

**CARLETON UNIVERSITY
DEPARTMENT OF LAW AND LEGAL STUDIES**

Course Outline

COURSE: LAWS 3405A Labour Law

TERM: Fall 2017

PREREQUISITES: 1.0 credit from 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.

CLASS: **Day & Time:** Monday and Wednesday: 11:30 A.M. – 1:00 P.M.
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Michael Mac Neil

CONTACT: **Office:** D589 Loeb

Office Hrs: No set office hours. Many issues can be dealt with before or after class, and I am often in my office and you are welcome to drop in. If you want to set up a more formal appointment, contact me by email and we can arrange a time.

Telephone: 613-520-2600 x 3684

Email: michael.macneil@carleton.ca (best way to contact me!)

Note: Any email communication with me should come from your official Carleton email address (or through cuLearn) and have "LAWS3405" in the Subject line of the email. Unless these two conditions are met, there is a possibility that your email will end up in a junk folder, and may not be seen.

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.

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 see the [Student Guide](#)

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 see the [Student Guide](#)

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).

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

David J. Doorey, *The Law of Work: Industrial Relations and Collective Bargaining*. 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 cuLearn.

Additional readings may be assigned throughout the term, and will primarily be available on the Internet with hypertext links posted on cuLearn. 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 other forms of classroom discussion in which everyone is expected to participate, supplemented by lecturing. Only by participation in class discussions combined with advanced preparation can you expect to obtain maximum benefits from the course.

cuLearn

This course will make extensive use of the online cuLearn course management system. cuLearn 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 is absolutely essential that you regularly check the cuLearn site for the course. cuLearn is accessible through the Internet from off-campus or through the University's computer labs, using compatible web browsers. The URL for cuLearn is <http://cuLearn.carleton.ca>.

cuLearn can be accessed using your MyCarletonOne account, with the same ID and password.

EVALUATION

The Evaluation scheme for the course is yet to be determined. It will be determined by a process of bargaining. The class will choose a bargaining committee during the first class, and the second class will be a bargaining session between the class bargaining committee and the course instructor, carried out in front of the whole class. There will be some discussion of approaches to bargaining, good faith bargaining, the role of the bargaining committee as a representative of the class. The final Evaluation scheme will be posted immediately following the completion of bargaining on September 11.

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

Class 1	Sept 6	Introduction
Class 2	Sept 11	Bargaining Evaluation Scheme
Class 3	Sept 13	3 Regimes
Class 4	Sept 18	Who are Employees
Class 5	Sept 20	The Charter – Part I
Class 6	Sept 25	The Charter – Part II
Class 7	Sept 27	Analytical Frameworks
Class 8	Oct 2	Theoretical Perspectives
Class 9	Oct 4	Mapping the Collective Bargaining Regime
	Oct 9	Thanksgiving Holiday – No Classes Scheduled
Class 10	Oct 11	Labour Law History
Class 11	Oct 16	Why Unions
Class 12	Oct 18	Unionization Process
	Oct 23, 25	Fall Break – No Classes Scheduled
Class 13	Oct 30	Unfair Labour Practices I
Class 14	Nov 1	Access to Meaningful Collective Bargaining
Class 15	Nov 6	Bargaining a Collective Agreement
Class 16	Nov 8	Industrial Conflict I
Class 17	Nov 13	Industrial Conflict II
Class 18	Nov 15	The Collective Agreement
Class 19	Nov 20	Grievance Arbitration
Class 20	Nov 22	Dismissal and Just Cause
Class 21	Nov 27	Regulating Unions
Class 22	Nov 29	Public Sector Labour Relations

Class 23	Dec 4	The Purpose(s) of Labour Law
Class 24	Dec 6	Review
Class 25	Dec 8	Held in Reserve [<u>Note: This Friday is treated as a Monday in University Schedule</u>]

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. Assignments should include a title page that has, as a minimum, your name and student number, the course code, the assignment title, and the instructor's 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. All assignments are normally submitted through cuLearn, but it absolutely crucial that you ensure that you keep a copy of the assignment should any complications arise.

Late Policy

Assignments that are due in class or through cuLearn are deemed late if not submitted by the times indicated. Late assignments will be penalized **one grade point per day or part of day** that they are late (i.e. B to B-, B- to C+, etc) unless an extension has been granted. Late assignments are to be submitted through cuLearn, just like those submitted on time, otherwise noted.

LAW DEPARTMENT POLICY AND PROCEDURE STATEMENT

The Law Department outlines its general policies regarding assignments and other matters in its [Policy and Procedure Statement](#) that is hereby incorporated as part of 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://carleton.ca/senate/wp-content/uploads/Academic-Integrity-Policy1.pdf) at <http://carleton.ca/senate/wp-content/uploads/Academic-Integrity-Policy1.pdf> . Extensive guides to academic integrity are available at <https://carleton.ca/registrar/academic-integrity/>