

Course Outline

COURSE:	LAWS 4402 A – Employment Dispute Resolution
TERM:	Fall 2026
PREREQUISITES:	LAWS 2908, 0.5 credit from LAWS 3006, LAWS 3401, LAWS 3405, and fourth-year Honours standing.
CLASS:	Day & Time: Thursdays, 14:35 – 17:25pm Room: Please check Carleton Central for current Class Schedule <i>In person seminar</i>
INSTRUCTOR:	Dr Ania Zbyszewska
CONTACT:	Office Hrs Wednsdays, 15:00-16:00pm, Loeb C475 or by appointment / Location: Telephone: 613-520-2600 ext. 2621 Email: ania.zbyszewska@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/le/content/450790/Home

CALENDAR 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 and occupational health and safety.

COURSE DESCRIPTION

Employment is a social, economic, and legal institution in which workers are subordinated to the will of employers, who seek to utilize the labour power of workers towards products and services to generate profits. The relationship is extremely important to workers, providing not only economic benefits, but also fulfilling social and psychological needs. It is also a place with significant potential for conflict, whether it is over the terms and conditions of the employment relationship, the exercise of managerial power, interpersonal conflicts among workers or conflicts with outsiders such as customers or suppliers of goods and services to the employer. The resolution of these conflicts is of vital interest to workers, to employers and to the public

interest. This course will explore a variety of themes related to workplace conflict, both on an individual and collective level. It will examine how we understand conflict, how we bargain to resolve it, and how we try to reduce some of the worst consequences of conflict. We will look at how individual and collective grievances are resolved, some of the problems with collective bargaining, the use of grievance arbitration, and the channeling of disputes through statutory tribunals. Several approaches are used as we study these issues including extensive reviews of research literature on employment dispute resolution and the use of simulations to help us understand the complexity of workplace conflict.

LEARNING OUTCOMES

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

- Gain knowledge of different theoretical approaches to conceptualizing workplace conflict, and to resolving collective and individual workplace disputes, including through negotiation, grievance arbitration, mediation and other mechanisms.
- Understand and critically evaluate different models of dispute resolution.
- Practice to apply theory through simulations and engaging in reflective practice.
- Develop legal research and writing skills.

REQUIRED TEXTS

Roger Fisher, William L. Ury, Bruce Patton, *Getting to Yes, Revised (3rd) Edition*. Penguin: 2011 (Available in print and digital formats at the Carleton University Bookstore, and on most online platforms where books can be purchased; cost ~\$24).

An audio copy is available at the library, on a short-term loan (ARES).

Other essential weekly readings and materials (with links) will be posted on Brightspace.

Additional supplementary resources will be placed on ARES (course reserve; McOdrum Library).

SUPPLEMENTARY TEXTS

Additional supplementary resources will be placed on ARES (course reserve; McOdrum Library). See Brightspace for details.

EVALUATION

The assessment and evaluation in this course are structured as follows:

1	Participation	15%	Throughout the term
2	Presentation (Group Work and Evaluation)	10%	In class, during session 3 (Sep 24)
3	Bargaining Simulation (Group Work; Individual Evaluation)	25%	In class, during session 4 (Oct 1); critique/reflection due Oct 8

4	Arbitration Simulation (Group Work & Evaluation)	25%	In class, during sessions 8, (Nov 5 or Nov 12); written briefs due Nov 12 or 19
5	Evaluation of Dispute Resolution Process (Individual Work & Evaluation)	25%	Last week of term, Dec 10

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

Detailed Description of the Assessment Structure

Participation (15%)

(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 writing during designated time at the start of our weekly sessions.

Presentations (10%)

(In class, during session 3, September 24)

The group presentations will relate to key ideas about bargaining arising from your reading of *Getting to Yes*. These presentations will be made in class. Please note that these presentations come very early in term, and you will have to read *Getting to Yes* (or at the very least the chapters that your group is responsible for) within the first two weeks of term.

Bargaining Simulation (25%)

(In class, October 1; Critique/Reflection Due October 8, Brightspace)

In class bargaining simulation in groups on October 1; each group has to submit their bargaining book following the exercise, and 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, 20% of the the assessment for this component of the course is based on your individual submission of the critique/reflection; with the bargaining book counting for 5% of the grade.

Arbitration Simulation (25%)

(In class, group presentation, either November 5 or November 12; submission of written briefs one week after in-class simulation, so on November 12 or November 19, Brightspace.)

Groups assigned to present an arbitration simulation acting either as representative of union, employer or playing the role of arbitration panel. Groups must submit their preparatory

materials following the exercise, and their written memoranda of argument or final decisions as appropriate, a week after the exercise. More details will be provided once term begins.

Evaluation of Particular Dispute Resolution Processes (25%)
(Due December 10)

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. Furthermore, the assignment involves comparative analysis, as you will be asked to carry out this study in relation to two different workplaces/employers or statutory tribunals. You are required to present the analysis in a traditional **written essay of about 3000 words**, due on day of the last session of the term, **December 10 (submission to Brightspace)**. More details will be provided once term begins, including the research documentation you must present to substantiate your final output.

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.

POLICY ON LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is at the discretion of the instructor, who will confirm whether an extension is approved and its duration. For information about requesting short-term or long-term extensions, deferrals for final exams, or academic consideration due to illness, injury, or other extraordinary circumstances, please visit the Academic Consideration Policy page. All requests must be submitted to the instructor before the assignment due date or, in the case of exam deferrals, directly to the Registrar's Office. Full details and instructions can be found here: <https://carleton.ca/registrar/academic-consideration-policy/>.

****NEW** POLICY ON GENERATIVE ARTIFICIAL INTELLIGENCE (AI)**

Minimal Use – Basic Assistance Only

AI use in this course: Students may use AI tools for basic word processing functions, including grammar and spell checking (e.g. Grammarly, Microsoft Word Editor, Copilot)

Documenting AI use: It is not necessary to document the use of AI for the permitted purposes listed above. If you have questions about a specific use of AI that isn't listed above, please consult your instructor.

Why I have adopted this policy: This policy ensures that student voices and ideas are

prioritized and authentically represented, maintaining the integrity of the work produced by students while allowing basic support to enhance clarity, correctness, layout and flow of ideas. The goal of adopting a limited use of AI is to help students develop foundational skills in writing and critical thinking by practicing substantive content creation without the support of AI.

Limitations: Students may not use AI for the following tasks:

- Analysis of *Getting to Yes* and development of the presentation script and visual aides.
- Analysis of the negotiation and arbitration fact patterns/instructions to identify themes, negotiation/legal issues, or development of the negotiation/arbitration strategy.
- Drafting (writing and structuring) the negotiation reflection, memorandum of argument, and the final dispute resolution mechanism evaluation assignment.

In cases of suspected AI use that contravenes this policy, the instructor may require the student to undertake a follow-up oral exam on the substance of the assignment in question.

As our understanding of the uses of AI and its relationship to student work and academic integrity continue to evolve, students are required to discuss their use of AI in any circumstance not described here with the course instructor to ensure it supports the learning goals for the course.

Note: Students can also access resources related to citing Generative AI on the [MacOdrum Library website](#).

****NEW** POLICY ON CLASSROOM RECORDING**

Unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Unauthorized recording is unethical and may also be a violation of University policy. Students requesting the use of assistive technology as an accommodation should contact the [Paul Menton Centre](#). Unauthorized use of classroom recordings – including distributing or posting them – is also prohibited. Under the University's [Copyright Policy](#), faculty own the copyright to instructional materials – including those resources created specifically for the purposes of instruction, such as lectures slides, lecture notes, and presentations. Students cannot copy, reproduce, display, or distribute these materials or otherwise circulate these materials without the instructor's written permission. Students who engage in unauthorized recording, unauthorized use of a recording, or unauthorized distribution of instructional materials will be referred to the appropriate University office for follow-up.

SCHEDULE

Required readings listed below. Please check the Brightspace page for additional and supplementary materials, as well as further details on preparation for class activities.

Session 1/ September 10: Introduction

Seminar and Discussion

Reading:

- See preparatory materials on Brightspace.

Session 2/ September 17: Approaches to Bargaining

Seminar and Discussion

Reading:

- Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Negotiations* (New York: Mc-Graw Hill, 1965) Chapter 1 (pp 1-15)
- Dean G. Pruitt and Peter J. Carnevale, *Negotiation in Social Conflict* (Buckingham, UK: Open University Press, 1993) Chapter 3 (pp. 28-48)
- David A. Lax and James K. Sebenius, *3-D Negotiation* (Boston: Harvard Business School Press, 2006) Chapters 1, 2 (pp. 7-35)
- Erica J. Boothby, Gus Cooney & Maurice E. Schweitzer, "Embracing Complexity: A Review of Negotiation Research," *Annual Review of Psychology* 74, 2023 (pp. 299-310)

Session 3 /September 24: Bargaining to Resolve Conflict

In-Class Group Presentations

Reading:

- Fisher, R. Ury, W, Patton, B. *Getting to Yes* (Penguin Books), pp. 1-240.

Session 4/ October 1: Collective Bargaining Stimulation

In-Class Group Exercise and Debrief

No additional reading this week

Session 5/October 8: Critiques of Bargaining

Seminar and Discussion

DUE: Reflection on Bargaining

Reading and other materials:

- Carrie Menkel-Meadow, "Why Hasn't the World Gotten to Yes? An Appreciation and Some Reflections" (2006) 4:4 *Negotiation Journal*, pp. 485-503
- Carol Watson, 'Gender versus Power as a Predictor of Negotiation Behavior and Outcomes' (1994) 10:2 *Negotiation Journal*, pp. 117-127
- Brett, J. M. (2000), "Culture and Negotiation" *International Journal of Psychology*, 35: 97-104
- Allison L. Elias, "Where Do We Go from Here? The Future of Gender and Negotiation Research" (2025) 19:1 *Social and Personality Psychology Compass*, pp. 1-9.

- Jeanne M. Brett, Brian C. Gunia & Brosh M. Teucher, "Culture and Negotiation Strategy: A Framework for Future Research" (2017) 31:4 *Academy of Management Perspectives*, pp. 288-308.
- Effective negotiation strategies for women (video, 37 min).

Session 6/ October 15: Collective Agreement Arbitration I

Seminar and Discussion

Reading:

- Kenneth Wm. Thornicraft, "The Grievance Arbitration Process: Theory and Practice" in Morley Gunderson, Allen Ponak and Daphne G. Taras, eds. *Union Man*, pp. 371-393.
- Webb, S. R. & Wagar, T. H. (2018). Expedited Arbitration: A Study of Outcomes and Duration. *Relations industrielles / Industrial Relations*, 73(1), 146–173.
- Hon. Warren K. Winkler, *Arbitration as a Cornerstone of Industrial Justice* (Speech, 2011), no pp available.
- Ontario Labour Relations Act, 1995, S.O. 1995, c. 1, Sch. A, ss. 48-50.

Session 7/ October 22: Collective Agreement Arbitration II

Preparation for Arbitration Exercise

Reading:

- John P. Sanderson, *Labour Arbitrations and All That*, 2nd ed. (Aurora, Ont.: Canada Law Book, 1985, pp. 46-86.
- Video resources

Week of October 29 No Class/Reading Break

Session 8/ November 5: Arbitration Simulation

In-Class Group Exercise

No reading

Session 9/ November 12: Arbitration Simulation (

In-Class Group exercise

DUE Memorandum of Argument (Arbitrations 1 and 2)

No reading

Session 10/ November 19: Conceptualizing Conflicts

Seminar and Discussion

DUE Memorandum of Argument (Arbitrations 3 and 4)

Reading:

- W. Felstiner, R. Abel, A. Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . ." (1980) 15:(3-4) *Law and Society*, pp. 631-654.
- John W. Budd, and A. Colvin, "Improved Metrics for Workplace Dispute Resolution Procedures: Efficiency, Equity and Voice" (2008) 47:3 *Industrial Relations: A Journal of Economy and Society*, pp. 329-503.
- Annette Olesen & Ole Hammerslev, "Naming, Blaming, Claiming: An Interview with Bill Felstiner, Rick Abel, and Austin Sarat" (2021) 48:3 *Journal of Law and Society*, pp. 295–307.
- John W. Budd, Alexander J.S. Colvin & Dionne M. Pohler, "Advancing Dispute Resolution by Unpacking the Sources of Conflict: Toward an Integrated Framework" (2020) 73:2 *Industrial and Labor Relations Review*, pp. 254–280.

Session 11/ November 26: Designing Dispute Resolution Systems for Organizations**Seminar and Discussion***Reading:*

- Jeanne M. Brett, Stephen B. Goldberg, William L. Ury, "Designing Systems for Resolving Disputes in Organizations" (1990) 45:2 *American Psychologist*, pp. 162-170.
- Mary Lou Coates, Gary T. Furlong and Bryan M. Downie, *Conflict Management and Dispute Resolution Systems in Canadian Nonunionized Organizations* (Queens University), pp. 1-48.
- Alexander J.S. Colvin & Mark D. Gough, "Mandatory Employment Arbitration" (2023) 19 *Annual Review of Law and Social Science*, pp. 131–144.

Session 12/December 3: Alternative Dispute Resolution**Seminar and Discussion***Reading:*

- Lisa Blomgren Bingham et al., "Dispute System Design and Justice in Dispute Resolution: Mediation at the Workplace" (2009) 14 *Harvard Negotiation Law*, pp. 1-30.
- Helga Hoel and Stale Einarson, "Investigating Complaints of Bullying and Harassment" in Stale Einarson et al., eds, *Bullying and Harassment in the Work*, pp. 341-357.
- Lourdes Munduate, Francisco J. Medina & Martin C. Euwema, "Mediation: Understanding a Constructive Conflict Management Tool in the Workplace" (2022) 38:3 *Journal of Work and Organizational Psychology*, pp. 165–173.
- Nitya Chawla, Allison S. Gabriel, Anne O'Leary-Kelly & Christopher C. Rosen, "From #MeToo to #TimesUp: Identifying Next Steps in Sexual Harassment Research in the Organizational Sciences" (2021) 47:3 *Journal of Management*, pp. 551-566.

December 10/No Session**DUE Final Assignment**

Fall 2026 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 9, 2026	Fall term begins.
September 22, 2026	Last day for registration and course changes (including auditing) for Fall courses.
September 30, 2026	Last day to withdraw from full fall courses and the fall portion of fall/winter courses with a full fee adjustment.
October 12, 2026	Statutory holiday. University closed.
October 26-30, 2026	Fall break. No classes.
November 15, 2026	Last day for academic withdrawal from full and late fall courses.
	Last day to request Formal Examination Accommodations for December full fall, late fall, and fall/winter midterm examinations from the Paul Menton Centre for Students with Disabilities. Note that it may not be possible to fulfil accommodation requests received after the specified deadlines.
November 27, 2026	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full fall term or fall/winter undergraduate courses, before the official December final examination period.
December 11, 2026	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for take home examinations to be assigned.
December 9-10, 2026	No classes or examinations take place.
December 12-23, 2026	Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held.
December 23, 2026	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.

STATEMENTS ON ACADEMIC INTEGRITY

Submitting Substantially the Same Piece of Work

Students are not permitted from reusing their own work from other courses that is identical to what was submitted elsewhere, or based on the same case studies, the same arguments, and the same source material.

Group or Collaborative Work

Group work constitutes a significant portion of the course assessment.

Students are expected to actively engage in group work and contribute to producing the collective outputs (e.g., Getting to Yes presentation, development of the negotiation strategy, development of arguments and questioning for the arbitration exercise, development and drafting of the memorandum of argument). Depending on the nature of the activity, groups may be asked to submit a brief note on how each member contributed.

Where the assessed outputs are individual, students are encouraged to discuss their work on the assignments, to brainstorm ideas, and to share and comment on each other's drafts, so long as they do not copy each other's work where the outputs are expected to be individually produced (e.g., bargaining/negotiation reflection, final assignment).

STATEMENT ON 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
- failing to acknowledge sources with 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 follows a rigorous [process for academic integrity allegations](#), including reviewing documents and interviewing the student, when an instructor suspects a violation has been committed. Penalties for violations may include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a 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](#))

- Crisis/Urgent Counselling Support: 613-520-6674 (Mon-Fri, 8:30-4:30)
- Suicide Crisis Helpline: call or text 9-8-8, 24 hours a day, 7 days a week.
- For immediate danger or urgent medical support: call 9-1-1

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: call 613-238-3311, text 343-306-5550, or connect online at <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: call 613-722-6914 or toll-free 1-866-996-0991, or connect online at <http://www.crisisline.ca/>
- Good2Talk: call 1-866-925-5454 or connect online at <https://good2talk.ca/>
- The Walk-In Counselling Clinic: for online or on-site service <https://walkincounselling.com>

REQUESTS FOR 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 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](#).