



**COMMERCE 304, EMPLOYMENT LAW IN CANADA  
COURSE NUMBER: 50120  
SEMESTER: SEPTEMBER 2016**

**INSTRUCTOR: Mitch Houg**

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**OFFICE LOCATION: 1533 Eighth Avenue or Teaching and Learning Centre, Room 10 – 4520**

**OFFICE HOURS: By mutually agreed arrangements**

**TELEPHONE NUMBER: 561-0008 (Office) or 563-9463 (Home)**

**CLASS TIME: Thursday, 6:00 pm to 8:50 pm**

**CLASS LOCATION: Teaching and Learning Centre, Room 10 – 4520**

**WEBSITE: UNBC Blackboard**

Information regarding the School of Business at UNBC can be found at: <http://www.unbc.ca/commerce>

**COURSE DESCRIPTION:**

The purpose of this course is to foster an understanding of the legal context of the relationship between employer and employee, and of the duties and responsibilities in that relationship. The laws surrounding human rights, employment standards, health and safety, grievance and arbitration, and dismissal are examined. This course also promotes an understanding of how these legal concepts and issues are applied to specific problems in business. This semester allows for twelve (12) lecture/class sessions in which to explore these concepts and topics.

**COURSE OBJECTIVES:**

The objectives of this course include the following:

1. To introduce students to the legal concepts and issues relating to employment from the perspective of both employees and employers in the areas important to Canadian business;
2. To promote an understanding of how these legal concepts and issues are applied to specific problems students will face in their business careers;
3. To sharpen the student's ability to think, reason and to apply that knowledge to solve real-life problems;
4. To examine employment law as a "real life" subject rather than as a matter of history or theory.
5. To learn valuable information about employment law issues for use in your careers, not simply to be memorized and then forgotten after the final examination is completed.

## REQUIRED TEXT:

**Individual Employment Law**, Second Edition (or newer), Copyright 2008, Geoffrey England, Irwin Law Inc.

## COURSE ASSIGNMENTS AND GRADE WEIGHTING

Assignment	Due Date	Grade Weight
Class Participation	September to December 2016	5%
Employment Law Jeopardy	December 1, 2016	20%
Assignments	September to December 2016	30%
Midterm Examination	November 3, 2016	15%
Final Examination	December 2016	30%

## ASSIGNMENT DESCRIPTION:

This course requires the timely completion of all of the assignments, midterm, the final examination and participation in Employment Law Jeopardy. Reasons other than bereavement or properly authenticated illnesses are not acceptable justification for missing scheduled assignments, exams or project deadlines.

Some people do not pass a course because they have many other pressing commitments - such as working and raising children. However, such reasons as difficulty in understanding texts and instructors are not valid reasons for failing. Although the text and the lectures are the key sources of information there are other forms of support and understanding: e.g. asking questions, taking part in discussions about the material presented, and speaking and listening to fellow learners.

### The Textbook and Examinable material

***You are responsible for the readings in the textbook listed on pages 5 and 6 of this outline and otherwise announced during the course of this semester.*** You will not be tested on any chapters not listed or on materials outside of: the listed chapters; our course power point slides; or handouts. ***Studying the text or handout material carefully before attending the lecture is essential.*** Often that text material will take 3 - 4 hours to read, consider and assimilate. If you fail to read the text material beforehand you will be at a distinct disadvantage in dealing with and finally assimilating the material presented in the lectures. The textbook chapters covered contain the only material and concepts upon which you will be examined. However, rote memorization and repetition of the text will result in only an average grade. Discussion to test the validity of the concepts presented will result in distinguished class standing.

### Assignments

This mark will be based on your performance on the three scheduled assignments. The first assignment will be “take home” and “open book”. The second and third assignments will require a portion of each to be worked on and completed during class time as indicated in the Course Schedule set out below or otherwise announced during the course of this semester. Although a portion of the assignments are take home and open book, they must be completed independently. In other words, unless specifically permitted as part of the written completion instructions, you

cannot collaborate with fellow classmates or other students when completing the take home portion of your assignment.

Each assignment will be handed out at the end of the class on the dates indicated in the Course Schedule set out below or otherwise announced during the course of this semester. As well, each assignment will be posted on Blackboard. Each assignment must be completed and returned at the beginning of the subsequent class for which the completed assignment is scheduled to be returned. The only exception is bereavement or duly authenticated illnesses that rendered the student unable to complete and return the quiz by the due date.

(Further information on “making up” a missed assignment due to the exceptions noted above is provided further below.)

### Midterm

The Midterm will also be “take home” and “open book”. Although the midterm is take home and open book, it must be completed independently. In other words, you cannot collaborate with fellow classmates or other students when completing the Midterm.

The Midterm will be handed out at the end of the class on the date indicated on the dates indicated in the Course Schedule set out below or otherwise announced during the course of this semester. The Midterm must be completed and returned at the beginning of the subsequent class for which the completed Midterm is scheduled to be returned. The only exception is bereavement or duly authenticated illnesses that rendered the student unable to complete and return the assignment by the due date.

(Further information on “making up” a missed assignment due to the exceptions noted above is provided further below.)

### Class Participation

Up to 5% of your course mark will be awarded based on Class Participation. A portion of that mark will be simply based on your recorded attendance at class. The remaining portion of that mark will be based on your active participation in class discussions, by asking relevant and thoughtful questions about the course materials and responding to instructor’s questions about the course materials and concepts discussed in the course.

### Employment Law Jeopardy

Instructions for Employment Law Jeopardy will be provided later this semester.

All students must participate in Employment Law Jeopardy. The only exception to participation is bereavement or duly authenticated illnesses that rendered you unable to participate on the class scheduled for this event.

## Final Examination

The Final Examination will take place in class during the examination period. The Final Examination will be an open book examination taking place during the Final Examination week for this term and conducted in accordance with the UNBC regulations for Final Examinations.

Additional detailed explanations for the assignment elements will be provided during class and also posted on the UNBC Blackboard website for this course.

As noted above, failure to complete any of the above noted elements within the times required will result in a deduction of an amount up to a maximum that is equal to the marks assigned to that element. You have one week from the date the assignment, problem or exam is first available in class for return (whether you attended that class or not) to query or challenge of the grading of the assignment, problem or exam. If there is a request for regrading, the entire assignment, problem or exam will be re-marked and the new grade may be the same, higher or lower. A penalty will be incurred for spelling and grammar errors. There is no automatic rounding up of grades.

### **DUE DATES / LATE ASSIGNMENTS**

All assignments are due at the beginning of class. No assignments are accepted after the due date.

### **PAPER FORMAT**

- Adherence to all academic standards and forms is expected. Of particular note is the use of the following style elements: third person in all assignments; the proper citation of sources; inclusion of bibliographies; and the use of proper spelling and grammar.
- All submissions are to use 12-point font, double-spaced.
- Page numbers are required – their use greatly assists in quickly determining missing pages.

### **CONDUCT IN EXAMINATIONS**

Students must present appropriate identification upon entering the examination room. Appropriate identification is defined as a UNBC student card and/or some other form of photo identification acceptable to the proctor. The following regulations apply to the conduct of examinations:

- a. Books, papers, or other materials or devices must not be in the possession of the student during an exam except by the express permission of the examiner. Specifically, without such permission no laptop computers, mobile phone sets, handheld electronic devices or the like may be in possession of the student in the examination room (see Regulation 43 (b)).
- b. No candidate is permitted to enter the examination room more than 30 minutes after the beginning of the examination, or permitted to leave within 30 minutes after the examination has started.
- c. Candidates must not communicate in any way with other candidates in the examination room.

- d. Candidates must not leave their seats, except when granted permission by the proctor.
- e. Candidates must turn in all materials, including rough work, upon leaving the examination room.
- f. Food and beverages other than water are not permitted in the examination room.

### **MISSING A MIDTERM OR EXAM**

Advance notice must be given when a student is unable to appear for an examination. Only duly authenticated bereavement, illness and legitimate reasons are admissible justifications for absence from a scheduled examination (e.g. Writing an LSAT or CGA exam and there is a time conflict).

**Do not schedule travel during the midterm or exam period that may conflict with your final exam!**

### **IF YOU HAVE MISSED A FINAL EXAMINATION**

Satisfactory explanation, with supporting documentation as appropriate, for any final examination missed must be made by the student or designate to the Office of the Registrar within 48 hours from the time the examination was written.

Within 48 hours of receiving a submission, the Registrar or designate may direct the Program under which the course is offered to arrange the writing of a special examination in the case of an examination which was missed.

Normally, for explanations of sickness, a doctor's certification is required. (Regulation 43, Undergraduate Calendar)

### **COURSE SCHEDULE**

As set out below, there will be twelve (12) class/lecture sessions this term. Each class/lecture session takes place on Thursday between 6:00 pm and 8:50 pm. The present location is listed in the University Calendar as the Teaching and Learning Centre, Room 10 – 4520.

The following lists the class dates and expected activities for that scheduled date. As well, I have listed the portions of the specific chapter we will be dealing with on that date. You are welcome to read any other textbook material but I will limit my lecture remarks, assignments and examination to the material listed. This list may be varied from time to time depending on our progress over the course of the semester.

#### **September**

8<sup>th</sup> – (Class 1) Introduction and the Common Law Obligations of the Employee; Chapter 1, pp. 1-13, Chapter 2, pp. 16-24, Chapter 4, pp. 49-82

15<sup>th</sup> – (Class 2) Common Law Obligations of the Employee continued and The Common Law Obligations of the Employer; Chapter 5, pp. 84-102

22<sup>nd</sup> – (Class 3) Modification and Termination of Employment, Chapter 3, pp. 35-45, Chapter 9, pp. 283-296, 300-363, 394-422

29<sup>th</sup> – (Class 4) Termination of Employment Continued

## October

6<sup>th</sup> – (Class 5) Termination of Employment Continued, Assignment #1 Handed Out

13<sup>th</sup> – (Class 6) Employer’s Statutory Obligations “Employment Standards”, Chapter 6, pp. 114-159, Assignment #1 Due

20<sup>th</sup> – (Class 7) Occupational Health and Safety and Human Rights Legislation in the Work Place, Chapter 6, pp. 187-203, Chapter 7, pp. 213-233, 246-261, Assignment #2 Handed Out

27<sup>th</sup> – (Class 8) Occupational Health and Safety and Human Rights Legislation in the Work Place Continued, Assignment #2 Due

## November

3<sup>rd</sup> – (Class 9) Union and Collective Bargaining, Part 1 (Blackboard), Assignment #2 Due, Midterm Handed Out

17<sup>th</sup> – (Class 10) Union and Collective Bargaining, Part 2 (Blackboard), Midterm Due

24<sup>th</sup> – (Class 11) Union and Collective Bargaining, Part 3 (Blackboard), Assignment #3 Handed Out

## December

1<sup>st</sup> – (Class 12) Employment Law Jeopardy with Professor Buster C. Domesticus and Perfect Attendance Awards, Assignment #3 Due (Pizza Night)

**Grading System** as per [www.unbc.ca/calendar/undergraduate/general/regulations.html](http://www.unbc.ca/calendar/undergraduate/general/regulations.html)

<u>Excellent</u>	A+	=	90-100
	A	=	85-89.9
	A-	=	80-84.9
<u>Good</u>	B+	=	77-79.9
	B	=	73-76.9
	B-	=	70-72.9
<u>Satisfactory</u>	C+	=	67-69.9
	C	=	63-66.9
<u>Marginal</u>	C-	=	60-62.9
	D+	=	57-59.9
	D	=	53-56.9
	D-	=	50-52.9
<u>Failure:</u>	F	=	0-49.9

## **Plagiarism and Academic Misconduct**

It is the student's responsibility to be aware of UNBC's Academic regulations, policies and procedures as described in the University calendar.

A definition of academic misconduct includes:

Cheating (using unauthorized material, information, or study aids in academic exercise), plagiarism, falsification of records, unauthorized possession of examinations, intimidation and any and all other actions that may improperly affect the evaluation of a student's academic performance or achievement, assisting others in any act, submission of the same work for grades in two courses without permission of the instructor or attempts to engage in such acts.

The regulations on plagiarism apply to all material submitted for a grade: essays, exams, assignments, cases, presentations, assignments, and practice sets. Any case of suspected academic misconduct will be reported to the campus registrar. If the student is found guilty of academic misconduct there are both grade penalties and disciplinary penalties. Before there is any intention (on your part) or suspicion (on the part of your instructor or your peers) of wrongdoing, please see the instructor to discuss any problems of this nature. If your paper closely resembles a paper from this class or any other class (either written by you or another student, in this semester or any other), this will be considered an infraction of the academic misconduct code.

## **Respect**

Please demonstrate respect to your fellow students who express their thoughts and explore new ideas in the course.

## **Ethical Standards**

The following behaviors are considered unethical:

- Telling the instructor that you “need” a certain grade
- Asking for extra assignments for the purpose of raising a grade
- Asking that the grade be raised because it is very close to the next higher grade
- Asking that the grade be raised because you did very well on one part of the course or grading scheme
- Asking for a higher grade because you don't like the grading scheme
- Asking to be allowed to turn in an assignment late - even a few minutes late - because of computer or printer problems or any other reason
- Asking to be treated better than other students by making an exception to the rules
- Asking for any other unfair advantage in grading.

## **Missed Assignments or Midterm**

If you have missed an assignment or midterm due to bereavement or illness, the student should contact the instructor immediately to ask permission to make up the missed assignment/midterm.

## FINAL Exams

In addition to the above comments on examinations, please see the calendar regarding the details on UNBC expectations. Please refer to Section 39 of the Undergraduate Academic Calendar

## Access Resource Centre

If there are students in this course who, because of a disability, may have a need for special academic accommodations, please feel free to meet with the instructor to review your specific needs or contact the Access Resources Centre located in the Teaching and Learning Centre, Main Floor West Block Room 10-1048 Tel 250-960-5682 or via email [arc@unbc.ca](mailto:arc@unbc.ca) For more information, please visit their website [www.unbc.ca/arc](http://www.unbc.ca/arc)

## Academic Advising

For academic advising please contact the Recruitment and Advising Centre Room 7-714, by email: [advising@unbc.ca](mailto:advising@unbc.ca) or via phone at 250-960-6494.

## Access Success Centre

For tutoring online or in person; download handouts on writing, math, and referencing; receive study assistance; and much more, please see the Learning Skills Centre. Their website is [www.unbc.ca/asc](http://www.unbc.ca/asc)

The Learning Skills Centre is committed to supporting and enhancing student learning and to providing the skills students will need to become life-long learners. Through collaborative partnerships, we offer services and resources that empower students to take responsibility for their own learning. Our students' success is our ultimate measure of accomplishment.

This site provides you with access to:

- Free online tutoring
- Downloadable handouts for writing, study skills, math, and presentation skills
- Access to self-assessment sites for learning styles, grammar, math, etc.
- Information about face-to-face tutoring and how to book an appointment
- Special programs and workshops offered through the Centre

For more information, please contact the Academic Success Centre located in the Teaching and Learning Building, Room 10-2584 or via Tel 250-960-6367 Fax 250-960-5425 or via email [asc@unbc.ca](mailto:asc@unbc.ca). Their website is [www.unbc.ca/asc](http://www.unbc.ca/asc)