

COURSE OUTLINE		
<b>TERM: Fall 2018</b>	<b>COURSE NO: LAW 360</b>	
<b>INSTRUCTOR:</b>	<b>COURSE TITLE: Labour &amp; Employment Law</b>	
<b>OFFICE: LOCAL:</b> <b>E-MAIL: @capilanou.ca</b>	<b>SECTION NO(S):</b>	<b>CREDITS: 3.0</b>
<b>OFFICE HOURS:</b>		
<b>COURSE WEBSITE:</b>		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

### **COURSE PREREQUISITES**

LAW 101, LAW 110, LAW 210, and LAW 200 or LAW 300, OR 45 credits of 100-level or higher coursework.

### **COURSE FORMAT**

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams.

### **CALENDAR DESCRIPTION**

The course introduces students to the key principles and sources of labour and employment law in Canada, with a focus on British Columbia. The course will divide the two main areas of the law— individual employment law and union labour law— into the two parts of the university term, beginning with the rights of individuals at common law. Students will gain a thorough knowledge of the current problems in employment and human rights in the workplace, before moving on to the study of collective bargaining and unionism.

### **COURSE NOTE**

LAW 360 is an approved Self and Society course for Cap Core requirements.

### **REQUIRED TEXTS AND/OR RESOURCES**

Geoffrey England, Individual Employment Law, 2d ed (Toronto: Irwin Law, 2008)

Abridged legislation & case decisions, Lectures, Articles, and Model Problems posted on Moodle.

## COURSE STUDENT LEARNING OUTCOMES

**On successful completion of this course, students will be able to do the following:**

1. Effectively describe and explain the principles and rules of employment and labour law, including those relating to:
  - (a) employees and independent contractors,
  - (b) creation, modification and termination of the employment relationship, and
  - (c) harassment and bullying in the work place.
2. Analyse and apply the common law and statutory rules, principles and practices in the enforcement of labour standards, including:
  - (a) labour codes and the labour relations boards,
  - (b) the right to organize,
  - (c) the role of the courts and alternative dispute resolution methods,
  - (d) provincial and federal laws, and
  - (e) the rights of the employer.

**Students who complete this Self and Society course will be able to do the following:**

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics, and policies;
2. Assess and evaluate individual and collective responsibilities within a diverse and interconnected global society;
3. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change; and
4. Explain how contexts (e.g. cultural, historical, colonial, economic, technological) shape identity formation and social structures.

## COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
1	<b>INTRODUCTION TO EMPLOYMENT AND LABOUR LAW</b> The special nature of the employment contract, at common law. Historical development of “master and servant” law, including: role of industrial revolution; emergence of unions; expansion of legislation governing the relationship.
2	<b>THE EMPLOYMENT RELATIONSHIP</b> The special nature of the employment contract, at common law. Historical development of “master and servant” law, including: role of industrial revolution; emergence of unions; expansion of legislation governing the relationship.
3	<b>COMMON LAW OBLIGATIONS</b> The common law obligations of employers and employees under the contract of employment and the main statutory modifications of those rights.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
4	<b>EMPLOYMENT STANDARDS: STATUTORY RIGHTS</b> Statutory reforms setting minimum standards for wages, hours, leave and vacation, and working conditions (including safety). Effect of “workers’ compensation” regimes.
5	<b>HUMAN RIGHTS IN THE WORKPLACE</b> The legal principles and statutes governing harassment and human rights violations in the workplace.
6	<b>TERMINATION OF EMPLOYMENT</b> The law of termination, including just cause, wrongful dismissal, and constructive dismissal.
7	MIDTERM EXAM
8	<b>LABOUR LAW: HISTORY OF UNION ORGANIZING</b> Survey of unionism before the 20 <sup>th</sup> century; early labour legislation; and differences between unionized and non-unionized work places. The influence of labour unions on contemporary employment laws and conditions, and the establishment of the “ <i>Wagner Act</i> model” for modern labour law. We will also look at the historical role in labour law of common law doctrines (in short: completely hostile to unions), and compare them to the current role of the common law.
9	<b>THE RIGHT TO ORGANIZE &amp; BARGAIN COLLECTIVELY</b> Legislative reforms, including: the certification process; union’s exclusive right to bargain; the negotiation process itself; and unfair labour practices (focusing on the BC Labour Relations Code, and some landmark SCC and BC cases).
10	<b>THE COLLECTIVE AGREEMENT &amp; ITS ENFORCEMENT</b> Function and content of collective agreements; relationship of individual employees to union and employer. Enforcement of agreements, including the grievance process. Students will see how the collective agreement is not just a contract; it is like the constitutional statute for the unionized workplace. We will also touch on the jurisdictional divisions between arbitrators, the Labour Relations Board, and courts.
11	<b>THE RIGHT TO STRIKE</b> “Economic warfare”: bargaining power and tactics; legislative rules for strikes and lockouts; primary and secondary picketing; and legal vs. illegal strikes. We will explore these rules through a narrative of a fictional strike.
12	<b>UNIONS &amp; THE CHARTER</b> Relationship between striking and the freedoms of expression and of association. We will look at the dramatic development of the freedom of association between 1987 and 2007. We will also look at four SCC decisions from 2013-16 (including the BC Teachers’ Federation decision) that reinforce <i>Charter</i> support for collective bargaining, the right to strike, and group rights in general.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
13	<b>UNIONS &amp; THE CHARTER (concluded) + REVIEW</b> Conclusion of <i>Charter</i> case law; review exercises and Q&A on labour law; feedback on discussion questions and group assignments
14-15	<b>FINAL EXAM PERIOD</b>

### EVALUATION PROFILE

Midterm Exam	30%
Final Exam	30%
Research Memo	20%
Group project	<u>20%</u>
<b>TOTAL:</b>	<b>100%</b>

### GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

### Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

### Late Assignments

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

### Missed Exams/Quizzes/Labs etc.

Make-up exams are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed activities may not be able to be accommodated. Please consult with your instructor.

### Attendance

Students are expected to attend all classes and associated activities.

### English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

**Electronic Devices**

Students may use electronic devices during class for note-taking only.

**On-line Communication**

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or Moodle; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

**UNIVERSITY OPERATIONAL DETAILS****Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <http://www.capilanou.ca/services/>

**Capilano University Security: download the [CapU Mobile Safety App](#)**

**Policy Statement (S2009-06)**

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Cheating and Plagiarism, Academic Probation and other educational issues. These and other policies are available on the University website.

**Academic Integrity (S2017-05)**

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy S2017-05 for more information: <http://www.capilanou.ca/about/governance/policies/Policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

**Academic dishonesty** is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

**Cheating:** Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

**Fraud:** Creation or use of falsified documents.

**Misuse or misrepresentation of sources:** Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

**Plagiarism:** Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

**Self-Plagiarism:** Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

**Prohibited Conduct:** The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

### **Sexual Violence and Misconduct**

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including [B.401 Sexual Violence and Misconduct Policy](#) and [B.401.1 Sexual Violence and Misconduct Procedure](#).

**Emergencies:** Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.