

**Course Outline**

<b>COURSE:</b>	<b>LAWS 3405A Labour Law</b>
<b>TERM:</b>	<b>Fall 2011</b>
<b>PREREQUISITES:</b>	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. Permission may be given to students in Business or Directed Interdisciplinary Studies who have completed BUSI 2601.
<b>CLASS:</b>	<b>Day &amp; Time: Mondays: 8:35 A.M. – 11:25 A.M</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Professor Michael Mac Neil</b>
<b>CONTACT:</b>	<b>Office:</b> D598 Loeb <b>Office Hrs:</b> Mondays: 12:00 - 1:00 PM; Tuesday: 12:00 PM – 1:00 PM or by appointment. Many issues can be dealt with before or after class, but if you want to set up a more formal appointment, contact me by email or by phone.  <b>Telephone:</b> 613-520-2600 x 3684  <b>Email:</b> <a href="mailto:michael_macneil@carleton.ca">michael_macneil@carleton.ca</a> (best way to contact me!)  <b>Note:</b> Because of the spam filtering tools I use, I would greatly prefer if any email communication with me either comes from your Carleton Connect email address or has "3405" in the Subject line of the email. Unless one of these two conditions is met, there is a very high likelihood that your email will end up in a junk folder, and may not be seen.

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**STUDENTS REQUIRING ACADEMIC ACCOMMODATION**

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/accommodation/>

**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/accommodation/>

**Students with 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 could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that I receive 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 only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website: <http://www2.carleton.ca/pmc/newand-current-students/dates-and-deadlines/>

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**COURSE DESCRIPTION** (from University Undergraduate Calendar)

Role of law in industrial relations; effect of law on collective bargaining relationships; recognition of bargaining agent; regulation of bargaining; administration of the collective agreement; methods of conflict resolution.

**COURSE OVERVIEW**

This course explores how law regulates industrial relations in Canadian society. It will examine the legal regulation of employer-employee relations, attempting to identify some of the historical, economic and political influences. We will focus particularly on the legal regulation of collective worker activity. We will identify values that inform the legislative, judicial, administrative, arbitral, contractual and informal rules and norms through which law regulates. You will be expected to gain an understanding of the rights and responsibilities of various actors in the industrial relations system, and of the legal and institutional relationships among the actors.

The course concentrates on the labour law applicable to the private sector. The Ontario Labour Relations Act will be the main statute analyzed. You will be expected to acquire knowledge of legal rules and to apply it to concrete problems. You should be able to assess policy implications of various rules and proposals. It will be important to gain an understanding of the relationship between labour law and the economic, political, and social conditions within which this legal system operates. Some of the questions to be considered include:

- Why do workers join unions?
- Why do many employers resist unions?
- How does law encourage, facilitate or impede unionization?
- What are the goals of labour law?
- What limits are there on employer resistance to unions?
- What rules govern collective bargaining?
- How does law deal with industrial conflict?
- How are disputes under collective agreements settled?
- How are disputes between a union and its members regulated by law?
- How does the Charter of Rights protect workers, if at all?
- How is labour law adapting to changing global economic conditions?

**COURSE OBJECTIVES**

- Gain an understanding of the social, political, economic and historical context for the legal regulation of employer-employee relations in Canada;
- Obtain a sound knowledge of the Ontario Labour Relations Act;
- Learn about the role of legislatures, labour relations boards, arbitrators and courts in the labour law system;
- Become familiar with some of the scholarly literature about labour law in Canada;
- Develop the capacity to analyze legal policy choices in the labour relations context;
- Develop a capacity to engage in research of primary and secondary materials relating to Canadian labour law;
- Improve skills in applying legal rules to propose solutions to labour law conflicts;
- Enhance written communication skills;
- Improve teamwork skills by working in groups.

**REQUIRED TEXTS**

Labour Law Casebook Group, *Labour and Employment Law: Cases, Material and Commentary* (8th ed.), (Toronto: Irwin Law, 2011) - Available at the University Bookstore.

In addition, you will be expected to closely read many provisions of the [Ontario Labour Relations Act](#). The statute is available online, and a list of specific sections that you will need to read for each class will be set out in a separate Schedule, to be made available on WebCT.

Additional readings may be assigned throughout the term, and will primarily be available on the Internet with hypertext links posted on WebCT. Some readings may be put on reserve in the McOdrum Library. Students are expected to read assigned material before coming to class, Analysis of the assigned material will take the form of classroom discussion in which everyone is expected to participate, supplemented by lecturing. Problems may be assigned from time to time for review in class, and all students are expected to prepare answers in advance. Only by participation in class discussions combined with advanced preparation can you expect to obtain maximum benefits from the course.

**WEBCT, CARLETON CONNECT**

This course will make extensive use of an Internet-based course management tool known as WebCT. WebCT provides a facility whereby a course website is maintained, allowing me to provide you with links to relevant readings, to post course notes, commentary, and assignments, to facilitate the electronic submission of assignments, and to provide you with access to your grades. It also contains a discussion group facility, the ability for students to create their own webpages and webpages for group presentations. Not all of the WebCT facilities will be used, but it is absolutely essential that you regularly check the WebCT site for the course. WebCT is accessible through the Internet from off-campus or through the University's computer labs, using compatible web browsers. The URL for WebCT is <http://webct.carleton.ca>.

In order to access WebCT, you require an ID and password, which is the same as your Carleton Connect ID and password. Carleton Connect is an Internet based facility that provides you with email and links to relevant material. It is available at <http://connect.carleton.ca>. If you have not already done so, it is absolutely essential that you obtain a Carleton Connect account. Information about doing so is available at: <http://connect.carleton.ca/cp/home/loginf>.

In addition, because of the spam filtering tools I use, I would greatly prefer if any email communication with me comes from your Carleton Connect email address. If it does not come from that address, there is considerable risk that it may not get through to me.

**EVALUATION**

		Due Date
Group Project: Case Analysis	30%	October 24
Position Paper	30%	November 28
Final Exam	40%	To be Scheduled

In order to obtain a passing grade in this course, all assignments must be submitted and the Final Exam must be written.

**Assignments**

You will be required to submit two written assignments during the term:

- 1) A **case analysis** will be distributed in class on October 3rd and is due on October 24th. You will be given a factual scenario, and asked to write a memorandum in which you analyze the applicable law. This will require that you do some research that goes beyond the assigned readings. Expected length: 2000-2500 words. This will be a **group assignment**. (30%)
- 2) You will be required to submit one **position paper**, in which you take the role of an advocate for either workers or an employer organization. The position paper will be directed to a legislative committee examining the need to reform some aspect of our labour relations legislation. In the position paper, you will clearly identify the reform that you believe to be necessary and the reasons why it is necessary. Expected length: 2000-2500 words. Due Date: November 28<sup>th</sup> (30%)

All these assignments must be submitted on the date stipulated. Failure to do so will result in the imposition of a penalty of one letter grade for each day the assignment is late.

**Final Exam**

The final exam will be a three hour exam during the formally scheduled final examination period. It will contain a variety of short answer and essay questions. More precise details as to the format will be discussed in class later in the term. Note that final exams are not returned to students. They are retained by the instructor. Contact me if you want to review it.

**SCHEDULE** (Subject to Change; Detailed Reading Assignments Posted in WebCT)

Class 1	Sept 12	Introduction; Legal Regimes
Class 2	Sept. 19	Values and Assumptions; Collective Bargaining Policy
Class 3	Sept. 26	Charter Issues; The Right to Strike; Union Security; Unions in Civil Society
Class 4	Oct. 3	Unionization Process
	Oct. 10	Thanksgiving Holiday – No classes Scheduled
Class 5	Oct. 17	Freedom of Association and Unfair Labour Practices
Class 6	Oct. 24	Bargaining Units and Critiques of Wagnerism
Class 7	Oct. 31	Duty to Bargain, Remedies, New Approaches
Class 8	Nov. 7	Regulating Industrial Conflict
Class 9	Nov. 14	Rights of Strikers; Collective Agreements and Arbitration
Class 10	Nov. 21	Competing Forums; Duty of Fair Representation; Unions and their Members
Class 11	Nov. 28	Globalization and Labour
Class 12	Dec. 5	Conclusions and Review

## **GENERAL GUIDELINES ON ASSIGNMENTS FOR THIS COURSE**

### **Assignment Format**

Any written work submitted in this course **must** be word processed. The case analysis and position paper must be double-spaced, 12pt standard font (eg. Times New Roman, Arial or Calibri) with standard 1" margins. These two assignments 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 unless otherwise instructed. 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. You will be provided with instructions on how to do so through WebCT.

### **Late Policy**

Assignments that are due in-class are deemed late if not submitted by the times indicated. 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 on the last page.

## **LAW DEPARTMENT POLICY AND PROCEDURE STATEMENT**

The Law Department outlines its general policies regarding assignments in its [Policy and Procedure Statement](#) that is attached to this syllabus. You should be familiar with these regulations. If you require any clarification please ask me.

## **ACADEMIC INTEGRITY**

The University Senate defines plagiarism as "presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own." This can include:

- 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;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence which cannot be resolved directly with the course instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

Please consult the complete [Academic Integrity Policy](http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic_integrity_policy.pdf) at [http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic\\_integrity\\_policy.pdf](http://www2.carleton.ca/studentaffairs/ccms/wp-content/ccms-files/academic_integrity_policy.pdf).