

Course Outline

COURSE:	LAWS 3405A – Labour Law
TERM:	Summer 2008
PREREQUISITES:	LAWS 2000 or LAWS 2003 or LAWS 2005
CLASS:	Day & Time: Monday & Wednesdays, 6:00-9:00 pm Room: 316 SA (Southam Hall)
INSTRUCTOR: (CONTRACT)	Nick E. Milanovic
CONTACT:	Office: C476 LA (Loeb) Office Hrs: By appointment: Monday & Wednesday Email: nikola_milanovic@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. Please note the deadline for submitting completed forms to the Paul Menton Centre for formally scheduled exam accommodations is June 13, 2008 for first term summer courses and July 25, 2008 for second term summer courses. For further information, please see: <http://www.carleton.ca/law/accommodations.htm>.

COURSE DESCRIPTION

This course explores the role of law in the regulation of conflict between trade unions and employers 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 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. In class, we will critically assess the effectiveness of the various legal mechanisms that regulate labour relations, having regard to a variety of current issues, including globalization, the changing face of the Canadian workforce, and transformations in the nature of work itself.

The purpose of the course is to acquaint students with the law in this area of study as well as some of the tools necessary to recognize and analyze common problems in labour law. The focus is largely on the practical rather than the abstract and the format of the class will be a mixed lecture/seminar. Students are expected to read the assigned material before the relevant class and come to each class prepared to discuss the topic at hand.

REQUIRED READING

Labour Law Casebook Group, *Labour & Employment Law: Cases, Materials and Commentary* (7th ed., 2004).

In addition you are expected to closely read many provisions of the *Ontario Labour Relations Act*. An up-to-date version of the Act can be found on-line at a number of sites including; http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/95I01_e.htm. The Act is important because it sets the framework for collective bargaining. The statute sequentially, section by section, tracks the path by which a trade union travels to acquire and exercise bargaining rights; negotiate a collective agreement with an employer; prescribes the contents and operation of the collective agreement; indicates the method by which bargaining rights might be terminated and so on. Accordingly, students should work their way through the Act and attempt to make reference between the statute and the readings as we review the various issues, principles and themes of labour law.

Additional readings may be assigned and students will be informed of any changes to the reading list in class.

EVALUATION - ALL COMPONENTS MUST BE COMPLETED IN ORDER TO OBTAIN A PASSING GRADE.

Class participation	10%
Essay	40%
Final Examination	50%

Class Participation

Students will be evaluated on the basis of a class wide collective bargaining assignment which will require the participation of all students in order to successfully complete the assignment. Details of the class collective bargaining assignment will be handed out in the second week of class followed by a brief discussion explaining its functioning.

Essay

You will be presented in class with three (3) written essay questions that ask you to consider and evaluate a labour issue that we are set to review and consider in class. You are to select one question and write a paper that should be from fifteen (15) to twenty (20) pages long. The essay must also be double spaced, on one side of the page, and word processed in 12 point font. **The paper is due by the end of scheduled class Wednesday August 13, 2008.**

In the analytical essay, you are to discuss and respond to the question posed by **conducting your own research** and in part by relying upon any relevant readings and classroom discussion that pertains to your topic. In the paper, you are expected to refer to and partially integrate the relevant readings into your answer of the essay question. The essay questions are intended to spark your engagement with a labour law topic and to start you on a path that you then creatively and critically make your own – i.e. the questions are a starting point but not the end point for your papers. You are expected to engage with and respond to the issues emanating from the question by incorporating the materials and conducting your own research. Where possible, you should try to look for themes or recurring issues and incorporate those matters into your paper rather than simply discussing each article or case separately.

Exam

There will be a final examination in the regularly scheduled examination period. The examination will be three (3) hours in length and will consist of multiple choice questions that require you to recall key information and to apply the concepts learned in class to a factual situation(s). Among other things, this exam will require students to place the concept learned in class into a 'real life' factual situation in order to identify the correct answer. It will be a closed book examination and will cover the material discussed in the course lectures and assigned readings.

CLASS SCHEDULE**Jul 2 Introduction**

- No reading assigned

Jul 7 Values and Underlying Assumptions of Canadian Labour Legislation

- Chapter 1 pages 1 to 18; 33 to 41; 68 to 83. Chapter 3 pages 169 to 206

Jul 9 Collective Bargaining Legislation

- Chapter 4: pages 207 to 253; 256 to 263 & General discussion of assignments.

Jul 14 The Right to Join A Union

- Chapter 5: pages 264 to 318

Jul 16 The Acquisition and Termination of Bargaining Rights

- Chapter 6: pages 323 to 380; 388 to 390

Jul 21 Negotiating a Collective Agreement

- Chapter 7: pages 391 to 444

Jul 23 Workplace Conflict

- Chapter 8: pages 445 to 513

Jul 28 Workplace Conflict (continued)

- Chapter 8: 514 to 574

Jul 30 Collective Agreement & Arbitration

- Chapter 9: pages 575 to 624

Aug 4 Statutory Holiday No Classes

- No reading assigned

Aug 6 Collective Agreement & Arbitration (con't) and the Individual Employee under Collective Bargaining

- Chapter 9: pages 624 to 675 Chapter 10: 676 to 711; 721 to 749

Aug 11 Labour & Employment in the New Economy

- Chapter 14: 913 to 971 & Review and Recap

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

Any written work submitted in this course must be word-processed. The essay must be double-spaced, 12pt 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 essay title, and my name on it. Assignments should also include a title page, bibliographies and extensive footnotes. You may be asked to submit the assignment electronically in addition to or in place of submitting a paper copy.

Late Policy

Assignments that are due in-class are deemed late if not submitted in 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 all 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 use of another person's ideas without giving appropriate credit, or the use of other's words without acknowledgment through 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.