

Course Outline

COURSE: LAWS 4209C – Topics in Business Law: Protecting Consumer Rights in the Marketplace

TERM: Winter 2014

PREREQUISITES: Fourth-year Honours standing, and one of LAWS 2201, LAWS 2202

CLASS: Thursdays, 6:05 pm to 8:55 pm
Room: Please check Carleton Central for current room location

INSTRUCTOR: Janet Lo
(Contract)

CONTACT: Office Hours: by appointment
Telephone: (613) 996-0309
E-mail: JanetLo@carletonconnect.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 DESCRIPTION:

This course is designed to engage students in the research and study of issues associated with the delivery of products and services to consumers, primarily by the private sector. There will be an emphasis on those products and services that are considered as necessary, or very important in connecting the citizen with society. The course will examine issues that arise in the delivery of those services by applying an analysis that includes principles derived from contract and commercial law, consumer protection legislation, competition law and regulatory approaches. The course will also identify forces external to the consumer transaction that may affect the legal and economic result. The course will review the general principles of application from the above, as well as concerns specific to particular industries, as well as the need for reform. The course approach will try to combine the theoretical framework provided by the governing statutes with the practical experience of current consumer issues. The objective of the course is to enable the development of an approach to marketplace issues that can identify the various factors that affect consumer rights and remedies and their relative importance, with a view to enabling the student to articulate a position on these issues.

READINGS:

Because the course covers a wide range of legal areas, there is no required text. Required readings will be posted on cuLearn for every lecture. There will also be a resource list posted here that should be valuable in dealing with the development of the framework for the analysis of consumer issues and in the completion of assignments.

The book “Consumer Policy Toolkit” is available online at the OECD website and highly recommended for use in the preparation of the term paper/case study.

COURSE ORGANIZATION:

The first six classes will set out the framework for consumer analysis. We will walk through application of the framework to hypothetical case studies to see the application of law to facts. The last six classes will examine specific consumer protection topics suggested by the instructor, but may change according to students’ interests.

COURSE EVALUATION:

(All components must be completed in order to get a passing grade.)

Class Participation	15%	every class
Short Written Reflection on Consumer Issues	5%	due January 23
Legislative Briefing Note Assignment	20%	due March 6
Term Paper		
Proposal & Annotated Bibliography	20%	due February 6
Paper	40%	due April 9

Detailed instructions for assignments will be provided in class and specific resources will be provided on cuLearn. Topics and guidelines for the term paper will be discussed in class within the first few weeks of term.

The evaluation for participation will depend on both regular attendance and consistent involvement in case study discussions in ways that indicate engagement with course material.

Students must complete all components of the evaluation scheme in order to obtain a passing grade.

ADMINISTRATIVE NOTES:

cuLearn will be the primary method of electronic communication with students outside of class. It will be used to submit assignments and term papers, post marks, and post announcements. Students are expected to check cuLearn on a weekly basis.

Assignments and term papers are due at the beginning of class. If students cannot attend class on the date an assignment or term paper is due, the assignment may be submitted by email (through cuLearn) prior to the beginning of class. Please retain a copy or secure file copy of the submitted essay.

Requests for an extension must be made with the instructor prior to the due date and will only be considered if there is an extreme reason supported by supporting documentation. Late assignments will be marked down one half letter grade for each day submitted after the due date. Late papers will not be accepted unless there is a documented emergency.

Please note University regulations on academic integrity and academic offences and refer to the Department of Law Policy and Procedure Statement: <http://www1.carleton.ca/law/ccms/wp-content/ccms-files/Policy-July-10.pdf>.

COURSE SCHEDULE:

<p>Week 1 January 9</p>	<p>Introduction to the course</p> <ul style="list-style-type: none"> • Aims and objectives of the course. Expectations (student and instructor). • What do we know and what don't we know? What do we want to know? • Key course questions: Who are consumers? What is the consumer interest? Who defines the "consumer interest"? Is the "consumer interest" the same thing as the "public interest"? • Format of the course • Overview of consumer rights and consumer policy making • Traditional consumer marketplace problems • Discussion of first written assignment (reflection)
<p>Week 2 January 16</p>	<p>Consumer Policy Toolkit – Approach to Addressing Challenges in the Market</p> <ul style="list-style-type: none"> • Note: this is critical background for the term paper • Changing market and consumer landscape • Understanding markets and consumer decision making • Identifying and evaluating consumer problems • Developing and implementing consumer policy <p>Framework of Consumer Protection</p> <ul style="list-style-type: none"> • Contract law and commercial law • Sources of consumer protection: provincial and federal • Competition law
<p>Week 3</p>	<p><i>Short Written Reflection and Discussion due in class</i></p>

<p>January 23</p>	<p>Regulation and Consumer Protection</p> <ul style="list-style-type: none"> • Purpose of regulation and the “public interest” • Forms of government intervention in the marketplace for consumers • Discussion of deregulation <p>Consumer Protection Laws</p> <ul style="list-style-type: none"> • Contract and commercial law • Federal laws with consumer protection elements • Provincial consumer protection laws
<p>Week 4 January 30</p>	<p>Competition Law</p> <ul style="list-style-type: none"> • <i>Competition Act</i> • Fair Business Practices – presentation from the Competition Bureau on misleading advertising and deceptive claims • Mergers and lessening of competition • Civil and criminal matters • Economic policy • Case studies
<p>Week 5 February 6</p>	<p><i>Term Paper Proposal and Annotated Bibliography due in class</i></p> <p>External Factors of Consumer Protection</p> <ul style="list-style-type: none"> • Influence of stakeholders • Public and consumer consultation • Economic, political, regulatory, factors and the media • Industry culture • Multilateral trade agreements <p>We will then examine specific consumer protection issues, with a focus on class discussion on these issues. These classes will cover suggested topics by the instructor, but may change according to student interests.</p>
<p>Week 6 February 13</p>	<p>Overview of Consumer Protection Challenges</p> <ul style="list-style-type: none"> ⑩ How to measure the consumer interest – facts vs myths ⑩ Who represents and speaks for consumers ⑩ How can consumer protection keep up with a fast-paced marketplace ⑩ Barriers to exercising consumer rights ⑩ What are appropriate tools for consumer protection ⑩ Enforcement challenges – methods and practices
<p>February 20</p>	<p>WINTER BREAK – NO CLASS</p>
<p>Week 7 February 27</p>	<p>Issues in Consumer Protection: Electronic-Commerce</p> <ul style="list-style-type: none"> • <i>Uniform Electronic Commerce Act and Consumer Protection Act</i> • Jurisdiction for disputes • Common consumer problems and international solutions • <i>Canadian Anti-Spam Legislation</i>

	<p>Issues in Consumer Protection: Consumer Privacy</p> <ul style="list-style-type: none"> • <i>Personal Information Protection and Electronic Documents Act</i> and substantially similar provincial legislation • Consumer issues: loyalty programs, online advertising, online tracking and profiling, social networking
<p>Week 8 March 6</p>	<p>Legislative Briefing Note due in class</p> <p>Issues in Consumer Protection: Regulation and Telecom and Wireless</p> <ul style="list-style-type: none"> • <i>Telecommunications Act</i> • Regulation of telecommunications – phone, internet, wireless • Government Policy Direction • Universal access • Net neutrality • Wireless Code
<p>Week 9 March 13</p>	<p>Issues in Consumer Protection: Broadcasting and Television Services</p> <ul style="list-style-type: none"> • <i>Broadcasting Act</i> • Media concentration and vertical integration • Consumer choice and flexibility – Let's Talk TV
<p>Week 10 March 20</p>	<p>Issues in Consumer Health and Safety</p> <ul style="list-style-type: none"> • Developing safety standards and testing • Product advisories and recalls
<p>Week 11 March 27</p>	<p>Issues in Consumer Protection: Financial Services and Banking</p> <ul style="list-style-type: none"> • <i>Bank Act</i> • Regulation of banks and financial services • The consumer interest in deposit accounts, investments, credit, payments • Consumer protection for financial products and services
<p>Week 12 April 3</p>	<p>Issues in Consumer Protection: Cultural Industries</p> <ul style="list-style-type: none"> • Cultural industries – books, magazines, broadcasting, television, Canadian content • What is the consumer interest in cultural industries? Is there a consumer interest? • How do we balance the public interest and the consumer interest? <p>Course Wrap Up</p> <ul style="list-style-type: none"> ⑩ Discussion of consumer rights, the consumer interest and the public interest ⑩ Longevity of JFK's vision of consumer rights
<p>April 9</p>	<p><i>Term paper due – hand in to faculty office or email to instructor by 5:00pm</i></p>