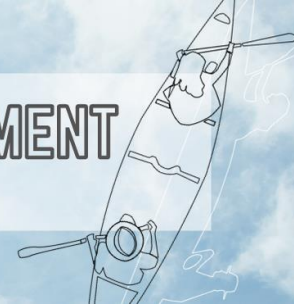


NAVIGATING THE LAW TO PROTECT THE ENVIRONMENT

ADDITIONAL RESOURCES

February 2021



Disclaimer: This document is for information purposes only and does not constitute legal advice.

What is direct action?

- People in Canada have often chosen to voice their opinions and advocate for change on environmental issues through direct action.
- Direct action is a way of advocating for legal and policy change through public actions like protests, strikes, boycotts or other demonstrations.
- Some activities that can be part of direct action, like road blockades and sit-ins may break the law so it is important to think about the potential legal consequences of the activities included in your direct action plan.

Why do people take direct action?

- Canadians have taken direct action to advocate for legal and policy changes in relation to many concerning environmental issues like climate change.
- In many cases, direct action is taken because those involved feel that the government has not properly addressed environmental concerns through existing laws and policies.
- Direct action increases awareness of environmental issues and can attract media attention that helps spread the message protestors are communicating through their actions.
- Indigenous advocates protest to assert sovereignty and defend their territory from environmental destruction caused by Western-based resource activities like logging, mining, and the construction of hydroelectric dams.

Can I be arrested for participating in an environmental protest?

- If you are a peaceful protestor that is following local laws (see below), you should ideally be able to undertake your direct action without legal consequences.
- The Canadian Charter of Rights and Freedoms protects some activities that are part of direct action like protesting. Section 2 of the Charter (ss. 2(b) and 2(c)) protects freedom of expression and freedom of peaceful assembly.
- Common protest activities that are protected by the Charter include the right to rally, picket, march, hand out leaflets, and carry signs or banners. However, there may also be local laws and regulations that say where, when and how you can protest to make sure other citizens are not disturbed in a harmful or unfair way.
- The police are allowed to detain, search, use force, or arrest you if you commit a crime while you are protesting. This includes possession of a dangerous weapon, causing a disturbance, destruction of property, assault, and rioting.



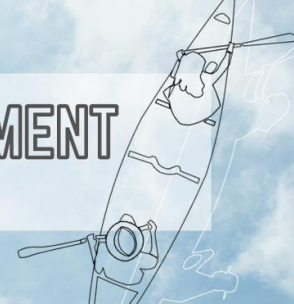
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Can the government or a private company stop me from protesting?

- The government or a private property owner can apply to the court and ask a judge for a legal order, called an injunction, that can be used to remove protestors and stop protest activities if they are occurring on private property or involve actions that break the law.
- The owner of private property on which protest activities are occurring can initiate a civil lawsuit against protestors for trespass or property damage that can result in significant fines and possible jail time.
- The Government of Manitoba and other provincial governments (ex. Alberta) have attempted to restrict public protest rights by passing new laws. In Manitoba, Bill 57, *The Protection of Critical Infrastructure Act*, if enacted by the Manitoba Legislative Assembly, will significantly limit the ability of environmental and Indigenous advocates to take direct action in Manitoba.

What should I do to prepare for an environmental protest?

- Know your legal rights: Research your legal rights and local laws that may restrict your protest activities before you go.
- Apply for a permit: Depending on where you plan to protest, you may be required to notify the local government about your planned protest activities and/or apply for a permit.
- Connect with others: Find other people and organizations that plan to participate so you can watch out for and support each other during the protest.
- Share your plans: Let friends and/or family know where and when you protest and share any important contact information they may need if the protest does not go as planned.
- Bring appropriate clothes and supplies: For example, a hat, sunscreen, water, snacks, a raincoat, comfortable shoes, protest sign.
- Make a plan for the worst-case scenario: For example, identify a meeting place for your group members if you get split up or identify a lawyer or legal organization you can contact for legal assistance if you are arrested.

For more information see:

- [Feet on the Ground: Your rights when you protest](#) (webinar)
- [Feet on the Ground: Additional Resources](#)
- [Feet on the Ground: Discussion Questions](#)
- [Environmental Racism and the Law](#) (webinar)
- [Environmental Racism and the Law: Background Information](#)
- [Environmental Racism and the Law: Additional Resources](#)



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