

Course Outline

COURSE:	LAWS 4402A – Employment Dispute Resolution
TERM:	FALL 2018
PREREQUISITES:	LAWS Fourth Year Honours standing and one of LAWS 3006, LAWS 3401, LAWS 3405
CLASS:	Day & Time: Wednesday 8:35 am – 11:25 am Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Carey Thomson
CONTACT:	Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: Wednesday 12:30 pm – 1:30 pm by appointment or by drop-in, on a first come, first served basis, after scheduled appointments are concluded. Telephone: N/A Email: carey.thomson@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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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 DESCRIPTION

Theory and practice of dispute resolution in employment relations; analysis of such techniques as negotiation, grievance and interest arbitration, mediation, investigation and litigation applied to a range of employment disputes such as collective agreements, termination of employment, discrimination, harassment, occupational health and safety.

REQUIRED TEXTS

Roger Fisher, William L. Ury, Bruce Patton, *"Getting to Yes"* (Available in Carleton University Bookstore)

Other assigned readings with hypertext links will be posted on cuLearn.

You are responsible for the learning environment in this course. This is a seminar style course in which students prepare in advance for class, take the lead in discussions, and fully participate in group work and simulations. I, as your instructor, play the role of facilitator,

setting out some learning goals and helping you, through structured questions and occasionally filling in gaps. You are expected to read assigned material before coming to class. You will take turns in helping to lead the discussion. You will be actively engaged in simulations, and a key part of your learning will be through your reflection on what is happening in class, and relating the class discussions and simulations to assigned readings. Everyone is expected to participate on a regular basis, and attendance in class is very important. 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 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.

SUPPLEMENTARY TEXTS

Several supplementary texts which students may find to be helpful will be identified at the beginning of the course but students are **not** required to purchase these for the course

EVALUATION

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.

Participation	10%
Presentations (2 X 10); (Group)	20%
Bargaining Simulation	
Group Work; Individual Evaluation	20%
Arbitration Simulation (Group)	20%
Evaluation of Dispute Resolution Process	30%
Total	100%

Participation (*Throughout the Term*)

The participation grade will be based on a combination of attendance and active contribution to classroom activities, including working in groups, classroom discussion and sharing reflections on the classroom activities.

Presentations (*Throughout Term*)

As a member of a group you will be required to present to the class on some aspect of employment dispute resolution. The first presentation will relate to key ideas about bargaining arising from your reading of *Getting to Yes*, probably on September 26th. The second presentation will be about one of the developing mechanisms of dispute resolution, (such as mediation, ombudsperson, coaching, etc.) or about the dispute resolution schemes used by various employment-related statutory tribunals. These presentations will probably be made in class on November 28th.

Bargaining Simulation (*In class, October 3rd; Critique/Reflection Due October 10th*)

In class bargaining simulation in groups on October 3rd; each student must subsequently submit a 1500 word critique of the bargaining process drawing on *Getting to Yes*, and other scholarly and professional literature about bargaining and on your own reflections based on the bargaining simulation. As part of the critique/reflection, you will be expected to provide a brief description of the challenges posed by the bargaining, and how you met them. It is important to comment on how the principles espoused in *Getting to Yes* and in other literature may have helped or hindered you in the bargaining process. Although you have worked as part of a group for the simulation, the assessment for this component of the course is based on your individual submission of the critique/reflection.

Arbitration Simulation (*In class, group preparation and presentation, either November 7 or 14; submission of written briefs one week after in class simulation.*)

Groups assigned to present an arbitration simulation acting either as representative of union, employer or playing the role of arbitration panel. Groups must submit written briefs or final decisions as appropriate. More details of the assignment will be supplied later in the term.

Evaluation of Particular Dispute Resolution Processes (*Due December 8th*)

A study of specific dispute resolution processes used by an actual employer or statutory tribunal; you must describe and, more importantly, evaluate these particular processes used in a Canadian workplace or used by a Canadian statutory tribunal to resolve workplace related disputes. You are required to present the analysis in a traditional written essay of **2500 - 3000 words**, due on the last day of term, December 8th. More details will be provided later.

SCHEDULE

Class 1	Sept 12	Introduction
Class 2	Sept 19	Approaches to Bargaining
Class 3	Sept 26	Bargaining to Resolve Conflicts
Class 4	Oct 3	Collective Bargaining Simulation
Class 5	Oct 10	Critiques of Bargaining
Class 6	Oct 17	Collective Agreement Arbitration I
	Oct 24	No Class – Fall Study Break
Class 7	Oct 31	Collective Agreement Arbitration II
Class 8	Nov 7	Arbitration Simulation
Class 9	Nov 14	Arbitration Simulation
Class 10	Nov 21	Conceptualizing Conflicts
Class 11	Nov 28	Designing Dispute Resolution Systems for Organizations
Class 12	Dec 5	Alternative Dispute Resolution