

Course Outline

COURSE:	LAWS 3405A – Labour Law
TERM:	Fall 2023
PREREQUISITES:	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: Thursdays: 8:35 a.m. – 11:25 a.m. Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Carey Thomson, L.L.B., L.S.O. Member
CONTACT:	Office: Office Hrs: By virtual appointment arranged through email, primarily between Monday mornings 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 by appointment or on a first-come, first-served basis. Telephone: Email: carey.thomson@carleton.ca

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 (new or used) or electronically for a one-year rental. (Identifiers: Canadiana 20200155784/ ISBN 9781772556186 (softcover)).

In addition, students will be expected to read pertinent assigned 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:

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| 1. Class attendance: | 5% |
| 2. Class Participation: | 5%* |
| 3. Mid-Term Multiple Choice Exam: | 20% |
| 4. Essay on a Labour Relations Topic: | 25%** |
| 5. Take-Home Final Exam: | 45% |

***Class participation** should not be confused with Class Attendance as it is an entirely different evaluation. It 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 for each class, answer questions and work in pairs or small groups from time to time on questions posed in-class for open class discussion(s). It can also recognize a student who volunteers to take and share notes

with a student(s) who has a recognized academic accommodation(s) by the Paul Menton Centre.

****Essay on a Labour Relations Topic (aka the ‘Essay’)**, approximately 1100w – 1250w, 5 – 6, double-spaced pages, excluding cited authorities and references, in Times New Roman or Arial font 12. Each student will be required to complete an Essay on a Labour Relations Topic to discuss and critically analyze some aspect of labour relations, pertinent labour legislation or recommended structural changes to the current labour relations regime and, among other matters, to comment on its effectiveness. The student may adopt primarily a union, employer or government perspective for the discussion, analysis and recommendation(s).

Approved Essay topics for the Essay will be set out in the course Brightspace by the commencement of the course but *students are also permitted to choose a topic of their own for the course Essay providing they first obtain the written approval of the course instructor*. The marking rubric for the Essay (with a note by the course instructor on the **mandatory headings which must be set out in the Essay**) will be set out in writing and provided to all students well in advance of the due date for the Essay. In addition, a helpful guide entitled: “*Ten (10) Tips for Writing a Better Essay*”, authored by the course instructor, will be available at the commencement of the course in the Course Resources Brightspace Module.

The **Essay on a Labour Relations Topic (aka the ‘Essay’)**, which is worth 25% of a student’s final grade in the course **shall be due** on or before 11:59 p.m. on **Friday, December 8, 2023** and is to be submitted via the designated Assignments box in the course Brightspace.

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 and sufficient 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 Friday, December 22, 2023** and is to be submitted via the designated Assignment box in 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’ and, including, the Take-Home Final Exam) that are due 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 three-day penalty of 15% off the original mark for the Assignment had it been submitted on time.** For example, a student’s Essay that earned a mark

of 20/25 but was submitted late and was three (3) days beyond the specified due date would be reduced to a mark of 17/25 (i.e., $20 \times .85 = 17$).

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/selfdeclaration.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. 7th Introduction – Course Overview, Law of Work and the Three Regimes

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

2/ Sept. 14th History and Perspectives on Labour Law

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

3/ Sept. 21th 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/ Sept. 28th Unfair Labour Practices and the Law of Industrial Conflict

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

5/ Oct. 5th Collective Bargaining and the Making of a Collective Agreement

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

6/ Oct. 12th Collective Bargaining, etc., continued, (same as Oct. 5th) & Mid-Term In-class Exam (Multiple Choice Questions)

***Oct. 23rd – 27th Fall break, no classes.**

7/ Nov. 2nd Occupational Health and Safety and Workers' Compensation

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

8/ Nov. 9th Grievances, Labour Arbitration, and "Just Cause" for Discipline/Discharge

Required readings: *The Law of Work*, chapter 27.

9/ Nov. 16th Grievances, Labour Arbitration, etc., continued (same as Nov. 9th)

Required readings: *The Law of Work*, chapter 27.

10/ Nov. 23rd The Regulation of Unions

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

11/ Nov. 30th Public Sector Labour Relations and the Canadian Charter and Work

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

12/ Dec. 7th 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 and also submit them in advance via email. 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.

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.
December 10-22, 2023	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 22, 2023	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the 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: https://carleton.ca/equity/contact/form-pregnancy-accommodation/](https://carleton.ca/equity/contact/form-pregnancy-accommodation/).

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, please visit: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/> [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 for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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/>.