

Course Outline

COURSE:	LAWS 3401A – Employment Law
TERM:	FALL 2018
PREREQUISITES:	1.0 credit from LAWS 2201, LWS 2202, LAWS 2501, LAWS 2502, BUSI 2601.
CLASS:	Day & Time: Tuesdays 11:35- 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Zeina Bou-Zeid, PhD
CONTACT:	Office: D598 Loeb Building Office Hrs: Tuesdays 10:00am – 11:00am, Wednesdays 1:00pm – 2:00pm or by appointment Telephone: 613-520-2600 x. 2591 Email: zeina.bouzeid@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

Plagiarism:

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers,

literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence

More information on the University's **Academic Integrity Policy** can be found at:
<http://carleton.ca/studentaffairs/academic-integrity/> .

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit:
carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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.
<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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 can be accessed through cuLearn (View Course in Ares).

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 WestlawNext or Quicklaw on the Carleton University Library website.

COURSE EVALUATION

Mid-Term Exam (October 16):	30%
Case Comment (Due: November 12)	25%
Final Exam (During scheduled exam period):	40%
Attendance and Class Participation:	5%

All exams/assignments must be completed in order to pass the course.

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

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 (December 9-21). 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.

Case Comment:

You are asked to submit 1 case comment. The will be 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 9 pages (double-spaced).

Due Date: Monday November 12 submitted online on CULearn by 9:00pm.

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.

CLASS SCHEDULE & READINGS

Week 1. September 11	Introduction and Course Overview
Week 2. September 18	<p style="text-align: center;">Who is an Employee? Who is an Employer? Formation of the Employment Contract</p> <ul style="list-style-type: none"> • <u>Text</u>: 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. September 25	<p style="text-align: center;">Common Law Obligations of Employers & Employees</p> <ul style="list-style-type: none"> • <u>Text</u>: Chapters 4 & 5 (pp. 49 – 102)

Week 4: October 2	Employer's Statutory Obligations to Employees: Workers' Compensation
	<ul style="list-style-type: none"> • 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: October 9	Employer's Statutory Obligations to Employees: Occupational Health and Safety
	Mid-Term Exam Review
	<ul style="list-style-type: none"> • Text: Chapter 6 (pp. 187- 199).
Week 6: October 16	<u>Mid-Term Exam</u>
	Fall Break: October 22-26 No Class or Office Hours
Week 7: October 30	Employer's Statutory Obligations to Employees: Temporary Migrant Workers & Wage Discrimination
	<ul style="list-style-type: none"> • Text: Chapter 6 (pp. 166- 185). • Mary Cornish, "A Growing Concern: Ontario's Gender Pay Gap" (2014) Canadian Centre for Policy Alternatives pp. 1-36. [RSV] • Sarah Marsden, "Silence Means Yes Here in Canada" Precarious Migrants, Work and the Law. (2014) Canadian Labour and Employment Law Journal pp.-1-38. [RSV] • Film (viewed in class): Migrant Dreams
Week 8: November 6	Employment Standards Legislation
	<ul style="list-style-type: none"> • Text: Chapter 6 (pp.104 – 159)
Week 9: November 13	Human Rights Legislation
	<u>Case Comment Due November 12 (CULearn 9:00pm)</u>
	<ul style="list-style-type: none"> • Text: Chapter 7 (pp. 213 – 272).
Week 10: November 20	Termination of Employment 1: Agreement of the Parties, Due Notice or Wages in Lieu Thereof
	<ul style="list-style-type: none"> • Text: Chapter 9 (pp. 283 - 323).

Week 11: November 27

**Termination of Employment 2:
Summary Dismissal & Constructive Dismissal**

- Text: Chapter 9 (pp. 324 - 363).

Week 12: December 4

**Termination of Employment 3:
Common Law Remedies for Wrongful Dismissal**

Final Exam Review

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

FINAL EXAM

(During Scheduled Exam Period - December 9 - 21)