

Course Outline

COURSE:	LAWS 3405A – Labour Law
TERM:	Winter 2008/09
PREREQUISITES:	LAWS 2000 or LAWS 2003 or LAWS 2005
CLASS:	Day & Time: Thursday – 1805-2055 Room: 502 SA (Southam Hall)
INSTRUCTOR: (CONTRACT)	Bill Cole
CONTACT:	Office: C476 LA (Loeb) Office Hrs: By Appointment (please email me to set up and confirm appointments) Telephone: 613-889-5418 (cell) Email: billcole@rogers.com

“Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by March 6, 2009 for April exams.” Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION:

This course explores the role of law in the regulation labour-management relations in Canada. We will examine the historic development of collective bargaining legislation and will consider decisions of administrative tribunals, courts and boards of arbitration in order to assess how labour law impacts on the various actors in the labour relations system. Students will have an opportunity to consider the political and social values which underlie collective bargaining and its regulation by the state, and to critically assess the effectiveness of the various legal mechanisms we will explore, having regard to a variety of current issues, including globalization, the changing face of the Canadian workforce, and changes in the nature of work itself.

REQUIRED READING

Labour Law Casebook Group, *Labour & Employment Law: Cases, Materials and Commentary* (7th ed., 2004). [Reference to “Chapters” herein refers to this casebook]. **[PLEASE NOTE:** I have reviewed the 6th Edition of the casebook and significant changes have been made, reflecting the development of the law since 1998. Students are asked to use the 7th ed.]

In addition you are expected to closely read many provisions of the Ontario *Labour Relations Act*. It can be found on-line at a number of sites including; http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/95101_e.htm

Additional readings have been assigned and can be found on WebCT. If you do not access WebCT please see me at the end of the first class.

EVALUATION – all components must be completed in order to pass this course

Class participation	10%
Essay	40%
Final Examination	50%

Attendance will be taken on each night and will form part of the mark for class participation. For clarity, attendance represents 5 marks and participation 5 marks.

You will be required to submit an essay on **February 26, 2009** [a discussion of the essay requirements will take place on Thursday January 15].

The final examination will be three hours in length and fall within the scheduled examination period in April. The examination format will be discussed in class. It will cover material for the entire term, including supplemental readings.

CLASS SCHEDULE

- Jan. 8: Introduction and Values Underlying Labour Legislation**
- Why study labour law.
 - Course objectives, text and supplementary readings
 - Examination and Essay discussion
 - Chapter 1 pages 1-18; 33-41; 64-78.
- Jan. 15: Constitutional Divisions of Power and Underlying Assumptions of Labour Legislation**
- Chapter 1 84 to 94.
 - Chapter 3 pages 169 to 206
 - Detailed discussion of essay
- Jan. 22: The Role of the State, Employment Status and Trade Unions**
- "The Politicization of the Ontario Labour Relations Framework in the 1990s" by Kevin Burkett, *Canadian Labour & Employment Law Journal* Vol. 6, No. 2, 1998, page 161 (available at WebCT)
 - Chapter 4: pages 207 to 253; 256 to 263.
- Jan. 29: Representation, Statutory Obligations**
- Chapter 5: pages 264 to 291; 302 to 318.
 - "Shopping for a Remedy: The Wal-Mart Case" by Judith McCormack, *Canadian Labour and Employment Law Journal*, Vol. 5 No. 3, 1997, page 341, (available at WebCT) NOTE: This paper is optional but presents a detailed policy analysis of the labour board's certification of the union at the Windsor Walmart.
 - Students are asked to review the relevant statements of claim for the union and Walmart located on WebCT.
 - *Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia* [2007] S.C.J. No. 27 (available on WebCT)
- Feb. 5: The Acquisition and Termination of Bargaining Rights**
- Chapter 6: pages 323 to 380; 388 to 390
- Feb. 12: The Collective Agreement**
- Chapter 7: pages 391 to 444
- Feb. 19: Study Week – No Class**
- Feb. 26: Industrial Conflict**
- Chapter 8: pages 445 to 513
 - **ESSAY DUE**

- Mar. 5: Industrial Conflict (continued)**
- Chapter 8: 514 to 574
- Mar. 12: Conflict Resolution**
- Chapter 9: pages 575 to 624
- Mar. 19: Arbitration (con't) & the Union's Relationship with its Members**
- Chapter 9: pages 624 to 675
 - Chapter 10: 676 to 711; 721 to 749
- Mar 26: Human Rights Issues & Accommodation in Employment**
- Chapter 13: pages 827 to 881; 887 to 901
- Apr. 2: The Future of Labour-Management Relations**
- Chapter 14: 913 to 971

Review and Exam Preparation (DATE/TIME TO BE DETERMINED)

GENERAL GUIDELINES ON ASSIGNMENTS FOR THIS COURSE

Assignment Format

Any written work submitted in this course must be word-processed. The essay must be double-spaced, 12pt Times New Roman or Arial font with standard 1" margins. The essay must include a title page that has, as a minimum, your name and student number, the course code, the assignment title, and my name on it. Assignments should also include a bibliography. Title pages, bibliographies and extensive footnotes are not counted in determining an assignment's page length. You may be asked to submit the assignment electronically in addition to or in place of submitting a paper copy. Please see WebCT for further information on the essay.

Late Policy

Assignments that are due in-class are deemed late if not submitted at the start of the class. Late assignments will be penalized one grade point per day that they are late (i.e. B to B-, B- to C+, etc). Hard copies of late assignments are to be submitted to the Department of Law's drop box unless otherwise noted. See the departmental policy regarding assignment submission.

ACADEMIC INTEGRITY

Academic integrity is a term used to describe one of the expectations for all students in their work related to this class. It means a number of things, including honesty, fair dealing with the ideas of others, and the right to be recognized for the work that you have done as a student. More precisely, it includes an expectation that students will abide by the [University's policy on academic offences](#), which prohibits plagiarism, and cheating on tests and exams. It means that any work that you submit in the course will be original, will not have been submitted for credit in any other course. It requires that you provide appropriate attribution through footnotes and bibliography when you rely on either the ideas or the words of others.

Plagiarism includes the using of another person's ideas without giving appropriate credit, or the using of other's words without acknowledgment through the both the use of quotation marks and appropriate attribution in a citation.

All assignments must be properly referenced and must include a full bibliography of all sources utilized in the preparation of the assignment. Students are expected to follow the Law Department style guide for essays and assignments. Consistency in citation style is most important. To repeat, failure to reference properly may be plagiarism. Allegations of plagiarism are referred directly to the Dean and can lead to penalties that include immediate failure of the course to suspension from the university.

Essays and assignments must also be original to this course. You may not submit an identical or a substantially similar version of an essay that has been submitted by you or somebody else in another course.