

Course Outline

COURSE:	LAWS 3405 A – Labour Law
TERM:	Winter 2025
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: Wednesdays, 11:35am-2:25pm Room: Check Carleton Central for room location In person; weekly lecture incorporating a seminar-style discussion and group activities
INSTRUCTOR:	Dr Ania Zbyszewska
CONTACT:	Office Hrs: Tuesdays, 1:00pm-2:15pm, Loeb C475 or by appointment Telephone: 613-520-2600 ext. 2621 Email: ania.zbyszewska@carleton.ca TA: Abigail Ruta, abigailruta@cmail.carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/285172

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 a 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 from 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?

LEARNING OUTCOMES

At the end of this course, the students will achieve the following learning objectives:

- Gain knowledge of labour law (statutory regulation and its judicial interpretation) principles and norms, and how they fit within the broader field of 'work' law.
- Understand and critically assess past and present policy rationales that underpin the political economy of work and labour, and the regulation of collective labour relations.
- Appreciate how legal norms reflect and reproduce certain assumptions and, in turn, shape people's experiences at work, opportunities for collective action, and the distribution of power in society.
- Learn and practice to apply legal norms and principles to simulations and fact situations.

REQUIRED TEXTS

David J. Doorey, *The Law of Work. Complete 3rd Edition* (Toronto: Emond, 2024)

Available at the University Bookstore or the publisher's website; costs range from \$106 for the print edition to \$80 for a one-year rental).

Used copies of the 2nd complete edition (David J. Doorey, *The Law of Work, Complete 2nd Edition*, Toronto: Emond, 2020) are also acceptable.

A copy of the 3rd and 2nd editions will be available through ARES, the McOdrum Library.

Ontario Labour Relations Act, 1995 (available online)

Other required readings and materials (video, audio, etc., with links) will be placed on Brightspace.

SUPPLEMENTARY TEXTS

Additional materials will be posted on Brightspace.

EVALUATION

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

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|---|------------|
| • Case Analysis | 25% |
| • Bargaining Exercise and Analytical Reflection | 25% |
| • Critical Policy Evaluation and Reform Proposal | 40% |
| • Participation | 10% |

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

This assignment will be distributed in class on or before January 29th. 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 11:59 PM on February 12th (Brightspace) (25%)

Bargaining Exercise and Analytical Reflection; in-class group activity & 1500w, approx. 6 double-spaced pp

In-class collective bargaining simulation in groups will take place on **February 26th**; each student must subsequently submit a **1500-word (approx. 6 double-spaced pp)** analytical reflection of the bargaining process drawing on course materials, additional research, and your own reflections based on the bargaining simulation. Although you have worked as part of a group for the simulation and participation in this activity is mandatory, the assessment for this component of the course is based on your individual submission of the analytical reflection. Participation in the bargaining exercise is mandatory; the due date for the analytical reflection is 11:59 PM on March 12th (Brightspace)(25%)

Critical Policy Evaluation and Reform Proposal, 3000-3500w, approx. 12-15 double-spaced pp

You will be required to critically evaluate some aspect of Canadian 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 11:59 PM on April 8th (Brightspace) (40%)

Participation; assessed throughout the term

The participation grade will be based on a combination of attendance and active contribution to classroom activities, including classroom discussion and sharing your reflections on readings in the online class forum (on Brightspace). You are asked to post to the class Brightspace forum at least five times during the term by **11 am on Wednesdays** (before our session). Your forum

post should engage with a selected article from amongst that week's reading list and materials posted on Brightspace; it should briefly set out: 1) two key points from the reading and 2) a question for class discussion (150-200 words) (10%).

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.

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

*Unless you obtain an extension, all late assignments will be subject to a late penalty of **5% per each day after the deadline.***

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 short-term extensions, please complete the form at the following link and submit it to the instructor **prior to** the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

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).

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

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

Required Readings:

The Law of Work, Chapters 1, 2, 4 + materials posted on Brightspace

2/Jan 15 History and Perspectives on Labour Law

Required Readings:

The Law of Work, Chapter 3, 28, 29 + materials posted on Brightspace

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

Required Readings:

The Law of Work, Chapter 30 + materials posted on Brightspace

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

Required Readings:

The Law of Work, Chapter 31 + materials posted on Brightspace

5/Feb 5 Union Organizing and Unfair Labour Practices

Required Readings:

The Law of Work, Chapter 32 + materials posted on Brightspace

6/ Feb 12 Negotiating a Collective Bargaining Agreement

Required Readings:

The Law of Work, Chapter 33+ materials posted on Brightspace

Due: Case Analysis (20%)

Feb 17-21 No Class/Reading Break

7/ Feb 26 In-class: Bargaining Exercise

8/ March 5 Individual and Collective Rights under the Collective Agreement

Required Readings:

The Law of Work, Chapter 35, 36 + materials posted on Brightspace

9/ March 12 Industrial Conflict

Required Readings:

The Law of Work, Chapter 34 + materials posted on Brightspace

Due: Analytical Reflection on Bargaining Exercise (30%)

10/ March 19 Regulation of Unions and Public Sector Labour Law

Required Readings:

The Law of Work, Chapter 37, 38+ materials posted on Brightspace

11/ March 26 Charter – Freedom of Association and Other RightsRequired Readings:*The Law of Work*, Chapter 39 + materials posted on Brightspace**12/ April 2 Other Models of Industrial Relations and Labour Regulation**Required Readings:

Materials posted on Brightspace

April 8 Last Day of Term***Due: Critical Policy Evaluation and Reform Proposal (40%)***

Winter 2025 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/	
January 6, 2025	Winter term begins.
January 17, 2025	Last day for registration and course changes (including auditing) in winter courses.
January 31, 2025	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
February 17-21, 2025	Winter break, no classes.
March 15, 2025	Last day for academic withdrawal from winter courses.
March 25, 2025	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
April 8, 2025	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.

April 9-10, 2025	No classes or examinations take place.
April 11-26, 2025	Final examinations in winter and fall/winter courses will be held.
April 18, 2025	Statutory holiday. University closed.
April 26, 2025	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

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

Although this is not a violation of the Academic Integrity Policy, students who re-use their own work from a different course/assignment must seek instructor's permission before doing so and must clearly cite such work.

While students are permitted to collaborate and discuss with each other their assignments, the final written work they submit for assessment must be their own individual work.

Unless explicitly permitted, either generally or for a specific assignment, any use of generative AI tools (e.g. ChatGPT) to produce assessed content is considered a violation of academic integrity standards.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as "*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*" This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's 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.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>

- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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 go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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).

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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).