

Glossary

Term	Definition
access	The right of the non-custodial parent to visit the child and receive information about the child.
accomplice	A person who, directly or indirectly, supports a perpetrator in the commission of a crime.
accused	Someone who is charged with a crime, but who has not yet been found guilty.
acquittal	When someone is found “not guilty” during the course of a criminal trial.
<i>actus reus</i>	Latin, meaning “the guilty act.” One of two required elements to a crime.
advocate	A person who publicly supports or recommends a particular cause or policy, for example, a lawyer.
affidavit	Medieval Latin, meaning “he/she has declared upon oath.” This is a sworn legal document that sets out a person’s evidence about a legal matter in writing.
affirmative action programs	Programs created to address historical discrimination of certain groups by providing members of these groups with opportunities that are not given to others.
aggravating factors	Specific items committed during a crime that make the crime worse than it needed to be.
assault (civil)	When a person intentionally threatens another person with bodily harm.
balance of probabilities	Used in civil trials, where a judge examines all of the evidence that has been provided and decides which side is telling the truth.
balance of probabilities (proof on a)	The standard of proof in a civil lawsuit (the amount of evidence that the plaintiff must bring forward to prove his/her case).
bargaining unit	The group of workers who will become members of the union.
battery	The intentional touching of another person without the individual’s consent for the physical contact to occur.
beyond a reasonable doubt	The amount of proof that the Crown is required to demonstrate through evidence and witnesses to prove that an accused person is guilty of a criminal offence.
<i>bona fide</i>	Latin, meaning “in good faith.” It means “without the intention to deceive” or “genuine.”
breach of condition	An essential term of a contract is not fulfilled, which entitles the injured party to treat the contract as having ended.
breach of warranty	A term of a contract is not fulfilled, which entitles the injured party to damages.

burden of proof	The responsibility placed on a particular party in either a civil or criminal case to prove a legal element of the case.
capital punishment	Also known as the death penalty.
<i>caveat emptor</i>	Latin, meaning “buyer beware.” Courts will generally not help people who make bad deals.
class action lawsuit	A group of individuals with a similar grievance against the same defendant(s) sue the defendant(s) together in one lawsuit.
civil law	The type of law used in Québec, based on the French Justinian Code. Its defining characteristic is the reliance on written law to decide cases.
codified	To be written down or recorded.
cohabitation agreement	A domestic contract that sets out the terms of the relationship for a common-law couple.
collective agreement	In a unionized workplace, the contract that governs the relationship between an employer and all employees in the bargaining unit.
collective bargaining	The process of negotiating a contract between an employer and the union representing the workers in a bargaining unit.
common law	The type of law used in most of Canada, based on the British common-law system. Characteristics include the importance of precedent.
common-law relationship	A marriage-like relationship where two people live together without being legally married.
constitutional law	The body of law dealing with issues directly involving the Constitution, for example, deciding on various provincial and federal jurisdictions.
constructive discrimination	Practices that inadvertently exclude certain people, resulting in discrimination. In other words, the practice/policy seems to apply to everyone equally, but has the effect of discriminating against a particular group of people.
constructive dismissal	In an employment situation, the employer changes a fundamental term of the employment contract without the employee’s consent.
consummation of marriage	When a married couple has the first act of sexual intercourse following the marriage.
corollary relief	Where one or both spouses in a divorce case ask the judge to make orders about issues other than the granting of the divorce itself, such as child and/or spousal support, property division, and custody and/or access of children.
counter-claim	In a civil lawsuit, the defendant also sues the plaintiff.
cross-claim	In a civil lawsuit, one defendant sues another defendant.
custody	Authority given to a person(s) to have legal care and control over a child.
defendant	In a criminal case, the defendant is the accused (the person who is charged with a criminal offence). In a civil lawsuit, the defendant is the party being sued by the plaintiff.

defamation	Untruthful statements that damage a person's reputation.
direct discrimination	Discrimination that is based upon a ground that is protected by law.
division of powers	The way in which powers and responsibilities were divided between the federal and provincial governments in the <i>BNA Act, 1867</i> . Each level of government is given a list of topics for which it can create laws and policies.
domestic contract	Agreements between two people who are setting out the terms of their relationship in writing, either in anticipation of living together, getting married, or upon separation.
duress	In family law, duress occurs when one person is being forced or pressured to marry someone without wanting to do so.
duty to accommodate	In an employment situation, the employer has the legal duty to make reasonable adjustments within the workplace if it is necessary to meet the needs of an employee, based upon a protected ground of discrimination.
executive branch	One of the three branches of government. The executive branch is responsible for implementing the laws that are passed and amended by the legislative branch.
entrenched	Rights that are guaranteed in the Constitution, so they are difficult to change or take away.
equalization	With respect to property division, this is the process by which the value of each spouse's property is calculated and divided equally between the two spouses.
federal system of government	Powers and responsibilities are divided between the two levels of government: federal and provincial. Each level of government has control over certain issues for which it can create laws and policies.
general intent	A reason for committing a crime that cannot be regarded as a specific purpose or motive, for example, recklessness.
grievance	In a unionized workplace, a grievance is a dispute between the employer and the workers about how to interpret or apply a term of the collective agreement.
guilty beyond a reasonable doubt	The level to which the Crown must prove its case to the jury.
<i>habeas corpus</i>	Latin, meaning "have the body." The right of a person who has been detained or arrested to have a judge determine whether the person should be detained in custody or released into the community.
half-siblings	Two or more people who have one parent in common.
incarceration	When someone is sent to prison as part of a punishment in a criminal trial.
indictable offence	The more serious type of criminal offences. Found in the <i>Criminal Code of Canada</i> .

injunction	An order by a judge that directs a person to carry out or not carry out a specific action.
<i>intra vires</i>	Latin, meaning “inside the power of a government”; therefore the government is allowed to create laws and policies about that issue.
invitation to treat	Advertisements in newspapers, signs, and magazines that encourage a person to make an offer to purchase the advertised items.
judicial branch	One of three branches of government. The judicial branch is responsible for enforcing and interpreting the laws of the country.
jurisdiction	Legal authority/power over a particular matter is designated to a specific entity or person.
legislative branch	One of the three branches of government. The legislative branch is composed of elected officials who create and amend laws.
libel	Defamation in written form.
lockout	In a unionized workplace, the employer refuses to let the employees enter the workplace and therefore the workers cannot do their jobs.
marriage contract	A domestic contract that sets out terms if the relationship ends for people who are legally married.
matrimonial home	The residence(s) where a legally married couple ordinarily resides together during the marriage.
<i>mens rea</i>	Latin, meaning “the guilty mind.” Understanding that a specific act is illegal.
misrepresentation	A false or misleading statement that is important to a contract and induces the other party to enter into the contract.
mitigating factors	When examining the specifics of a criminal act, realizing that the accused took steps to minimize the damage that they created.
mitigation of damages	A person who has suffered losses because of the actions of someone else must try to minimize their damages.
negligence	A person accidentally causes injury or damage to a person or property.
net family property	With respect to property division, the value attributed to each spouse upon separation that demonstrates how much each spouse increased in value over the course of the marriage.
offender	Someone who has been convicted of a crime, as the result of a criminal trial.
offeree	The person who receives an offer of a contract.
offeror	The person who makes an offer of a contract to someone else.
paralegal	A person trained in legal matters, but who is not the same as a qualified lawyer. Paralegals are not able to do everything that a lawyer can do.
perjury	The criminal offence of a person lying while testifying under oath.
perpetrator	The person who commits a crime.

plaintiff	A person/organization who begins a civil lawsuit and is suing another party.
precedent	Previous legal decisions that serve as the basis of new decisions.
<i>prima facie</i>	Latin, meaning “on its face” or “on the surface.” In a human rights case, if the complainant has made out a <i>prima facie</i> case, this means that the first impression of the case is legally convincing. It is then up to the respondent to provide contrary evidence to disprove the case.
procedural law	The body of law that explains and informs how the law should be applied.
ratified	In a unionized workplace, once a tentative agreement has been created by the employer and the union, the workers must agree to the deal that has been made by taking a vote.
remedy	The way in which a court resolves or fixes a legal problem.
rescind	To cancel and treat as being at an end. For example, to rescind a contract means that the contract is over/cancelled.
residual power	When a topic is not included under the division of powers listed in the <i>BNA Act, 1867</i> , the issue automatically goes to the federal government.
restitution	Compensation paid to a plaintiff by a defendant in a civil lawsuit. Also, a fine in criminal cases.
retribution	Punishment.
right to appeal	The permission granted by a provincial court of appeal to allow a party to appeal their decision to the Supreme Court. This right is not automatic.
separation agreement	A domestic contract that is created when a couple is breaking up to address issues about property, support, and children.
slander	Defamation in oral communications.
specific intent	A specific reason to commit a criminal act.
specific performance	When a judge requires a party to a lawsuit to carry out the terms of a contract.
standard of proof	The amount of evidence required to prove a case.
statement of claim	The legal document that starts a civil lawsuit.
statute	A law passed by the federal or provincial parliament.
strike	In a unionized workplace, a strike is when the employees withdraw their services either fully, by refusing to work, or partially, by following work-to-rule measures.
strike down a law	To render the law invalid under certain circumstances, for example, when a higher court decides to strike down a law used in a case in a lower court.
substantive law	The laws that tell us whether society considers something right or wrong.

summary offence	The less serious types of criminal offences.
supremacy	The idea that something is the most powerful of its kind in the country. In Canada, we have a constitutional supremacy whereby the Constitution is the most important legal document, and all other laws must abide by the conditions it sets out.
telewarrant	A legal document issued by a judge using electronic communications such as fax, phone, or email, to provide police with the authority to conduct a search or to arrest an individual for a criminal offence.
third-party claim	A defendant in a civil lawsuit adds an additional defendant that was not included in the original statement of claim.
tort law	The body of law dealing with damages between parties, for example, injuries and damage suffered in a car accident.
<i>ultra vires</i>	Latin, meaning “outside the power of a government”; therefore the government is not allowed to create laws and policies about that issue.
undue hardship	A situation in which the duty to accommodate would be extremely difficult or would cause severe financial distress to the employer. In these circumstances, the employer will not have to make the adjustments to accommodate the employee.
union	An organized group of workers who come together to achieve common goals in the same workplace.
vicarious liability	An individual or entity is legally responsible for the actions of someone else.
violated	When the rights of an individual are taken away. More specifically, when the government takes away a person’s rights under the <i>Canadian Charter of Rights and Freedoms</i> . Other words that mean the same thing include “breached,” “infringed,” “limited,” and transgressed.
waiver	A document in which a person gives up a legal right.
will	A legal document that specifies how a person’s property is to be distributed after they die.
work-to-rule	The partial withdrawal of unionized workers’ services.
<i>Youth Criminal Justice Act (YCJA)</i>	A specific piece of legislation that provides instructions for dealing with an accused under the age of 18.