

Course Outline

COURSE:	LAWS 3405A – Labour Law
TERM:	WINTER 2020
PREREQUISITES:	LAWS 0.5 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502, BUSI 2601 and 0.5 credit in LAWS at the 2000 level
CLASS:	Day & Time: Wednesdays 11:35am-2:25pm (3hrs) Room: Loeb A720 (but please check Carleton Central for location)
INSTRUCTOR:	Dr Ania Zbyszewska
CONTACT:	Office: Room C475 Loeb Building Office Hrs: Wednesdays 3:30-5:30pm or by appointment Telephone: 613-520-2600 ext. 2621 Email: ania.zbyszewska@carleton.ca

CALENDAR COURSE DESCRIPTION

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.

COURSE DESCRIPTION

This course explores how law regulates industrial relations in Canada, with the view to the historical, economic, social and political influences that have shaped this regulatory model, and the challenges it faces given the contemporary realities of the ‘new economy’ and more diverse labour markets. Our focus will be on the legal regulation of collective worker activity, particularly in the private sector and with emphasis on Ontario (albeit in a comparative perspective). We will identify values, rules and norms through which law regulates, and gain an understanding of the rights and responsibilities of various industrial relations actors, as well as the institutional processes through which labour law operates. In addition to learning to apply legal rules to concrete problems and case studies, we will also critically assess and evaluate policy implications of various rules and reform proposals. 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?

REQUIRED TEXTS

David J. Doorey, *The Law of Work. Complete Edition* (Toronto: Emond, 2017) (at the University Bookstore)

Ontario Labour Relations Act, 1995 (available online)

Other readings and materials (video, audio, etc.) will be placed on cuLearn.

SUPPLEMENTARY TEXTS

Students may find it helpful to locate statutes and cases discussed in this course. Some key websites are:

- CanLii: <https://www.canlii.org/en/>
- Ontario Laws – E-Laws: <https://www.ontario.ca/laws>
- Access WestlawNext or Quicklaw on the Carleton University Library website.

EVALUATION

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

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.

The assessment and evaluation in this course are structured as follows (see details below):

Case Analysis	30%
Critical Policy Evaluation and Reform Proposal	30%
Final Exam	40%

Case Analysis; 2500w, approx. 10 double-spaced pages

This assignment will be distributed in class on or before January 22nd. You will be given a factual scenario, and asked to write a memorandum in which you analyze the applicable law. This will require that you do some research that goes beyond the assigned readings. The due date for this assignment is 11:55 PM on February 11th (cuLearn) (30%)

Critical Policy Evaluation and Reform Proposal, 2500w, approx. 10 double-spaced pages

You will be required to critically evaluate some aspect of labour relations legislation and write a policy evaluation and reform proposal aiming to improve it. You can adopt either a union, employer or government perspective. This will require that you do some research that goes beyond assigned readings. The due date for this assignment is 11:55PM on March 17th (cuLearn) (30%)

Final Exam

The final exam will be two or three hours in length, during the formally scheduled final examination period. It will be composed of short answer questions, choice of essay questions, and fact patters. Details will be discussed.

LATE POLICY

Assignments that are due through cuLearn are deemed late if not submitted by the times indicated. Late assignments will be penalized 5% per day or part of day that they are late. Late assignments are to be submitted through cuLearn, just like those submitted on time, otherwise noted.

WEEKLY SCHEDULE**1/Jan 8 Introduction – Course Overview and the Three Regimes**

Required Readings: *The Law of Work*, Chapter 1, 3, 4 + materials posted on cuLearn

2/Jan 15 History and Perspectives on Labour Law

Required Readings: *The Law of Work*, Chapter 36, 37, 38 + materials posted on cuLearn

3/Jan 22 The Parties – Employees, Employers and Trade Unions

Required Readings: *The Law of Work*, Chapter 2+ materials posted on cuLearn

4/Jan 29 Union Organizing – Certification, Bargaining Unit Determination

Required Readings: *The Law of Work*, Chapter 39 + materials posted on cuLearn

5/Feb 5 Union Organizing and Unfair Labour Practices

Required Readings: *The Law of Work*, Chapter 40 + materials posted on cuLearn

6/ Feb 12 Negotiating a Collective Bargaining Agreement

Required Readings: *The Law of Work*, Chapter 41+ materials posted on cuLearn

Feb 19 No Class/Reading Break**7/ Feb 26 Individual and Collective Rights under the Collective Agreement**

Required Readings: *The Law of Work*, Chapter 43, 44, 45 + materials posted on cuLearn

8/ March 4 Industrial Conflict

Required Readings: *The Law of Work*, Chapter 42 + materials posted on cuLearn

9/ March 11 Regulation of Unions and Public Sector Labour Law

Required Readings: *The Law of Work*, Chapter 46, 47+ materials posted on cuLearn

10/ March 18 Charter – Freedom of Association and Other Rights

Required Readings: *The Law of Work*, Chapter 48 + materials posted on cuLearn

11/ March 25 Other Models of Industrial Relations and Labour Regulation

Required Readings: Materials posted on cuLearn

12/ April 1 Challenges of Organizing in the ‘New Economy’

Required Readings: Materials posted on cuLearn

13/April 7 Review

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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

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). <https://carleton.ca/pmc/students/accommodations/>

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: <https://carleton.ca/registrar/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: <https://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: <https://carleton.ca/equity/accommodation/academic/>

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/>