

Course Outline

COURSE:	LAWS 3401B Employment Law
PREREQUISITES:	LAWS 2003, 2005 or BUSI 2601
TERM:	Winter 2012
CLASS:	Day & Time: Monday 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: Monday 5:00-6:00pm and Wednesday 5:00-6:00pm Email: Zeina_Bou-Zeid@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 7, 2012 for Winter Exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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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 on WebCT.

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):	25% or (40% if you do not select optional Case Comment)
(Optional) Case Comment Assignment (February 13)	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.

Optional Case Comment:

If you select this option, 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).

If you select to complete the Case Comment your Mid-Term Exam will be worth 25%. If you do not select to complete the Case Comment your Mid-Term Exam will be worth 40%. **No late** Case Comments will be accepted. Due Date: Feb. 13 at the start of class. Once you submit the CC you have agreed to accept the CC and Mid-Term Exam grading evaluation. Changes will not be permitted at a later date (including: changes based on the evaluation outcome).

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 at the Law Department office drop box by 4:00 pm on the due date or to me personally in class. Assignments **will not** be accepted by e-mail, posted on WebCT or under the door of my office.

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 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

- 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

- 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

Mid-Term Exam Optional Case Comment Due

Week 7: February 20

**Winter Break
No Class or Office Hours**

February 27

**Employer's Statutory Obligations to Employees:
Precarious Work & Wage Discrimination**

- 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). [WebCT]

Week 8: March 5

Employment Standards Legislation

- Text: Chapter 6 (pp.104 – 159)

Week 9: March 12

Human Rights Legislation

- 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**

- 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**

(Course Review)

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

FINAL EXAM
(During Scheduled Exam Period)