

York University
School of Human Resource Management
AP/HRM 3420B (MONDAY): Term F 2019
EMPLOYMENT LAW

INSTRUCTOR: CHRISTOPHER SWEENEY, B.A. (Honours), LL.B.

OFFICE: N/A. Meetings can be arranged by student if discussions after class or by email are not sufficient. For all administrative issues please go to or contact Room 150 Atkinson Building. You may also contact the School's main line at 416-736-5806 or email at lapsshrm@yorku.ca.

COMMUNICATION: I can make myself available before and after class for discussion. You can email me if necessary at csweeney@yorku.ca or contact me through the course moodle site with questions or to make an appointment. I will respond to emails at my earliest convenience.

CLASS TIMES AND LOCATION: Location R S203. First class is **Monday, September 9, 2019**, 7pm - 10pm and last class is **Monday, December 2, 2019**. There are no classes on **October 12-18, 2019** (Fall Reading Week).

EXAM PERIOD: The exam period is **December 5 -20, 2019** inclusive. York expects you to be available. If you are not available during this period, withdraw from the course. There is no alternative date option.

MANDATORY PREREQUISITE

Prerequisite: HRM 2600 3.00 or HRM 3480 3.00 (prior to Summer 2001). If you don't have the prerequisites, you cannot take the class. It is not a co-requisite, so it is not good enough for you to be in the prerequisite course this term. Course credit exclusion: None.

METHOD OF INSTRUCTION: A combination of lecture, discussion, regular sample test questions, homework assignments, news items, in-class assignments and short films. There is no flossing dance competition component this session.

COURSE DESCRIPTION/OBJECTIVES:

This course explores the ways that law governs the employment relationship. Students will learn the law as reflected in the two legal regimes that govern non-unionized work: (1) the Common Law; and (2) Regulatory Standards (Statute) Law. A theme we will explore throughout the course is how these balance the interests of workers, employers, and of the greater society. Students who complete the course will have familiarity with essential aspects of the law of the workplace and the policy justifications for those laws. Despite what it says in the Course Calendar – there is NO Unionized workplace aspect to the course (that’s in Industrial Relations).

TESTS AND ASSIGNMENTS – Provisional*

(*This is subject to change at the professor’s discretion to within the first few weeks of class and students will be notified promptly once a final decision has been made)

The **MIDTERM EXAM** will be closed book and held in-class during the seventh week of classes. If you cannot make the date and time for the midterm for an acceptable reason, there will be a **make-up written essay assignment** for the value of the midterm.

The **FINAL EXAM** will likely be online and is held during the exam period. The University will set the date, at which time you will be informed. **The Final Exam is cumulative**, but weighted on material after the midterm.

There will be **10 MANDATORY IN-CLASS SHORT ASSIGNMENTS** throughout the course. These will generally take the form of the kind of question you would encounter on an exam and are based on your assigned readings for each class. There will be one Assignment Make-Up opportunity at the end of the semester.

*There will be **THREE SHORT MULTIPLE-CHOICE QUIZZES** during the course held before the Final exam period. They will be held online and outside of class time.

METHOD OF EVALUATION:

10 Mandatory In-Class Assignments.....	10%
Mid Term Test	30%
3 Multiple Choice Quizzes (3 x 10%)	30%
Final Online Exam.....	30%
TOTAL.....	100%

The **DROP DATE** to drop a course without a grade being entered is **Friday November 8, 2019**.

IMPORTANT: MISSED TESTS AND LATE ASSIGNMENTS

There will be no make-up test for the quizzes. If there is an acceptable reason for the quiz being missed, the value of that mark will be applied to the next scheduled exam or in a separate assignment at the professor’s discretion.

If you miss the midterm for an acceptable reason there will be a five page legal memo assignment.

Late Assignments will receive a zero.

ScHRM policy on Deferred Exams: The Deferred Exam will be closed book, cumulative and will include all subjects/topics of the textbook and assigned and covered in class. Deferred exams are not necessarily in the same format as the exam written by your section of the course. The format for deferred exams is not released in advance. Access to a course website will not be given. Please save your lecture notes / presentation slides.

All final grades will be reviewed by the School of Human Resource Management and the School reserves the right to modify them in order to maintain high standards.

READINGS

Text: **The Law of Work: The Common Law and the Regulation of Work** by David J. Doorey, published by Emond Montgomery Publications. (NOTE: There are similarly named texts by this author, ensure you get the correct one)

Reading Kit: Additional required readings and other materials not found in the required text will be provided to you on the class website, via links to these cases, electronic copies or also occasional hand-outs. The law constantly evolves and current events inform what we take up in class and so materials may be distributed as they become available.

FINDING AND RESEARCHING EMPLOYMENT CASE LAW

I recommend that you read additional cases during the year dealing with topics we discuss in class. Many court decisions dealing with employment law are available free of charge at the website for the Canadian Legal Information Institute at this URL: <http://www.canlii.org/en/>

On that site you can search “wrongful dismissal” and “theft”, for example, to see court cases that deal with employees being dismissed for stealing.

Other Useful Resources available on Reserve at Scott Library. Some copies are also available for purchase at the York bookstore:

Employment Law for Business and Human Resources Professionals, 3rd Edition. by Kathryn Filsinger, published by Emond Montgomery Publications.

For Better Or For Worse: A Practical Guide to Canadian Employment Law, 2nd Ed. R. Echlin & C. Thomlinson,, (Aurora Professional Press, 2003);

Individual Employment Law, 2nd Edition. G. England, (Irwin Law, 2008)

A NOTE FROM THE PROFESSOR

Do all the Required Readings – don’t simply rely on slides and lectures or some notes you got from a friend of your second cousin who did the course a couple of years ago. You are responsible on the Midterm and Final Exams for all materials assigned to date. Do the Assignments. Attend and participate in the lectures. If you have questions, ask me. If you fall behind, it will be difficult to catch up.

Much of the course deals with The Common Law, with consideration of the Employment Standards Act and the Human Rights Code in the second half of the course. We may touch on some other related statutes throughout the course. Some topics we get through in a single lecture, but most span two or more lectures.

We will follow the readings in their assigned order. You may not be able to definitively determine from this list which readings would be required for which week as every year the material is covered at a different rate. All material will be covered unless you are otherwise notified.

“Further readings” are not mandatory, but are useful for students who wish to develop a greater grasp of the issues, and I may refer to them in the lectures. A warning, however, that completing such readings carries with it the risk of learning more than is required. Such is the danger of a liberal arts education.