

The University of Western Ontario  
School of Health Studies

Health Sciences 4090 (Law 5385)

Public Health Law & Policy

Winter 2017

Instructor: Jacob Shelley  
Email: jshelle6@uwo.ca  
Office Room Number: Room 21, Law Building  
Office Hours: By appointment

Course Time: Tuesday 1:30-3:20 (all students)  
Thursday 2:30-3:20 (all students); 3:30-4:20 (law students)

Location: Josephine Spencer Niblett Law Building, Room 51

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This course examines the role of law and policy in public health in Canada. Public health is what we, as a society, can do to ensure the health of the people. Law historically has played an important role in public health. Traditionally, emphasis has been on the state, and the duties and limits of the state, although increasingly it is accepted that private law doctrines are relevant for public health. This course will examine the theoretical and legal foundations of public health. It will also highlight some of the competing values within and between public health and law, identify the place of ethics, reflect on the role of risk evaluation, and consider the challenges associated with using evidence in legal decision-making. With this background, the course will then examine critical public health problems, considering whether law should be used, and how. This will include an examination of traditional public health problems, such as quarantine and the prevention of communicable diseases, more modern problems, such as the prevention of chronic disease (e.g., tobacco control), and emerging problems (e.g., climate change). Throughout the course, students will reflect on the role of public, private, and international law, and the challenges with policy making in the public sphere.

This course is cross-listed with Law, and will have students from both faculties. Law students will join the class as of January 30<sup>th</sup>. In the three weeks prior to the Law students participating, the course will focus on the legal foundations of public health, including an examination of the constitution, the , and other relevant legal principles. These sessions will prepare Health Studies students suffici5( t)-3(h)3(e)9( c)-2(h)3(all)4(e)-5(f )9(the c)7(o)]T6

topics. Health Studies students will not be required to participate in these sessions, though they may decide to, and involvement will have no bearing on evaluations.

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This course aims to provide an understanding of the role of law in population health in Canada. Upon successful completion of the course, students will be able to:

1. Discuss the theoretical foundations of public health and public health law.
2. Identify the legal foundations of public health law in Canada, and the role of public law, private law and international law.
3. Understand how the law h



The readings for these classes will be the Research Reports and Legal Memos.	
A group of six students will be assigned to observe each moot. While they will not be actively involved in the moot, they will be required to debate the proceedings in the next class (see above). The students will be required to respond to the arguments raised in the Legal Memos and Moots by the Law students. Students will take the role of a journalist/policy analyst, and not legal experts. The intent is to mimic the kind of discussion that might take place on a political news show following an important trial. Specific instructions will be given in class regarding the format and approach.	
The final assignment, which will be a take-home exam, will be to produce a report on one of the public health issues discussed in class. Each student will submit an individual report. Students will be given specific instructions about the topic and format of their report at the beginning of the exam period. There will be a series of specific questions that students will have to answer in their report. Some will require the students to draw upon the Research Report, Legal Memo, Moot, and Debate related to their particular issue, and some questions may require some additional research. Note: students will not be assigned to the same issue they wrote their research report on or debated in class. As students will not know which of the remaining issues they will be writing their report on, attendance for the three weeks of moots and debates is mandatory. Students will be randomly assigned to an issue, irrespective of whether or not they were in attendance for the in-class moot and debate, subject only to approved accommodations as set out by the University.	

Evaluation Policies:

- there will be a 10% penalty per day for late assignments;
- if an assignment more than five days late, it will not be marked, and the student will receive a mark of zero;
- failure to participate in any in-class assignments will result in a mark of zero;
- for group assignments, students will have an opportunity to discuss which

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The purpose of the Code of Student Conduct is to define the general standard of conduct expected of students registered at The University of Western Ontario, provide examples of behaviour that constitutes a breach of this stand

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following website:  
[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

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