

Course Outline

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| COURSE: | LAWS 3401B - Employment Law |
| PREREQUISITES: | 1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502, BUSI 2601 |
| TERM: | Winter 2017 |
| CLASS: | Day & Time: Thursdays 11:30am - 2:30pm Room: Please check with Carleton Central for current room location 402 Southam Hall |
| INSTRUCTOR: | Zeina Bou-Zeid, PhD |
| CONTACT: | Office: D598 Loeb Office Hrs: Thursdays 10:30 - 11:30am Email: zeina.bouzeid@carleton.ca Phone: (613) 520-2600 ext: 2591 |

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: 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://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://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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/>

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

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| Mid-Term Exam (February 16): | 30% |
| Case Comment (Due: March 9) | 20% |
| Final Exam (During scheduled exam period): | 40% |
| Attendance and Class Participation: | 10% |

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. 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 6 pages (double-spaced).

Due Date: March 9 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

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| Week 1. January 5 | Introduction and Course Overview |
| Week 2. January 12 | <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. January 19 | <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: January 26**Employer's Statutory Obligations to Employees:
Workers' Compensation**

- 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: February 2**Employer's Statutory Obligations to Employees:
Occupational Health and Safety**

- Text: Chapter 6 (pp. 187- 199).

Week 6: February 9**Employer's Statutory Obligations to Employees:
Temporary Migrant Workers & Wage Discrimination****Mid-Term Exam Review**

- 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.

Week 7: February 16**Mid-Term Exam****Winter Break
No Class or Office Hours****Week 8: March 2****Employment Standards Legislation**

- Text: Chapter 6 (pp.104 – 159)

Week 9: March 9

Human Rights Legislation

Case Comment Due (CULearn 9:00pm)

- Text: Chapter 7 (pp. 213 – 272).

Week 10: March 16

**Termination of Employment 1:
Agreement of the Parties, Due Notice or Wages in Lieu Thereof**

- Text: Chapter 9 (pp. 283 - 323).

Week 11: March 23

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

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

Week 12: March 30

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

Final Exam Review

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

Week 13: April 6

Open Office Hours During Class Time

FINAL EXAM

**(During Scheduled Exam Period-
April 10-25)**