

Course Outline

COURSE:	LAWS 3401 B Employment Law
PREREQUISITES:	1.0 credit from LAWS 2003 [1.0] (no longer offered), LAWS 2005 [1.0] (no longer offered) LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502, BUSI 2601.
TERM:	Winter 2013
CLASS:	Day & Time: Tuesday 6:00-9:00pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Zeina Bou-Zeid, PhD
CONTACT:	Office: B442 Loeb Office Hrs: Tuesdays 5:00-6:00pm Email: Zeina_Bou-Zeid@carleton.ca

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/>

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 (February 12):	25%
Case Comment Assignment (February 26)	15%
Final Exam (During scheduled exam period):	50%
Attendance and Class Participation:	10%

All assignments and exams 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: Feb. 26 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.

Assignments

Any written work submitted must be typewritten, double-spaced, 12pt Times New Roman font with standard 1inch margins. All assignments **must** include a title page with the course code, your name and your student number and my name on it. Title pages, bibliographies and endnotes are **not** counted in calculating page length for an assignment.

All assignments must be handed in to me personally in class.

Students must keep a hard copy of anything submitted for marking for 3 months after submission.

Plagiarism and other Instructional Offences

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar. In particular, students should note that a student commits an instructional offence if he or she "submits substantially the same piece of work to two or more courses without the prior written permission of the instructors from all courses involved. Minor modifications and amendments, such as changes of phraseology in an essay or paper, do not constitute a significant and acceptable reworking of an assignment." Students should also note that it is an instructional offense to commit plagiarism, which is using the words or thoughts of another person without expressly acknowledging it.

CLASS SCHEDULE & READINGS

Week 1. January 8	Introduction and Course Overview
Week 2. January 15	<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. January 22	<p style="text-align: center;">Common Law Obligations of Employers & Employees</p> <ul style="list-style-type: none"> • <u>Text</u>: Chapters 4 & 5 (pp. 49 – 102)

Week 4: January 29	Employer's Statutory Obligations to Employees: Workers' Compensation
<ul style="list-style-type: none"> • 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: February 5	Employer's Statutory Obligations to Employees: Occupational Health and Safety
<ul style="list-style-type: none"> • Text: Chapter 6 (pp. 187- 199). • Matthew L.O. Certosimo, "Occupational Health and Safety Act" in Ontario Employment & Labour law & Commentary (Toronto: Lexis Nexis, 2007/2008) pp. 43-53. [RSV] 	
Week 6: February 12	<u>Mid-Term Exam</u>
February 19:	Winter Break No Class or Office Hours
Week 7: February 26	Employer's Statutory Obligations to Employees: Precarious Work & Wage Discrimination
<u>Case Comment Due</u>	
<ul style="list-style-type: none"> • Text: Chapter 6 (pp. 159- 185). • Canadian Labour Congress, Equality Once and For All: Women in the Workforce: Still a Long Way from Equality (Ottawa: Canadian Labour Congress, 2008). [cuLearn] 	
Week 8: March 5	Employment Standards Legislation
<ul style="list-style-type: none"> • Text: Chapter 6 (pp.104 – 159) 	
Week 9: March 12	Human Rights Legislation
<ul style="list-style-type: none"> • Text: Chapter 7 (pp. 213 – 272). 	
Week 10: March 19	Termination of Employment 1: Agreement of the Parties, Due Notice or Wages in Lieu Thereof
<ul style="list-style-type: none"> • Text: Chapter 9 (pp. 283 - 323). 	

Week 11: March 26

**Termination of Employment 2:
Summary Dismissal & Constructive Dismissal**

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

Week 12: April 2

**Termination of Employment 3:
Common Law Remedies for Wrongful Dismissal**

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

Week 13: April 9

Course Review

FINAL EXAM
(During Scheduled Exam Period)