

Course Outline

Department of Accounting and Finance
School of Business and Economics

BLAW 3920-3
Employment Law (3,0,0)

Calendar Description

Students investigate the legal principles and law relating to the individual employer-employee relationship and how its influences business decision making. Case law and statutes are studied in depth to reinforce an understanding of the legal concepts. Topics include human rights issues; the contract of employment; legal issues during employment; statutes that impact the employment relationship; monitoring the employment relationship; and termination of employment

Educational Objectives/Outcomes

Upon completing this course, students will be able to:

1. Identify jurisdictions relevant to an employment issue and the judicial and administrative systems used to interpret employment law.
2. Analyze recruiting advertising, application forms, interview questions and drug testing procedures to preclude discrimination on prohibited grounds.
3. Distinguish between contracting with an employee as opposed to contracting with an independent contractor, and the advantages and disadvantages of each arrangement.
4. Articulate the impact of lack of fresh consideration, unequal bargaining power or obsolescence on an original or amended contract.
5. Assess the practical implications of an employer's duty to accommodate on the four most common grounds, evaluating undue hardship factors in the process.
6. Demonstrate familiarity with the key features of employment standards, workers' compensation and occupational health and safety legislation.
7. Discuss recent case law interpreting the protection of personal information and protection of privacy in the workplace.
8. Explain common employer pitfalls in the termination of employment process and procedures to preclude them.

Prerequisites

BLAW 2910; HRMN 2820 or HRMN 3820

Co-requisites

None

Texts/Materials

McKay, Gail, Barry Gaetz, Kathryn Filsinger, Terence Harris and Kelly Williams-Whitt, Employment Law for Business and Human Resources Professionals: Alberta and British Columbia, Second Edition, Toronto: Emond Montgomery Publications, 2012.

Keith, Norm and Aisla Jane Wiggins, Alcohol and Drugs in the Canadian Workplace: an Employer's Guide to the Law, Prevention and Management of Substance Abuse, First Edition, LexisNexis 2008.

Student Evaluation

Midterm(s)	40%
Assignments	10-20%
Class participation	0-10%
Final exam	40-50%

Students must pass the exam to pass the course.

Course Topics

1. Introduction
 - Survey of sources of employment law
 - How to locate case law, statute law and how to stay current
2. Human Rights Issues
 - Examination of legislation and prohibited grounds of discrimination
 - When discrimination is allowed
 - Recruitment, selection and hiring
 - Pre-employment drug and alcohol testing
3. Contract of Employment
 - Pre-contractual process: sources of common law liability for employers
 - Defining the worker: independent contractor or employee
 - Enforceability and interpretation of the contract
 - Failure of fresh consideration
 - Inequality of bargaining power
 - Obsolescence of document
 - Failure to meet or exceed statutory standards
 - The contra proferentem rule
 - Standard contractual terms
 - The value of clauses
 - Entire agreement
 - Inducement
 - Independent legal advice
 - Severability
 - Golden parachute clauses
 - Duty to maintain confidentiality

4. Legal Issues During the Course of Employment

- Discrimination arising during employment
- Duty to accommodate
 - Employees with disabilities
 - Employees' religious beliefs and practices
 - Employees' family status, including pregnancy and breast-feeding requirements
 - Employees' age
- Factors constituting undue hardship

5. Statutes That Impact the Employment Relationship

- Employment standards legislation
- Workers' compensation
- Occupational health and safety
- Federal and provincial privacy legislation

6. Monitoring the Employment Relationship

- Significance of policy manuals
- Amending a contract term
- Monitoring employee performance
- Progressive discipline for misconduct
- Other types of discipline

7. Termination of the Employment Relationship

- Resignation
- Retirement
- Dismissal with cause
- Dismissal without cause

Methods for Prior Learning Assessment and Recognition

As per TRU policy

Attendance Requirements – Include if different from TRU Policy

As per TRU policy

Special Course Activities – Optional

Use of Technology – Optional