

Course Outline

COURSE:	LAWS 3401B - Employment Law
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502, BUSI 2601.
TERM:	Winter 2014
CLASS:	Day & Time: Thursday 11:30am - 2:30pm Room: Please check with Carleton Central for current room location Tory 340
INSTRUCTOR:	Zeina Bou-Zeid, PhD
CONTACT:	Office: B442 Loeb Office Hrs: Thursday 10:30-11:30am 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 13):	40%
Final Exam (During scheduled exam period):	50%
Attendance and Class Participation:	10%

All 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.

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.

Instructional Offences: Examination Regulations

The University is committed to ensuring fairness and consistency in the completion of examinations. As part of this commitment, students are required to follow proper examinations procedures. An instructional Offence may occur

by breaking one of the formal examination rules that are also included on the back of the examination booklet. The Senate of the University has enacted the following regulations for instructional offences:

Any student commits an instructional offence who:

1. cheats on an examination, test, or graded assignment by obtaining or producing an answer by deceit, fraud or trickery, or by some act contrary to the rules of the examination; 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; contravenes the regulations published at an examination or which are displayed on the reverse side of a properly authorized examination booklet; commits an act of plagiarism (which for the purpose of this regulation shall mean to use and pass off as one's own idea or product work of another without expressly giving credit to another);

Any student found in violation of these regulations may be:

- a. expelled; suspended from all studies at the University; suspended from full-time studies; and/or: awarded a reprimand; refused permission to continue or to register in a specific degree program but subject to having met all academic requirements shall be permitted to register and continue in some other program; placed on Academic Warning;
- b. awarded an F or Abs in a course or examination.

CLASS SCHEDULE & READINGS

Week 1. January 9

Introduction and Course Overview

Week 2. January 16

**Who is an Employee? Who is an Employer?
Formation of the Employment Contract**

- Text: 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 23

Common Law Obligations of Employers & Employees

- Text: Chapters 4 & 5 (pp. 49 – 102)

Week 4: January 30	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 6	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 13	<u>Mid-Term Exam</u>
February 20:	Winter Break No Class or Office Hours
Week 7: February 27	Employer's Statutory Obligations to Employees: Precarious Work & Wage Discrimination
<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 6	Employment Standards Legislation
<ul style="list-style-type: none"> • Text: Chapter 6 (pp.104 – 159) 	
Week 9: March 13	Human Rights Legislation
<ul style="list-style-type: none"> • Text: Chapter 7 (pp. 213 – 272). 	
Week 10: March 20	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 27**Termination of Employment 2:
Summary Dismissal & Constructive Dismissal**

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

Week 12: April 3**Termination of Employment 3:
Common Law Remedies for Wrongful Dismissal
Course Review**

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

FINAL EXAM
(During Scheduled Exam Period)