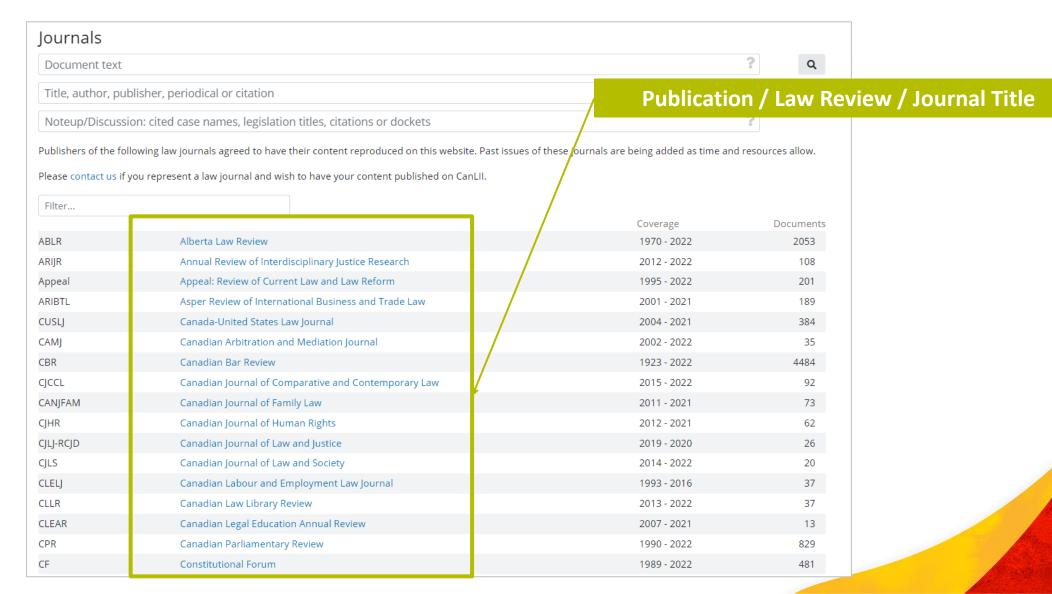
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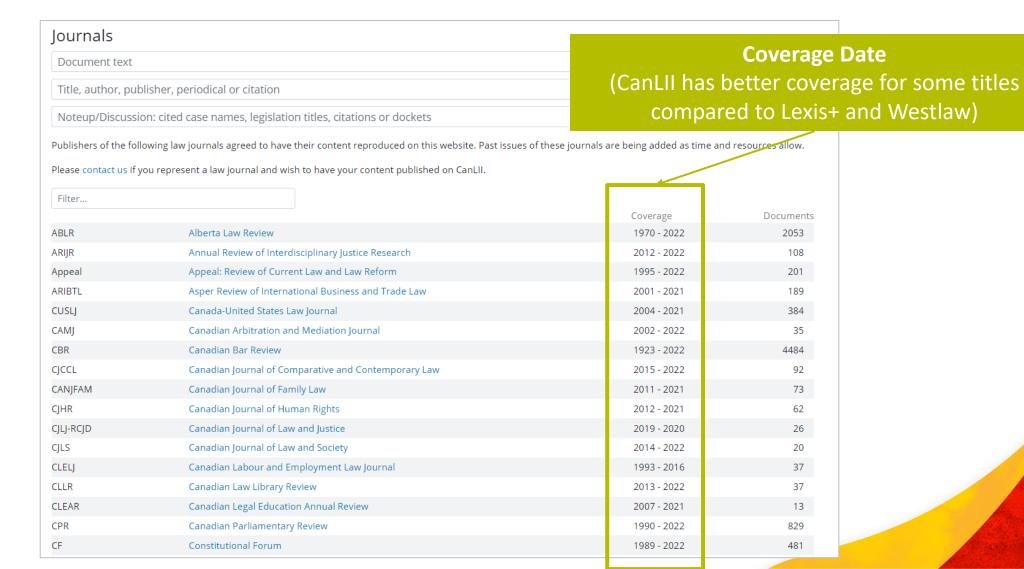






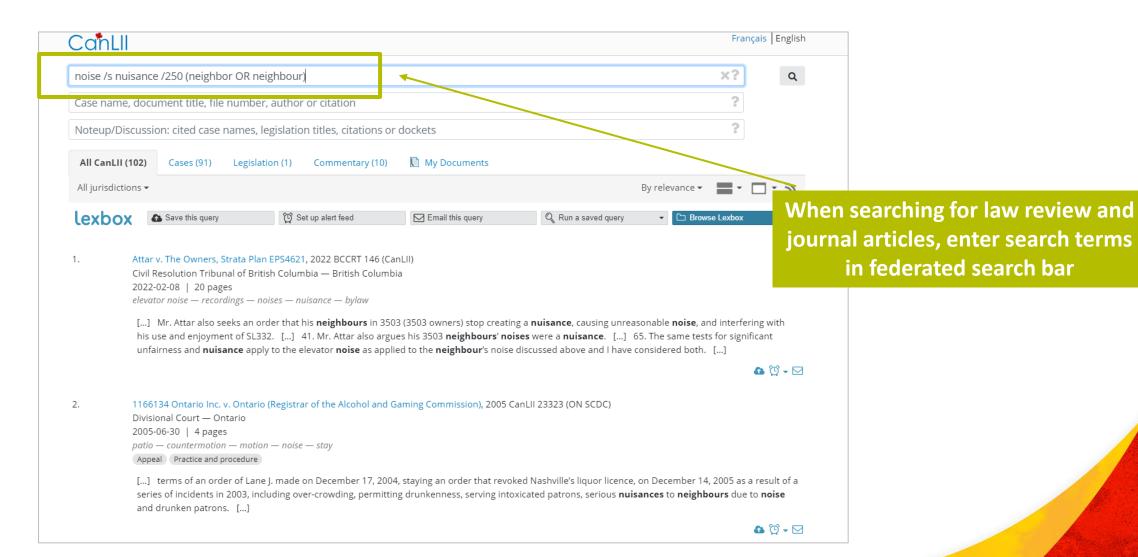






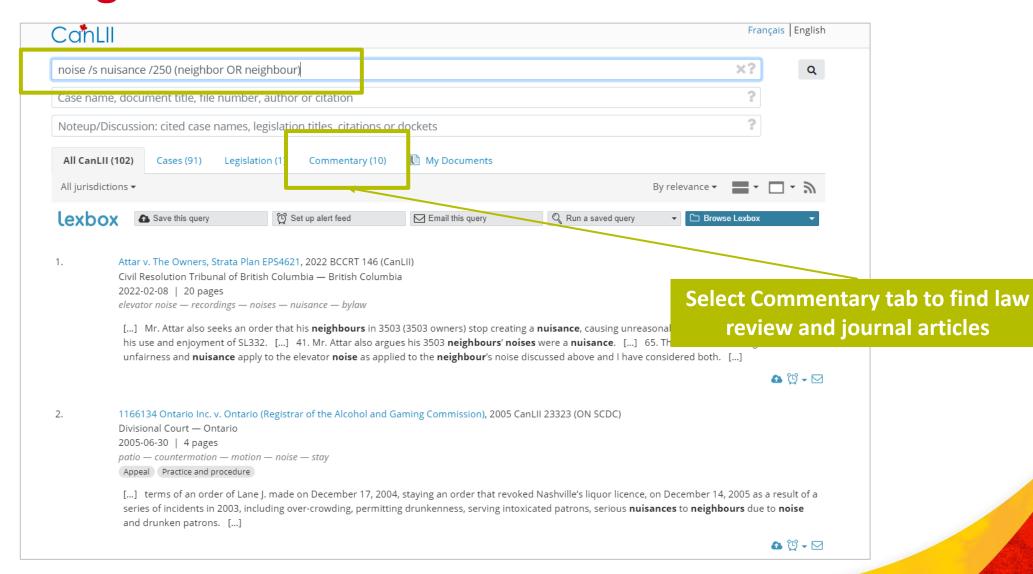


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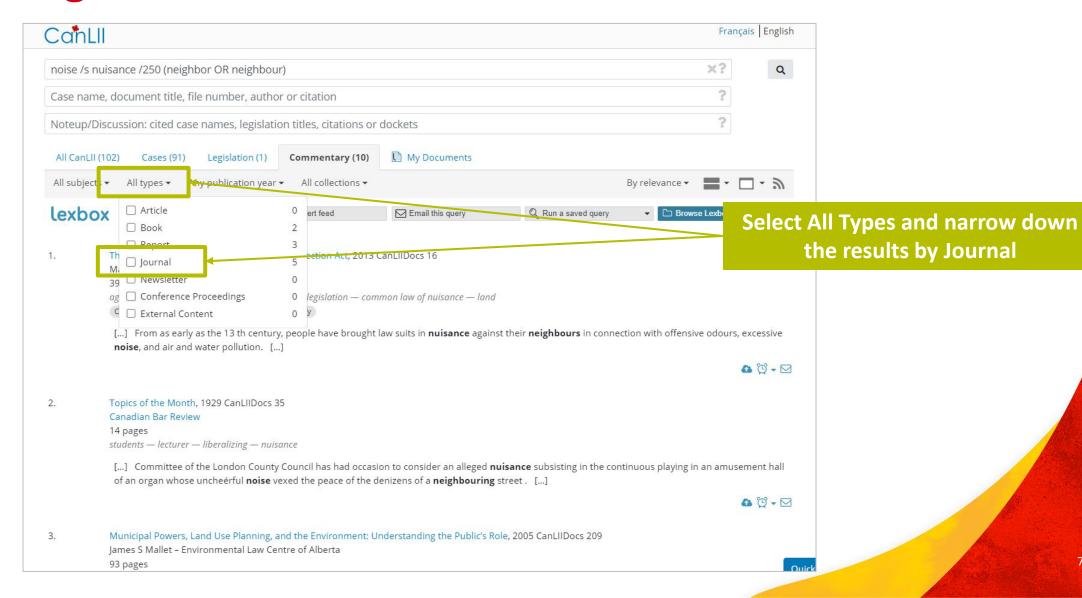


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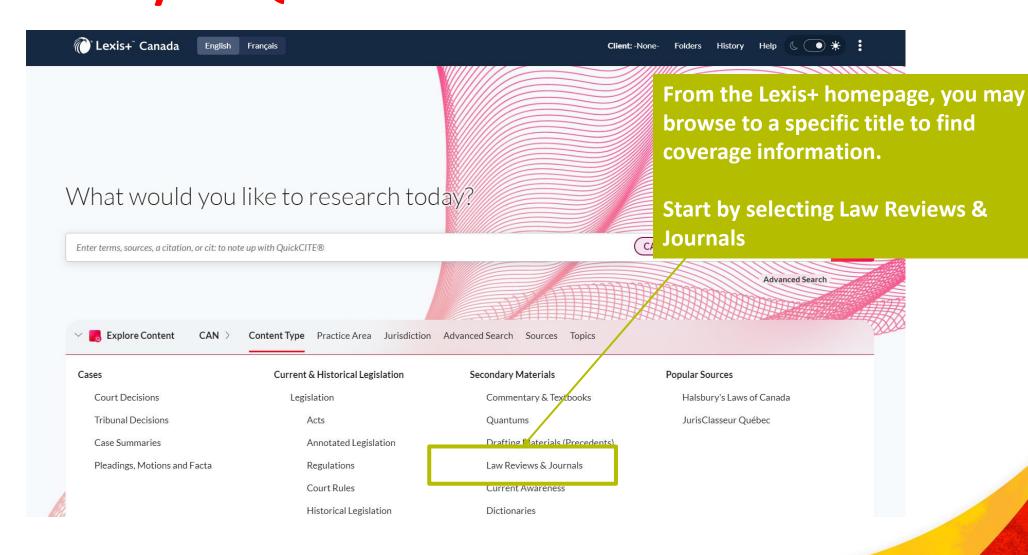




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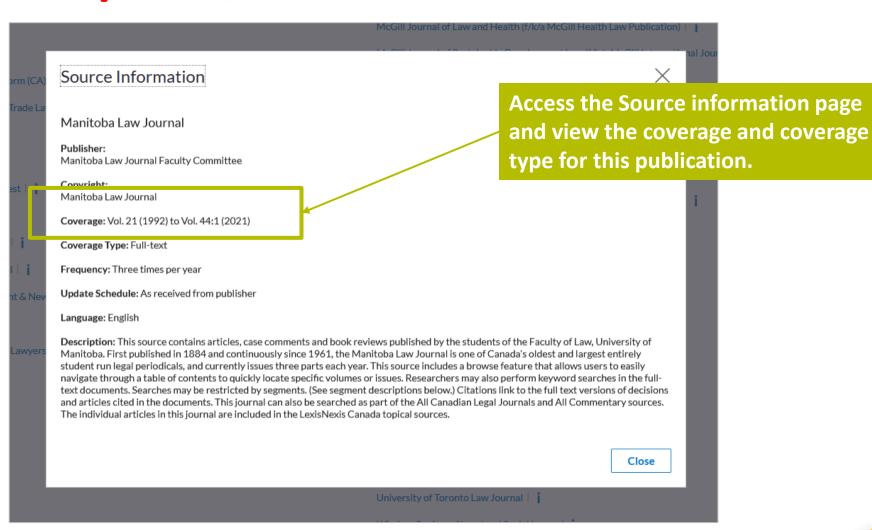




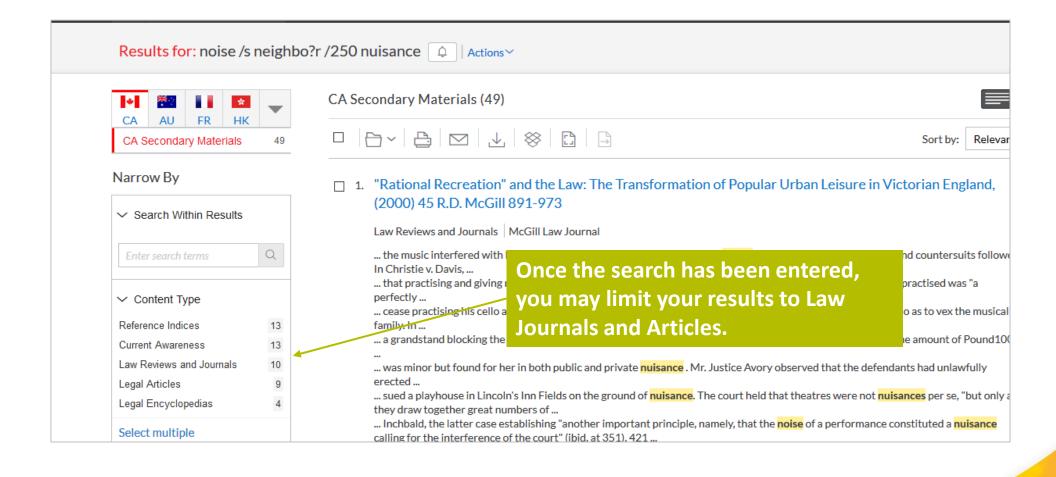


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The Advocates' Journal (f/k/a The Advocates' Society Journal)	McGill Journal of Dispute Resolution
African Journal of Legal Studies 😇	McGill Journal of Law and Health (f/k/a McGill Health Law Publication)
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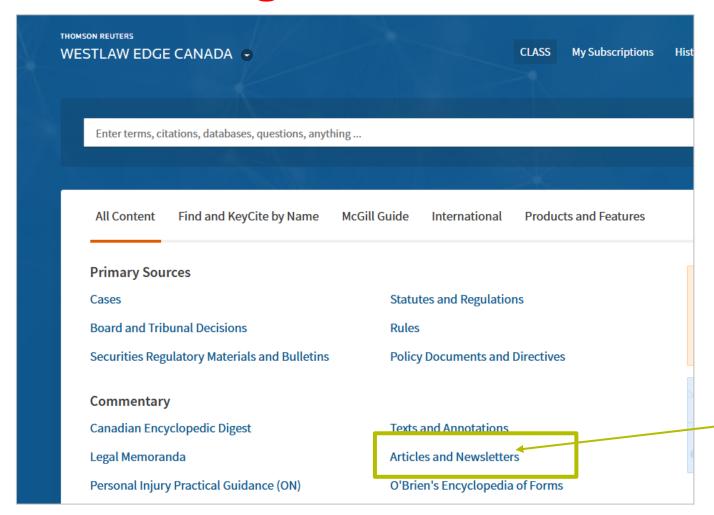












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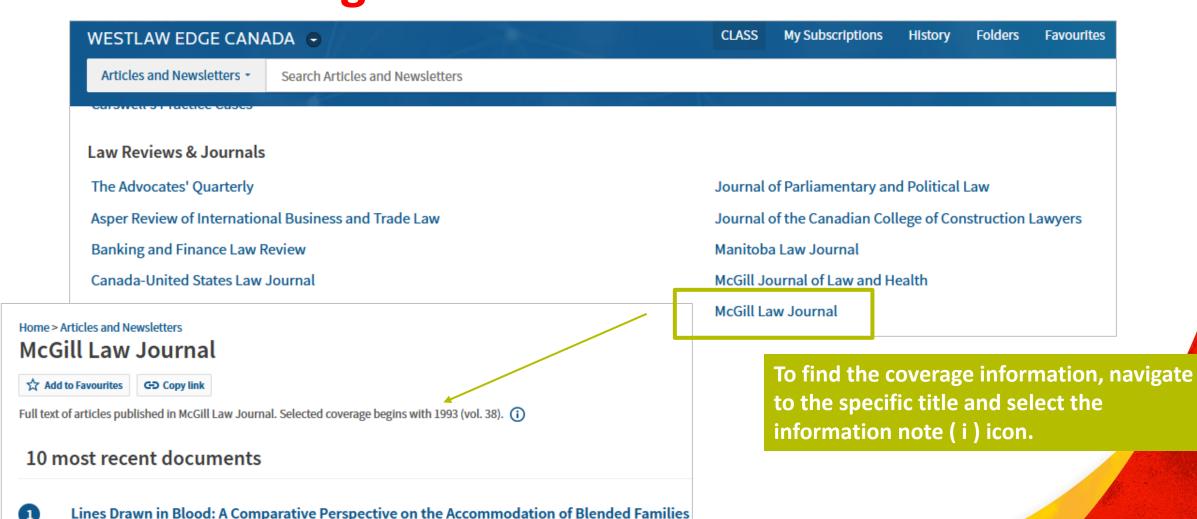
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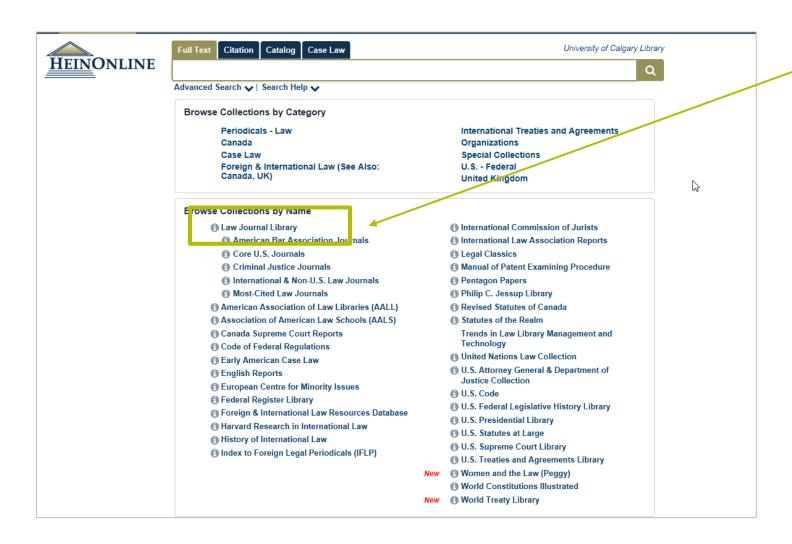
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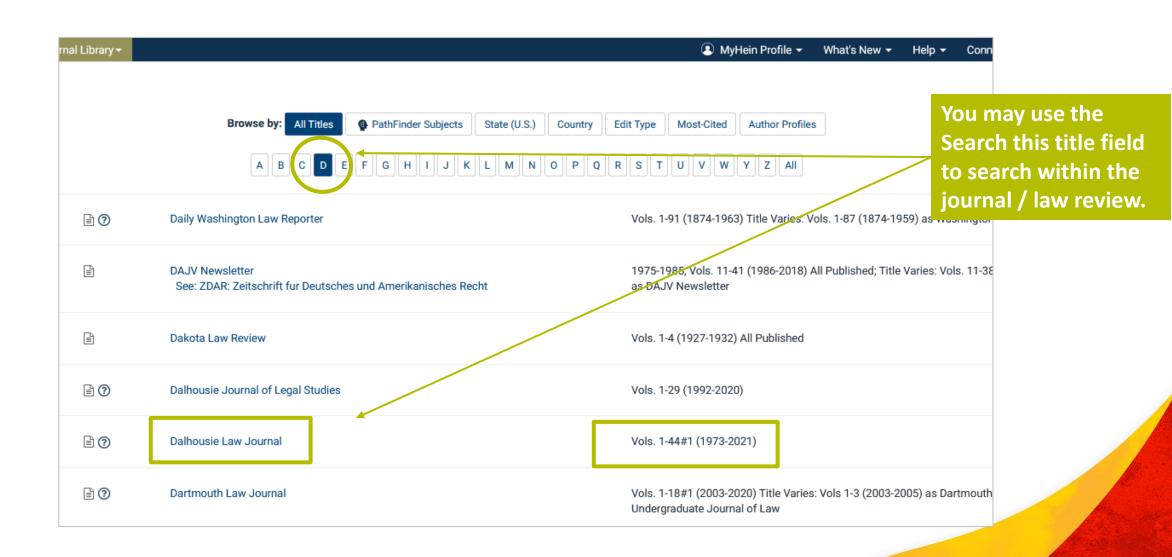




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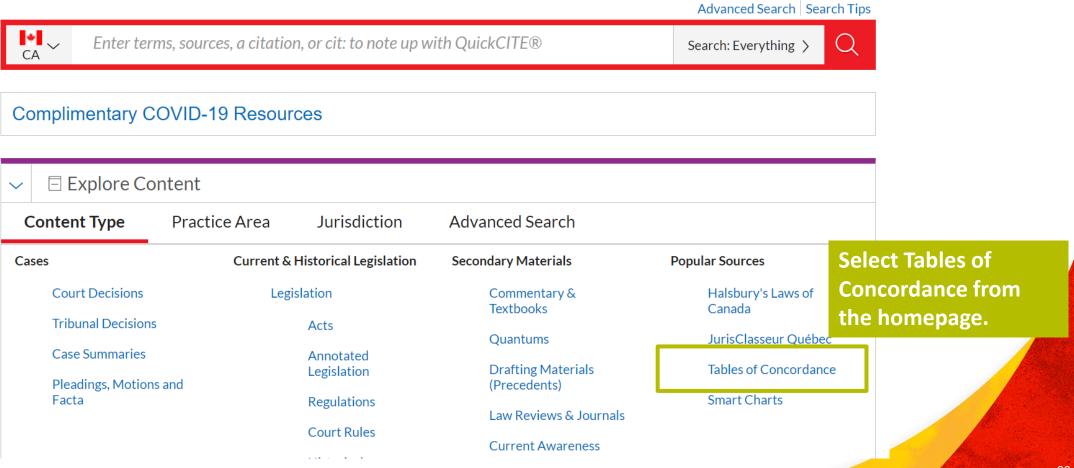




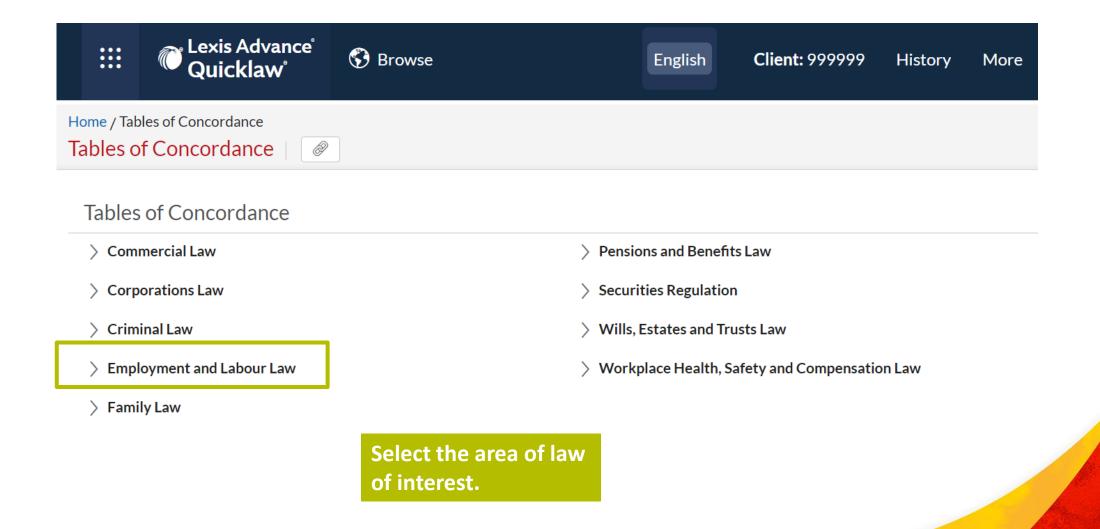
- Resources that show legislative equivalences across multiple jurisdictions
 - Legislation from provincial and federal level
 - Most at the statute level (except rules of civil procedure -> regulations)
- Formats:
 - May be found in list or table format in databases (Westlaw Edge/Lexis+) or as appendices in law books or loose-leaf services



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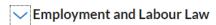












> Workplace Health, Safety and Compensation Law

Employment Standards

Employment Standards—Complaints and Penalties

Employment Standards—General Provisions

Employment Standards—Hours and Vacation

Employment Standards—Leaves of Absence

Employment Standards—Termination of Employment

Employment Standards—Wages

Human Rights/Equity Issues

Human Rights Legislation

Equal Pay and Pay Equity Legislation

Labour Relations

Labour Relations Legislation

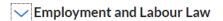
Arbitration

Certification

Collective Agreements

The area of law is subdivided into several subjects.





> Workplace Health, Safety and Compensation Law

Employment Standards

Employment Standards—Complaints and Penalties

Employment Standards—General Provisions

Employment Standards—Hours and Vacation

Employment Standards—Leaves of Absence

Employment Standards—Termination of Employment

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Labour Relations

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Arbitration

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The area of law is subdivided into several subjects.

Select the subject of interest.





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Canadian Labour Law Reporter > Employment Standards Commentary > CONCORDANCE TABLES

CONCORDANCE TABLES

Employment Standards—Termination of Employment

How to Use This Concordance

The Complaints and Penalties Table of Concordance compares the following federal, provincial, and territorial Acts, unless otherwise noted:

- Federal: Canada Labour Code, RSC 1985, c.L-2
- Alberta: Employment Standards Code, RSA 2000, c. E-9
- British Columbia: Employment Standards Act, RSBC 1996, c. 113
- Manitoba: The Employment Standards Code, CCSM, c. E110
- New Brunswick: Employment Standards Act, SNB 1982, c. E-7.2
- Newfoundland and Labrador: Labour Standards Act, RSNL 1990, c. L-2
- Nova Scotia: Labour Standards Code, RSNS 1989, c. 246
- Ontario: Employment Standards Act, 2000, SO 2000, c. 41
- Prince Edward Island: Employment Standards Act, RSPEI 1988, c. E-6.2
- Quebec: An Act Respecting Labour Standards, CQLR c N-1.1
- Saskatchewan: The Saskatchewan Employment Act, SS 2013, c. S-15.1
- Northwest Territories: Employment Standards Act, SNWT 2007, c.13
- Nunavut: Labour Standards Act, RSNWT 1988, c. L-1
- Yukon: Employment Standards Act, RSY 2002, c. 72

Where applicable, the following regulations are also compared. Where they appear, they are accompanied by "(Reg.)".

About No.

Notes

✓ About this document

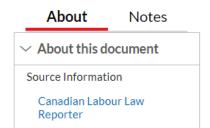
Source Information

Canadian Labour Law Reporter

In the concordance, you first see a list of equivalent legislation across the jurisdictions....



ndividual Termination														
Subject	Can	AB	BC	MB	NB	NL	NS	ON	PE	QC	SK	NT	NU	YK
Entitlement to notice	230(1)	55	63(3)	61,77. 1	<u>30(1)</u>	<u>52(1)</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	<u>82</u>	<u>2-60</u>	<u>37</u>	14.03(1)	<u>50</u>
Minimum length of service	230(1)	55	63(1)	<u>62</u>	_	<u>53(1)</u>	<u>72(3)</u>	<u>57</u>	<u>29(1)</u>	<u>82.1</u>	<u>2-60</u>	<u>37(1)</u>	14.03(1)	<u>50</u>
Length of notice	230(1)	56	63(3)	<u>61</u>	<u>30(1)</u>	<u>55</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	<u>82</u>	2-60	<u>38</u>	14.03(2)	<u>50</u>
Notice not required	_	55	63(3), 65	<u>62</u>	<u>31</u>	53(1), 12 (Reg.)	<u>72(3)</u>	55, 2 (Reg.)	<u>29(2)</u>	82.1	_	37(2),4 .1 (Reg.)	14.04, 1 (Reg.)	<u>49</u>
Method of notice	230(1)	56	63(3)	_	<u>30(1)</u>	<u>52</u>	<u>75(1)</u>	4 (Reg.)	<u>29(1)</u>	<u>82</u>	<u>2-60</u>	37(1) (a)	14.03(2)	<u>50</u>
Pay in lieu of notice	230(1)	55(1), 57	63(1), 63(2)	<u>61,77</u>	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	<u>61</u>	<u>29(4)</u>	<u>83</u>	<u>2-61</u>	37(1) (b)	14.03(1)	<u>51</u>
Calculation of pay in lieu of notice	230(1)	<u>57</u>	63(4)	77	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	61(1),6 1(1.1)	<u>29(4)</u>	<u>83</u>	<u>2-61</u>	<u>39</u>	14.03(4)	<u>51</u>
Benefits during notice period	_	<u>61</u>	_	_	_	_	_	<u>60</u>	_	_	_	<u>38(6)</u>	14.08(1)	_
Change of conditions during notice	231	61	67(2)	76	_	_	74	_	<u>29(3)</u>	_	_	38(5),3 8(6)	14.08(1)	<u>54</u>
Vacation during notice period	_	_	<u>67(1)</u>	<u>43</u>	_	<u>12(1)</u>	8 (Reg.)	38,7 (Reg.)	_	_	<u>2-60</u>	<u>38(3)</u>	14.03(3)	<u>50</u>
Employment after notice period	232	60	67(1)	_	<u>30(3)</u>	<u>56(1)</u>	<u>77(1)</u>	6 (Reg.)	<u>29(2.1)</u>	_	_	<u>38(7)</u>	14.09	<u>55</u>
Separate periods of employment	29 (Reg.)	<u>54</u>	_	24 (Reg.)	_	_	<u>77(3)</u>	_	_	_	_	<u>38(4)</u>	14.02	_
Fixed term extended	_	_	<u>65(2)</u>	_	<u>31(3)</u>	<u>53(1)</u>	<u>77(2)</u>	6 (Reg.)	_	_	_	4.1 (Reg.)	(Reg.)	<u>49</u>
Time for payment of wages	188	8, 9, 10	18	86	<u>37</u>	<u>33(2)</u>	<u>74</u>	<u>11(5)</u>	<u>5.2(6)</u>	<u>83</u>	2-33	<u>13(3)</u>	50(3)	<u>65</u>



... followed by a table containing citations / pinpoints to specific provisions within those pieces of legislation for a given subject.





Subject	Can	AB	BC	MB	NB	NL	NS	ON	PE	QC	SK	NT	NU	YK
Entitlement to notice	230(1)	55	63(3)	61,77. 1	<u>30(1)</u>	<u>52(1)</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	<u>82</u>	2-60	<u>37</u>	14.03(1)	<u>50</u>
Minimum length of service	230(1)	55	63(1)	<u>62</u>	_	<u>53(1)</u>	<u>72(3)</u>	<u>57</u>	<u>29(1)</u>	<u>82.1</u>	<u>2-60</u>	<u>37(1)</u>	14.03(1)	<u>50</u>
Length of notice	230(1)	56	63(3)	<u>61</u>	<u>30(1)</u>	<u>55</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	<u>82</u>	<u>2-60</u>	<u>38</u>	14.03(2)	<u>50</u>
Notice not required	_	55	63(3), 65	<u>62</u>	<u>31</u>	53(1), 12 (Reg.)	<u>72(3)</u>	55, 2 (Reg.)	<u>29(2)</u>	82.1	_	37(2),4 .1 (Reg.)	14.04, 1 (Reg.)	49
Method of notice	230(1)	56	63(3)	_	<u>30(1)</u>	<u>52</u>	<u>75(1)</u>	4 (Reg.)	<u>29(1)</u>	<u>82</u>	2-60	37(1) (a)	14.03(2)	<u>50</u>
Pay in lieu of notice	230(1)	55(1), 57	63(1), 63(2)	61,77	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	<u>61</u>	<u>29(4)</u>	<u>83</u>	<u>2-61</u>	37(1) (b)	14.03(1)	<u>51</u>
Calculation of pay in lieu of notice	230(1)	<u>57</u>	63(4)	77	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	61(1),6 1(1.1)	<u>29(4)</u>	83	<u>2-61</u>	<u>39</u>	14.03(4)	<u>51</u>
Benefits during notice period	-	<u>61</u>	_	_	_	_	_	<u>60</u>	_	_	_	<u>38(6)</u>	14.08(1)	_
Change of conditions during notice	231	61	67(2)	76	_	_	74	_	<u>29(3)</u>	_	_	38(5),3 8(6)	14.08(1)	<u>54</u>
Vacation during notice period	_	_	<u>67(1)</u>	<u>43</u>	_	<u>12(1)</u>	8 (Reg.)	38, <u>7</u> (Reg.)	_	_	2-60	<u>38(3)</u>	14.03(3)	<u>50</u>
Employment after notice period	232	60	67(1)	_	30(3)	<u>56(1)</u>	<u>77(1)</u>	6 (Reg.)	<u>29(2.1)</u>	_	_	<u>38(7)</u>	14.09	<u>55</u>
Separate periods of employment	29 (Reg.)	<u>54</u>	_	24 (Reg.)	_	_	<u>77(3)</u>	_	_	_	_	<u>38(4)</u>	14.02	_
Fixed term extended	-	_	<u>65(2)</u>	_	<u>31(3)</u>	<u>53(1)</u>	<u>77(2)</u>	6 (Reg.)	_	_	_	4.1 (Reg.)	(Reg.)	<u>49</u>
Time for payment of wages	188	8, 9, 10	18	86	<u>37</u>	<u>33(2)</u>	<u>74</u>	<u>11(5)</u>	<u>5.2(6)</u>	<u>83</u>	2-33	<u>13(3)</u>	50(3)	65

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Canadian Labour Law Reporter									

In the left-hand column, you will find a list of subjects.





Individual Termination														
Subject	Can	AB	ВС	MB	NB	NL	NS	ON	PE	QC	SK	NT	NU	YK
Entitlement to notice	230(1)	55	63(3)	61,77. 1	<u>30(1)</u>	<u>52(1)</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	<u>82</u>	<u>2-60</u>	<u>37</u>	14.03(1)	<u>50</u>
Minimum length of	230(1)	55	63(1)	<u>62</u>	_	<u>53(1)</u>	<u>72(3)</u>	<u>57</u>	<u>29(1)</u>	<u>82.1</u>	2-60	<u>37(1)</u>	14.03(<u>50</u>
Length of notice	230(1)	56	63(3)	<u>61</u>	<u>30(1)</u>	<u>55</u>	<u>72(1)</u>	<u>57</u>	<u>29(1)</u>	82	<u>2-60</u>	38	14.03(2)	<u>50</u>
Notice not required	-	55	63(3), 65	<u>62</u>	<u>31</u>	53(1), 12 (Reg.)	<u>72(3)</u>	55, 2 (Reg.)	<u>29(2)</u>	82.1	_	37(2),4 .1 (Reg.)	14.04, <u>1</u> (Reg.)	<u>49</u>
Method of notice	230(1)	56	63(3)	_	<u>30(1)</u>	<u>52</u>	<u>75(1)</u>	4 (Reg.)	<u>29(1)</u>	<u>82</u>	2-60	37(1) (a)	14.03(2)	<u>50</u>
Pay in lieu of notice	230(1)	55(1), 57	63(1), 63(2)	61,77	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	<u>61</u>	<u>29(4)</u>	<u>83</u>	<u>2-61</u>	37(1) (b)	14.03(1)	<u>51</u>
Calculation of pay in lieu of notice	230(1)	<u>57</u>	63(4)	77	<u>34(1)</u>	<u>53(1)</u>	<u>72(4)</u>	61(1),6 1(1.1)	<u>29(4)</u>	<u>83</u>	<u>2-61</u>	39	14.03(4)	<u>51</u>
Benefits during notice period	_	<u>61</u>	_	_	_	_	_	<u>60</u>	_	_	_	38(6)	14.08(1)	_
Change of conditions during notice	231	61	67(2)	76	_	_	74	_	<u>29(3)</u>	_	_	38(5),3 8(6)	14.08(1)	<u>54</u>
Vacation during notice period	-	_	<u>67(1)</u>	<u>43</u>	_	<u>12(1)</u>	8 (Reg.)	38, <u>7</u> (Reg.)	_	_	2-60	38(3)	14.03(3)	<u>50</u>
Employment after notice period	232	60	67(1)	_	30(3)	<u>56(1)</u>	<u>77(1)</u>	6 (Reg.)	<u>29(2.1)</u>	_	_	<u>38(7)</u>	14.09	<u>55</u>
Separate periods of employment	29 (Reg.)	<u>54</u>	_	24 (Reg.)	_	_	<u>77(3)</u>	_	_	_	_	<u>38(4)</u>	14.02	_
Fixed term extended	-	_	<u>65(2)</u>	_	<u>31(3)</u>	<u>53(1)</u>	<u>77(2)</u>	6 (Reg.)	_	_	_	4.1 (Reg.)	(Reg.)	<u>49</u>
Time for payment of wages	188	8, 9, 10	18	86	<u>37</u>	<u>33(2)</u>	<u>74</u>	<u>11(5)</u>	<u>5.2(6)</u>	<u>83</u>	<u>2-33</u>	<u>13(3)</u>	50(3)	<u>65</u>

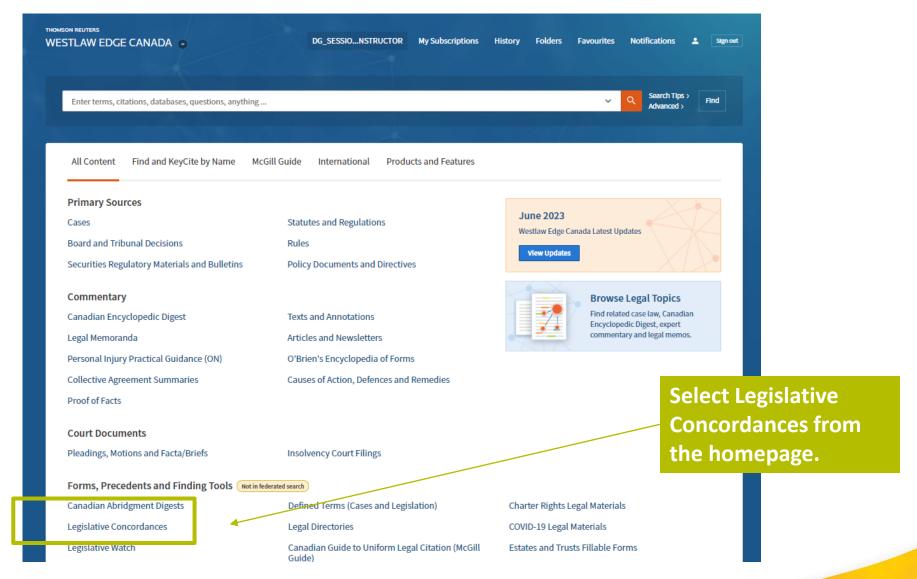
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Source Information								
Canadian Labo Reporter	our Law							

Across, you will find provisional pinpoints for each jurisdiction available, per subject.



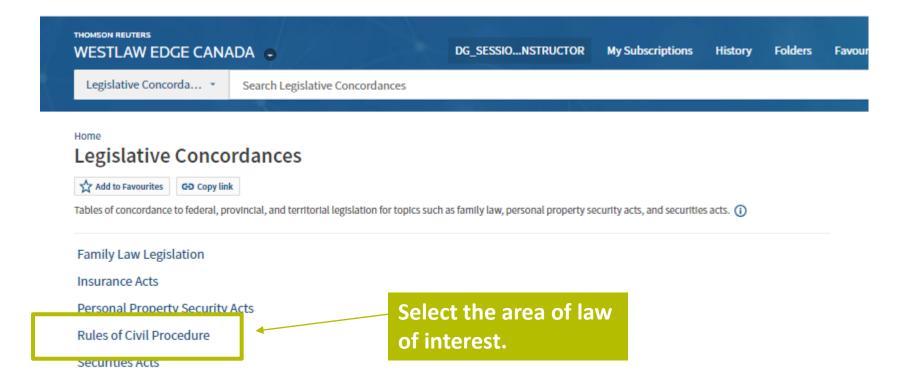




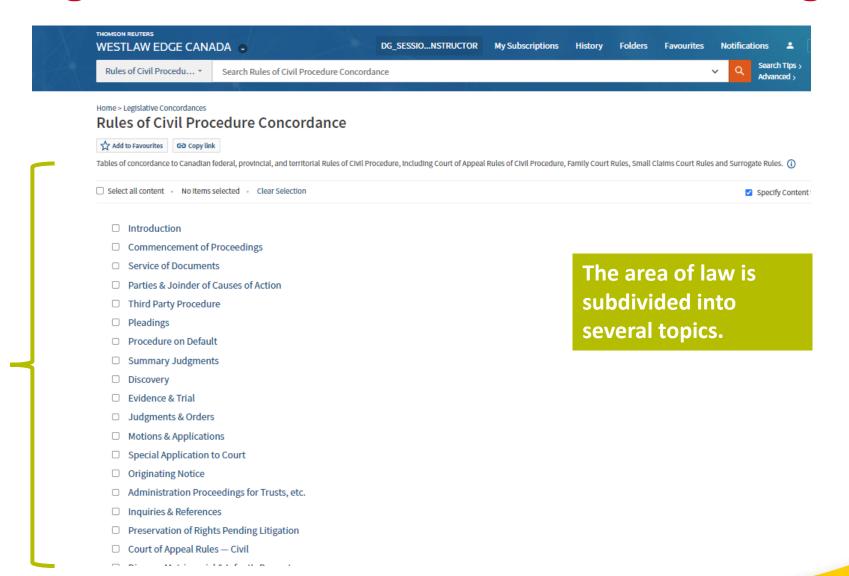




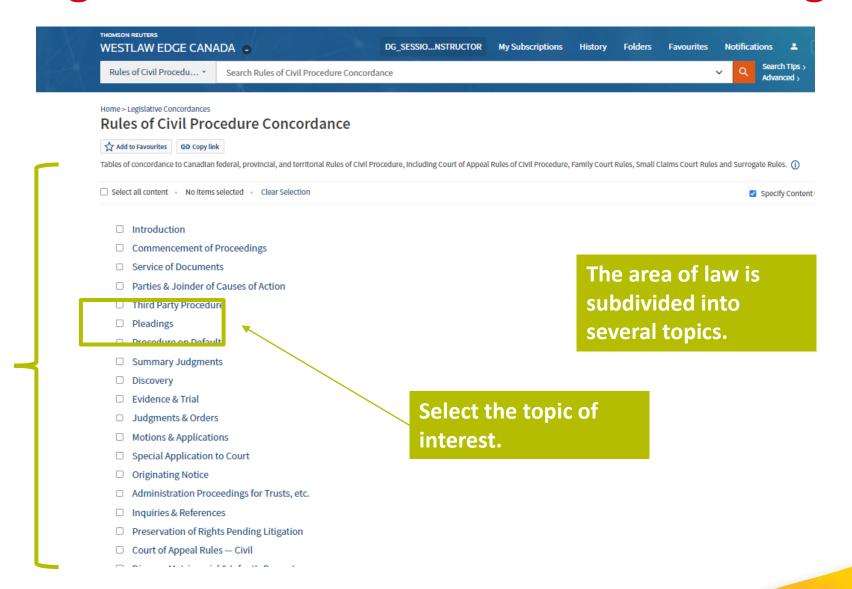




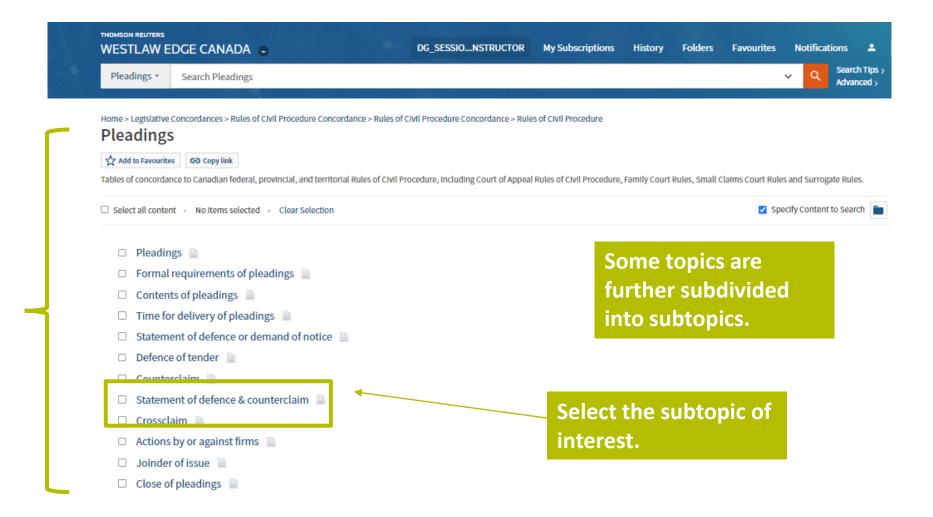




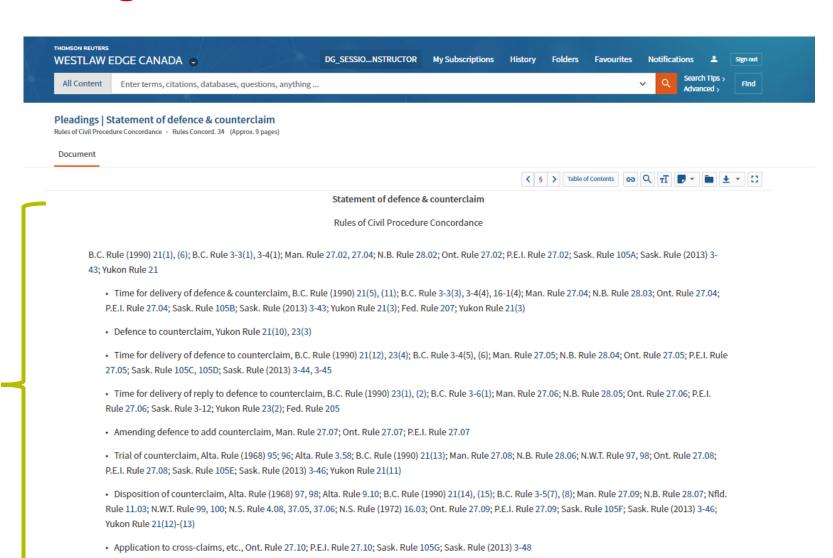








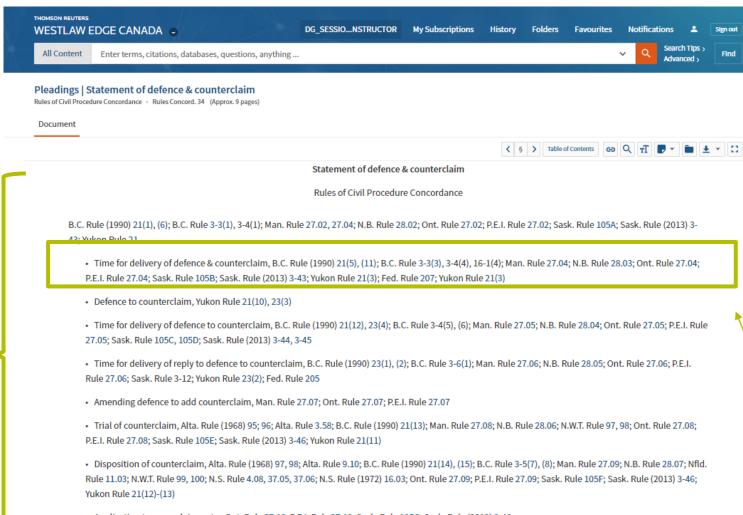




· Stay of filing of defence, Man. Rule 19.01.1

In Westlaw, the concordance is in list form (as opposed to tabular form).





In Westlaw, the concordance is in list form (as opposed to tabular form).

Example: Time for delivery of defence & counterclaim → listed by jurisdiction.

· Stay of filing of defence, Man. Rule 19.01.1



Quantum Services

Quantum Services: What Are They?

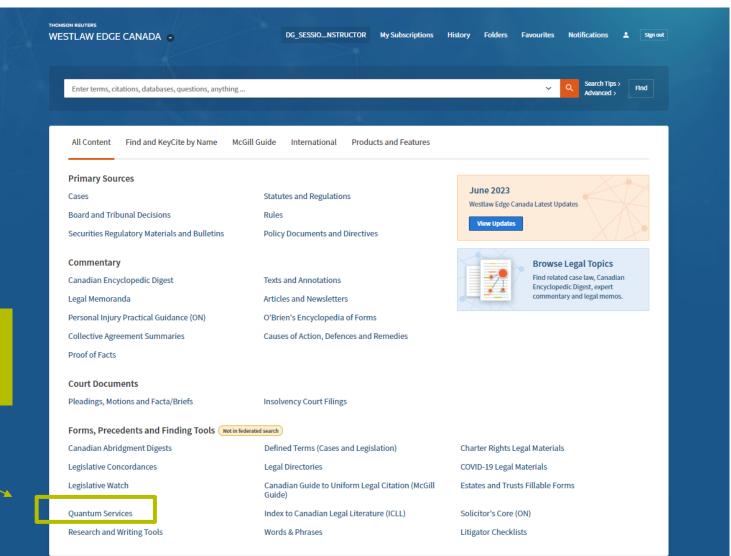


- Resources used for searching monetary or temporal quantum awarded/determined by the courts.
 - Monetary → damages
 - Temporal

 element of time (ex. notice entitlement, sentencing)
- Settlement:
 - Research range of quantum awarded by the courts in certain instances
- Where to find quantum:
 - Both Westlaw Edge and Lexis+ have quantum services (may depend on subscription)
 - May be found in law books or loose-leaf titles
 - Ex. Wrongful Dismissal (Harris) → Length of Notice quantum
 - Ex. Remedies in Tort (Klar) → Personal Injury and Defamation quantum



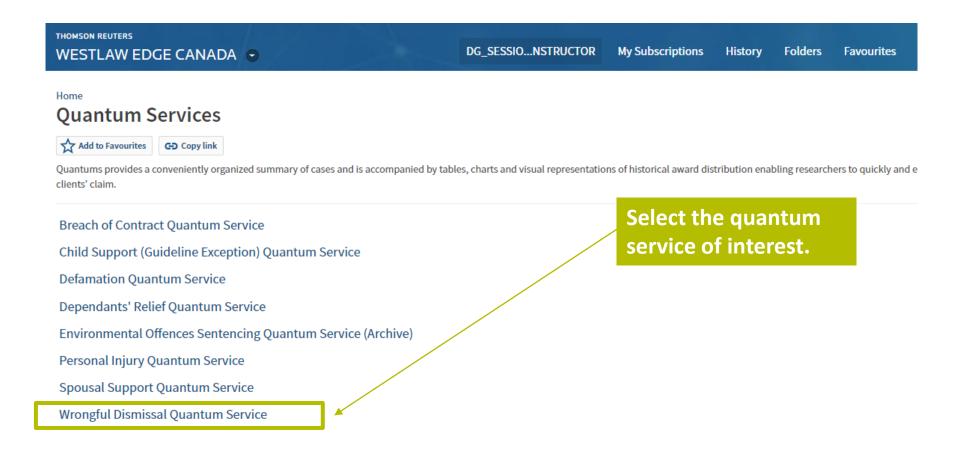




Select Quantum
Services from the homepage.

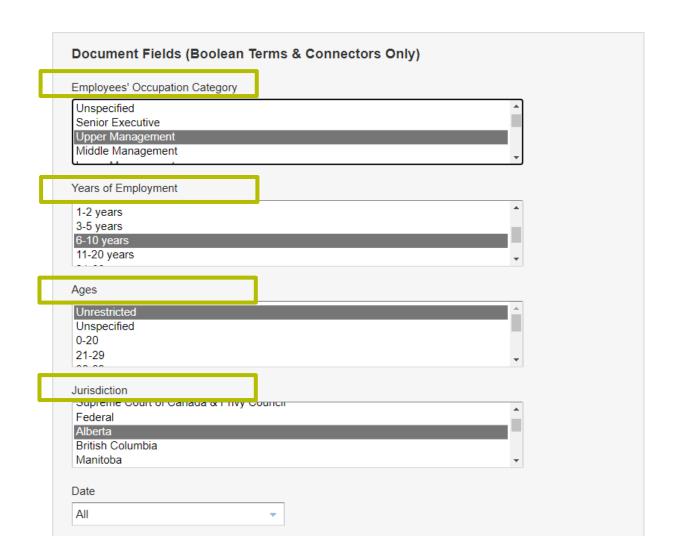












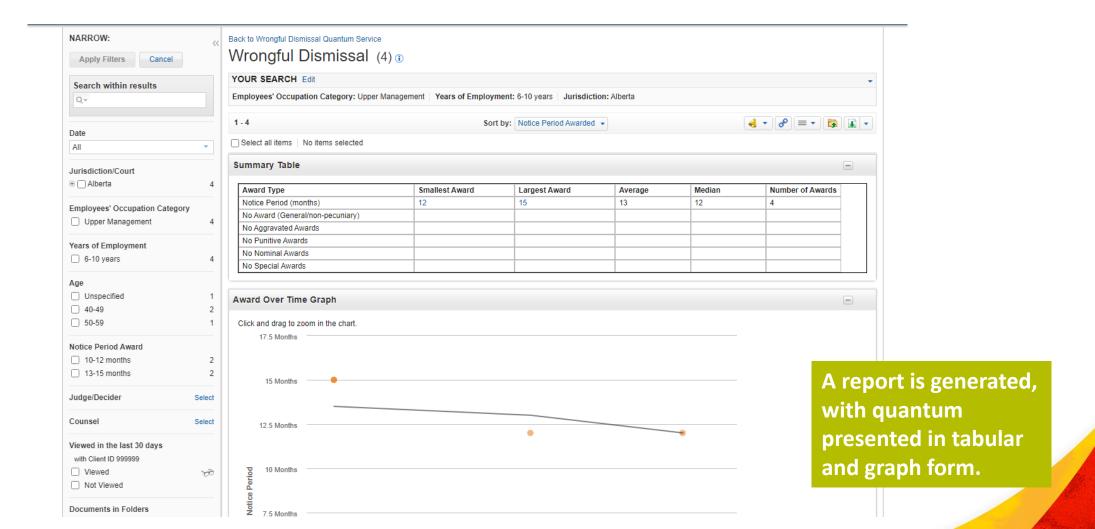
Enter the applicable parameters.

These will depend on the type of quantum being searched.

For example:
Wrongful dismissal →
Occupation category,
Employment term, Age,
& Jurisdiction. (*Bardal*)

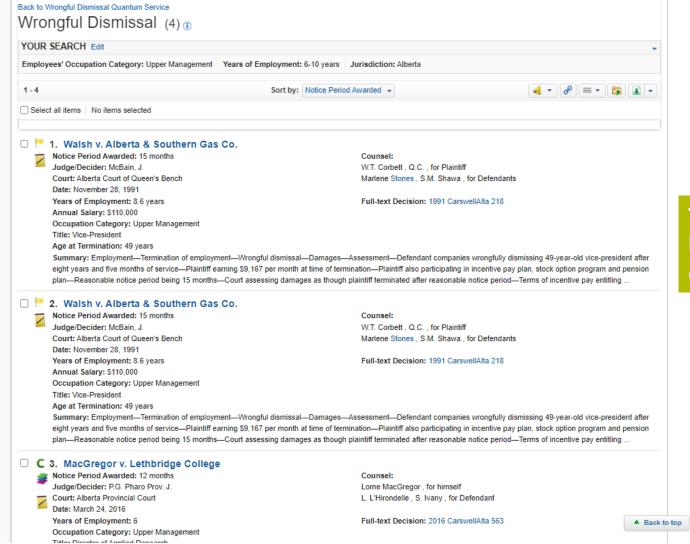








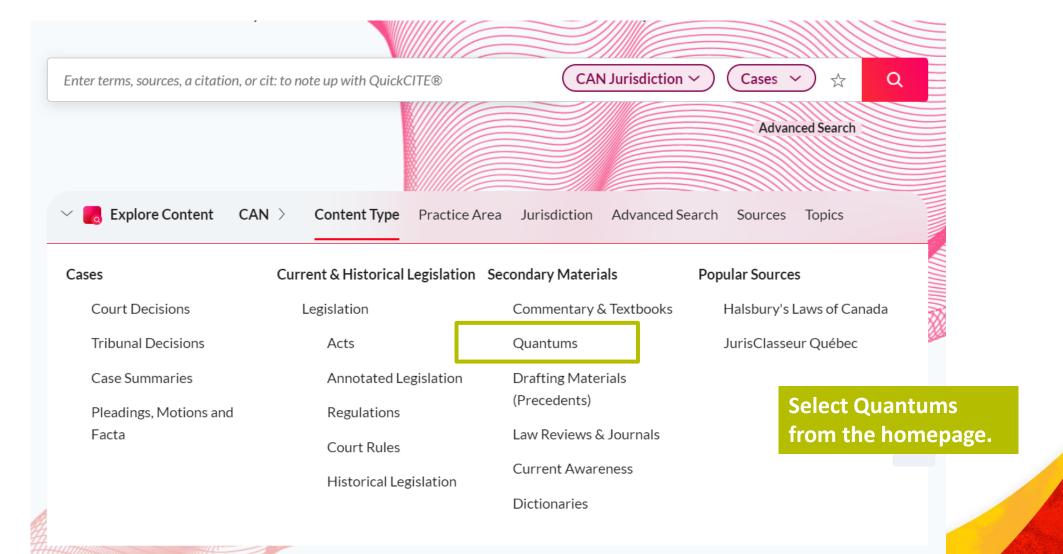




This is followed by a list of quantum digests.







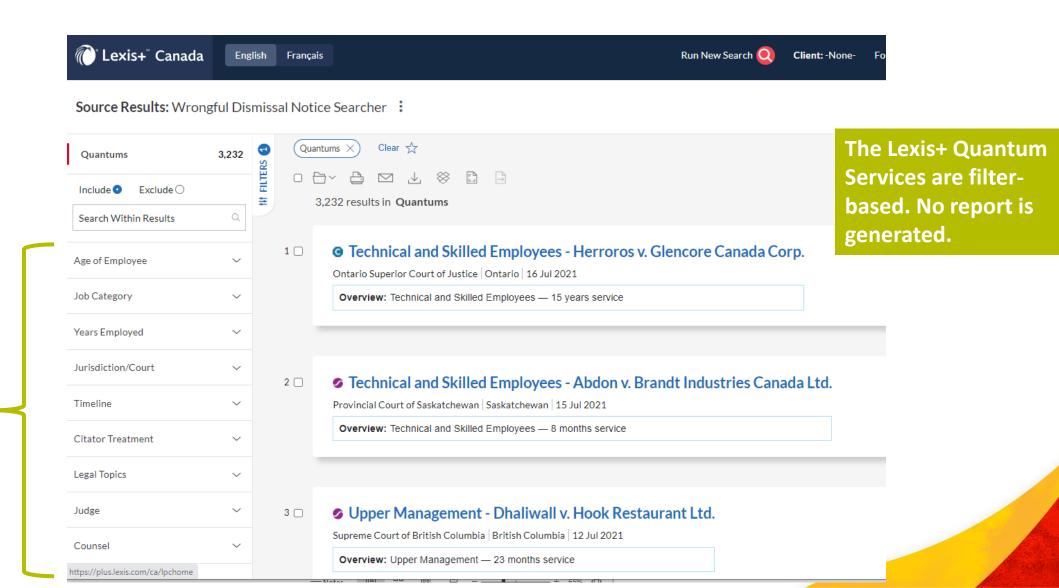




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Home > Quantums		
Quantums @		
Quantums		Advanced Search
Canada Breach of Contract Quantums (i)	Canada Sentencing Quantums ①	Carlson Personal Injury (i)
Canada Child Support Quantums ①	Canada Spousal Support Quantums ①	Canada Sentencing
Canada Defamation Quantums ①	Canada Wrongful Dismissal Quantum ①	Quantums ①
Canada Dependants' Relief Quantums ①	Carlson Personal Injury ①	Quantum - Détermination de la
		peine ①
Canada Matrimonial Property Quantums ①	Quantum - Détermination de la peine ①	Canada Wrongful Dismissal
Canada Medical Negligence Quantums ①	Wrongful Dismissal Notice Searcher ①	Quantum ①
Canada Property-Related Torts Quantums ①		Wrongful Dismissal Notice
Canada Property-Related forts Quantums (Searcher Select the
		service of i

Locating Quantum Services: Lexis+

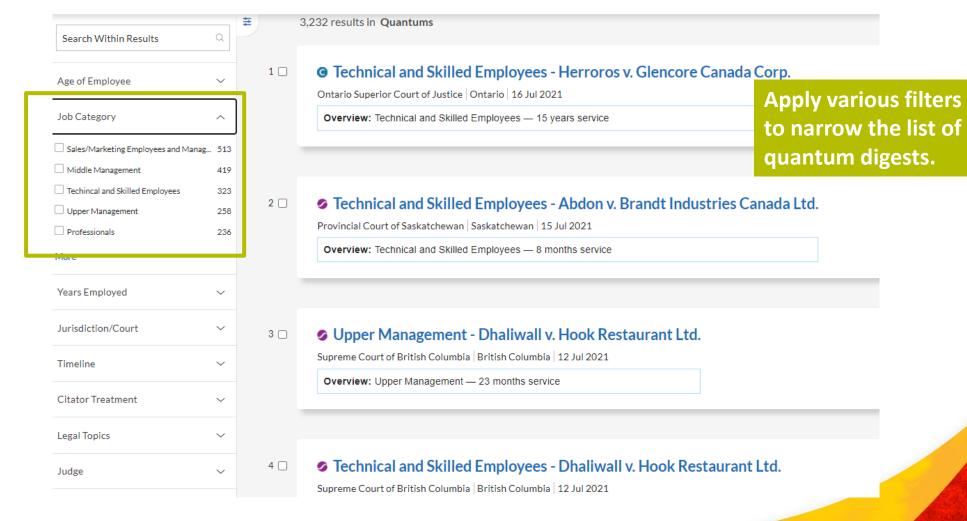




Locating Quantum Services: Lexis+



Source Results: Wrongful Dismissal Notice Searcher





Final Tips for Working with Secondary Sources



Tip #1: Ensure Your Research Plan Includes Secondary Sources

- When making a research plan:
 - Take stock of what secondary sources may have the information need
- Will require some knowledge of accessible secondary sources
- When researching a new area \rightarrow
 - Start broad (overview) then narrow focus
 - Start with legal encyclopedia, followed by law book/loose-leaf, followed by article



Tip #2: Work Backwards When Planning Research

- Envision your research output
 - Legal memorandum, client/opinion letter, brief, factum
- What information do you need to achieve this output?
 - Consider breadth/depth of coverage, depth of analysis, jurisdiction required, currency required
- What secondary sources would likely have this information?
 - Ex. Research for presentation: Case developments (area) in the past year
 - (Case digests, databases, law firm blogs may be more helpful than a comprehensive law book published 2+ years ago.)



Tip #3: Make <u>Searching</u> and <u>Browsing</u> Two Separate Actions

- Determine the way information / resources are organized (on the shelf / within a database module)
- In addition to searching (NL/Boolean), try browsing the collection
 - Good way to locate resources in the same subject that were previously unknown
 - Ex. Westlaw (Topical Collections) or Lexis+ (Practice Areas) are a good way to find titles on the same subject.



Tip #4: Use the Finding Aids

- Many secondary sources (print or electronic) have finding aids.
 - Tables of Contents & Indexes
 - Use to determine related / overarching concepts and subject matter coverage
 - Tables of Statutes & Tables of Cases
 - Use to find commentary specific to a case or piece of legislation
 - Appendices
 - Use to find supplementary / related materials
 - Forms, issues in focus, tables of concordance, glossary, etc.
 - Legal Topics / Related Content
 - In databases, use to navigate to related primary and secondary materials
 - Legal Topics → Use hierarchy to determine related / overarching concepts



Questions?



Thank you for attending!

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