



Course Outline

Accounting and Finance
School of Business & Economics
BLAW 3920 - **3.00** - Academic

Employment Law

Rationale

GET analysis has identified that this course meets the Citizenship ILO criteria. See attached foci tool and notes under Educational Objectives/Outcomes.

Calendar Description

Students investigate the legal principles and law relating to the individual employer-employee relationship and how it influences business decision making. Topics include human rights issues; contract of employment; legal issues during the course of employment; statutes that impact the employment relationship; monitoring the employment relationship; and termination of the employment relationship.

Credits/Hours

Course Has Variable Hours: No

Credits: 3.00

Lecture Hours: 3.00

Seminar Hours: 0

Lab Hours: 0

Other Hours: 0

Clarify:

Total Hours: 3.00

Delivery Methods: (Face to Face)

Impact on Courses/Programs/Departments: None

Repeat Types: A - Once for credit (default)

Grading Methods: (S - Academic, Career Tech, UPrep)

Educational Objectives/Outcomes

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 under Human Rights legislation.
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 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.
9. Describe the employer actions that can constitute constructive dismissal.
10. Review relevant case law to determine the factors determining the payment of reasonable notice to employees who are dismissed without cause.
11. This course meets the Citizenship criteria. See attached foci tool demonstrating the match.

Prerequisites

HRMN 2820-Human Resource Management
or equivalent with a minimum C- BLAW
2910-Commercial Law or equivalent with a
minimum C-

Co-Requisites

Recommended Requisites

Exclusion Requisites

BLAW 3921-Employment Law
BBUS 3920-Employment Law

Texts/Materials

Textbooks

1. **Required** McKay, Gail, Barry Gaetz, Kathryn Filsinger, Terence Harris and Kelly Williams-Whitt. *Employment Law for Business and Human Resources Professionals: Alberta and British Columbia*, 2nd ed. Emond Montgomery Publications, 2012

Student Evaluation

The Course grade is based on the following course evaluations.

Midterm(s) 40%

Assignments 10-20%

Class participation 0-10%

Final exam 40-50%

Students must pass the final exam to pass the course.

Course Topics

1. Introduction to Employment Law

- 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

Last Action Taken

Implement by Submission Preview Subcommittee Chair Shelley Church

Current Date: 27-Oct-20