

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3405A – Labour Law</b>
<b>TERM:</b>	<b>Fall 2022</b>
<b>PREREQUISITES:</b>	0.5 credit from ( <a href="#">LAWS 2201</a> , <a href="#">LAWS 2202</a> , <a href="#">LAWS 2501</a> , <a href="#">LAWS 2502</a> , <a href="#">BUSI 2601</a> ) and 0.5 credit in LAWS at the 2000 level.
<b>CLASS:</b>	<b>Day &amp; Time:</b> <b>Tuesdays: 8:35 a.m. – 11:25 a.m.</b> <b>Room:</b> <b>Please check Carleton Central for current Class Schedule</b> <i>(In-person, class lectures. Tentatively ME 3269)</i>
<b>INSTRUCTOR:</b>	<b>Carey Thomson, L.L.B., L.S.O. Member</b>
<b>CONTACT:</b>	<b>Office:</b> <b>Office Hrs:</b> By virtual appointment arranged through email, primarily between Monday afternoons and Thursday evenings up until 7 p.m. via Zoom, FaceTime, texting or telephone. Students are also encouraged to speak to the instructor about issues before and after each class on a first-come, first-served basis. <b>Telephone:</b> <b>Email:</b> <a href="mailto:carey.thomson@carleton.ca">carey.thomson@carleton.ca</a>

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### CALENDAR COURSE DESCRIPTION

#### **LAWS 3405 [0.5 credit]**

##### **Labour Law**

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.

*Undergraduate Calendar:* <https://calendar.carleton.ca/undergrad/courses/LAWS/>

### COURSE DESCRIPTION

The primary purpose of this course is to examine unionized environments, as well as the importance of collective bargaining, collective agreements, rights of labour across Provincial and Federal jurisdictions with an emphasis at the Provincial level, and pertinent,

complementary sections of the *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sched. A.

### **REQUIRED TEXTS**

David J. Doorey, *The Law of Work*, second edition (Emond: Toronto, 2020), available at the University Bookstore and at the Haven (Sunnyside Avenue, Ottawa) in softcover text or electronically for a one-year rental. Students *may* also use the first edition of the above Text (Emond: Toronto, 2017), available in limited quantities from the Haven at a discounted price, *providing they are prepared to do their own ‘detective work’* as the second edition of the above Text consolidates a number of chapters from the first Text and some chapters in the second Text *are not* in the same order as in the first Text.

*In addition*, students will be expected to read pertinent sections of the *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sched. A., which is available online and free of charge from the Province of Ontario’s E-Laws website: <https://www.ontario.ca/laws>. The list of specific sections students will need to read for each class will be set out each week in the Brightspace course module.

### **EVALUATION**

Standing in the 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 set out in detail below:**

- |  |                                |
|--|--------------------------------|
| 1. Class participation and attendance:             | 15%                            |
| 2. Critical Policy Evaluation and Reform Proposal: | 40% (its outline is worth 10%) |
| 3. Take-Home Final Exam:                           | 45%                            |

***Class participation and attendance*** is a qualitative and quantitative assessment based on each student’s contribution to the course throughout the entire semester to help foster a collegial, hardworking and respectful setting and is calculated using the standard deviation method which will be explained during the first class. It assumes students will come to each class prepared to volunteer, and will actually volunteer, opinions and comments about the course material, answer questions and work in pairs or small groups from time to time on questions posed in-class for class discussion(s). It can also recognize a student, or several students, who volunteer to take and share notes with a student(s) who has a recognized academic accommodation(s) by the Paul Menton Centre.

***Legislation Analysis and Commentary Essay (aka the “Essay”)***, approximately 2200w – 2500w, 8 – 10, double-spaced pages, excluding cited authorities and references. Each student will be required to critically analyze some aspect of labour relations legislation and comment on its

effectiveness and also recommend amendments aiming to improve it based on the perspective chosen by the student. The student shall adopt primarily a union, employer or government perspective for the analysis and recommendations; however, the student may also offer secondary comments from one of the other two perspectives if it is necessary to do so to provide a more fulsome context for the recommendations.

Prior to the submission of the formal **Legislation Analysis and Commentary Essay (aka the “Essay”)** described above, each student must first submit a separate outline for it, not exceeding three (3) double-spaced pages, in point-form or complete sentences, without cited authorities, which will be worth 10% of the total of 40% for these two assignments. The **outline shall be due** on or before 11:59 p.m. on **Tuesday, November 15, 2022** and is to be submitted via the course Brightspace.

The formal **Legislation Analysis and Commentary Essay (aka the “Essay”)** (which is worth 30% of the total of 40%) **shall be due** on or before 11:59 p.m. on **Friday, December 9, 2022** and is to be submitted via Brightspace. Suggested topics will be available for students to choose from at the beginning of the semester or a student may choose a different topic, subject to the prior written approval of the course instructor.

**Take-Home Final Exam** will be comprised of a total of three or four essay questions (at least one of which will be a short essay question) with a recommended page limit for each answer to guide students on what is considered reasonable by the course instructor and each question will also clearly indicate its percentage value (e.g., 10%) out of the total value of 45%. **The Take-Home Final Exam is due** on or before 11:59 p.m. on **Thursday, December 22, 2022** and is to be submitted via the course Brightspace.

**All components must be successfully completed in order to get a passing grade**

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Assignments (i.e., the Essay Outline, the Essay and, including, the Take-Home Final Exam) that are due in class or through the course Brightspace shall be deemed late if not submitted by the times and dates indicated. **They will be penalized by 5% off the original mark of the Assignment per day or part of a day that they are late up to a maximum of a four-day penalty of 20% off the original mark for the Assignment had it been submitted on time.**

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

**Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

## **SCHEDULE**

### **Weekly Schedule for Course:**

**1/ Sept. 13<sup>th</sup> Introduction – Course Overview, Law of Work and the Three Regimes**

Required readings: *The Law of Work*, chapters 1, & 3.

**2/ Sept. 20<sup>th</sup> History and Perspectives on Labour Law**

Required readings: *The Law of Work*, chapters 29 & 28.

**3/ Sept. 27<sup>th</sup> The Parties – Employees, Employers and Trade Unions**

Required readings: *The Law of Work*, chapters 30 & 31 and pertinent sections of the *Labour Relations Act, 1995*, i.e., pertinent “*LRA sections*”.

**4/ Oct. 4<sup>th</sup> Unfair Labour Practices and the Law of Industrial Conflict**

Required readings: *The Law of Work*, chapters 32 & 34 and *LRA sections*.

**5/ Oct. 11<sup>th</sup> Collective Bargaining and the Making of a Collective Agreement**

Required readings: *The Law of Work*, chapters 33 & 35 and *LRA sections*.

**6/ Oct. 18<sup>th</sup> Collective Bargaining and the Making of a Collective Agreement continued**

Required readings: *The Law of Work*, chapters 33 & 35 and *LRA sections*.

**\*Oct. 24<sup>th</sup> – 28<sup>th</sup> No Classes – Fall Reading Week Break**

**7/ Nov. 1<sup>st</sup> Occupational Health and Safety and Workers’ Compensation**

Required readings: *The Law of Work*, chapter 24 and *OH&SA* and *WC sections*.

**8/ Nov. 8<sup>th</sup> Globalization and the Law of Work: International Labour Law and Trade Law**

Required readings: The Law of Work, chapter 27.

**9/ Nov. 15<sup>th</sup> Grievances, Labour Arbitration, and “Just Cause” for Discipline/Discharge**

Required readings: *The Law of Work*, chapter 36, *LRA sections* and material to be posted on Brightspace re: ‘evaluation and reform proposal’.

**10/ Nov. 22<sup>nd</sup> The Regulation of Unions**

Required readings: *The Law of Work*, chapter 37 and *LRA sections*.

**11/ Nov. 29<sup>th</sup> Public Sector Labour Relations and the Canadian Charter and Work**

Required readings: *The Law of Work*, chapters 38 & 39 and *LRA sections*.

**12/ Dec. 6<sup>th</sup> Course Review and Questions & Answer Period for Students**

\*No required readings but students should prepare in advance any questions they have for the course instructor. The course instructor will utilize a PowerPoint presentation for the course review and questions are welcome during the presentation as well as in the formal question and answer period which will follow the presentation.

<b>Fall 2022 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>September 7, 2022</b>	Fall term begins.
<b>September 30, 2022</b>	Last day to withdraw from full fall term courses with a full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
<b>October 10, 2022</b>	Statutory holiday. University closed.
<b>December 2, 2022</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, before the official examination period.

<b>December 9, 2022</b>	Last day of full fall and late fall term classes.
<b>December 10 – 22, 2022</b>	Final examinations in fall and late fall courses will be held. Examinations are normally held all seven days of the week.
<b>December 22, 2022</b>	All take home examinations are due on this day, with the exception of those conforming to the Examination Regulations in the Academic Regulations University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar

## University and Departmental Policies

### DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

### 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/>.

### 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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**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 [click here](#).

**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](mailto: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).

### **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 where 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/equity/sexual-assault-support-services>

### **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. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

## **COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).