

Course Outline

COURSE:	LAWS 3401A - Employment Law
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502, BUSI 2601.
TERM:	Fall 2015
CLASS:	Day & Time: Thursday 11:30am - 2:30pm Room: Please check with Carleton Central for current room location 3269 Mackenzie Building
INSTRUCTOR:	Zeina Bou-Zeid, PhD
CONTACT:	Office: D598 Loeb Office Hrs: Mondays 1:00-2:30pm Email: zeina.bouzeid@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE OBJECTIVE AND CONTENT

The primary purpose of this course is to explore the legal regulation of the employment relationship in Canada at common law and through statutes. Topics will include defining employment; rights and duties of employees and employers; termination of employment; statutory regulation through employment standards legislation, human rights codes, workers compensation acts, occupational health and safety and related statutes. This course does not focus on collective bargaining regimes which is the focus of the Labour Law course.

REQUIRED TEXTS

The required text is available at the University Bookstore.

Geoffrey England, *Individual Employment Law* 2nd ed (Toronto: Irwin Law Inc, 2008).

Note: Other required readings will be placed on RSV in the library and can be accessed through cuLearn (View Course in Ares).

ADDITIONAL MATERIALS

Students may find it helpful to locate statutes and cases discussed in this course. Some key websites are:

- Department of Justice- Canada (Consolidated Statutes) <http://laws.justice.gc.ca/en/index.html>
- Ontario Laws – E-Laws: <http://www.e-laws.gov.on.ca/index.html>
- Access eCarswell or Quicklaw on the Carleton University Library website.

COURSE EVALUATION

Mid-Term Exam (October 22):	30%
Case Comment (Due: November 12)	20%
Final Exam (During scheduled exam period, Dec. 9 - 21):	40%
Attendance and Class Participation:	10%

All exams/assignments must be completed in order to pass the course.

Examinations:

The examinations are **closed book**. The Mid-Term Exam will be held in class on the date indicated in the course outline. The Final Exam will be held during the scheduled exam period. The examinations will be comprised of

multiple choice questions, short answer, long answer and hypothetical questions. The exams will be based on all materials covered during class lectures and the required readings.

Case Comment:

You are asked to submit 1 case comment. This case must be selected from a list of cases provided to you in class. Your comments on the case should go beyond mere summary and offer your critical insights on the relevance of this case. Your case comment should be 5 pages (double-spaced).

Due Date: November 12 at the start of class.

Attendance & Participation:

This course is structured as a lecture. Attendance in the course is critical. Students are expected to read the assigned materials prior to class and to participate in class discussions.

The professor will not repeat/review any lectures that students do not attend. Students are strongly encouraged to attend class regularly and to take detailed notes.

CLASS SCHEDULE & READINGS

Week 1. September 3	Introduction and Course Overview
Week 2. September 10	<p style="text-align: center;">Who is an Employee? Who is an Employer? Formation of the Employment Contract</p> <ul style="list-style-type: none"> • <u>Text</u>: Chapters 2 & 3 (pp. 16 - 48) • Judy Fudge, "Beyond Vulnerable Workers: Towards a New Standard Employment Relationship"(2005) 12 C.L.E.L.J. 193. [RSV]
Week 3. September 17	<p style="text-align: center;">Common Law Obligations of Employers & Employees</p> <ul style="list-style-type: none"> • Text: Chapters 4 & 5 (pp. 49 – 102)

Week 4: September 24**Employer's Statutory Obligations to Employees:
Workers' Compensation**

- Text: Chapter 6 (pp. 199- 203).
- Esther Shainblum, Terrance Sullivan & John W. Frank, " Multicausality, Non-traditional Injury, and the Future of Workers' Compensation" in Workers' Compensation: Foundations for Reform (eds) Morley Gunderson & Douglas Hyatt (Toronto: UTP, 2000) pp.58-96. [RSV]

Week 5: October 1**Employer's Statutory Obligations to Employees:
Occupational Health and Safety**

- Text: Chapter 6 (pp. 187- 199).

Week 6: October 8**Employer's Statutory Obligations to Employees:
Precarious Work & Wage Discrimination**

- Text: Chapter 6 (pp. 166- 185).
- Sarah Marsden, "Silence Means Yes Here in Canada": Precarious Migrants, Work and the Law" (2014) 18 C.L.E.L.J. 1-38 [RSV]
- Mary Cornish, "A Growing Concern: Ontario's Gender Pay Gap" (2014) Canadian Centre for Policy Alternatives pp. 1-36. [RSV]

Week 7: October 15**Employment Standards Legislation****Mid-Term Exam Review**

- Text: Chapter 6 (pp.104 – 159)

Week 8: October 22**Mid-Term Exam**

**Winter Break
No Class or Office Hours**

Week 9: November 5**Human Rights Legislation**

- Text: Chapter 7 (pp. 213 – 272).

Week 10: November 12**Termination of Employment 1:
Agreement of the Parties, Due Notice or Wages in Lieu Thereof****Case Comment Due (in class)**

- Text: Chapter 9 (pp. 283 - 323).

Week 11: November 19**Termination of Employment 2:
Summary Dismissal & Constructive Dismissal**

- Text: Chapter 9 (pp. 324 - 363).

Week 12: November 26**Termination of Employment 3:
Common Law Remedies for Wrongful Dismissal**

- Text: Chapter 9 (pp. 394 - 417).

Week 13: December 3**Exam Review****FINAL EXAM
(During Scheduled Exam Period)**