

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2010-11 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION¹

COURSE	Law 326A The Individual Employment Relationship
UNIT VALUE	1.5 Units (3 hours per week)
INSTRUCTOR	Judy Fudge
TERM OFFERED	Fall 2010
CLASS TIMES	See Schedule
PREREQUISITES/CO-REQUISITES	None

DESCRIPTION

This course focuses on the law relating to the individual employer-employee relationship. It includes the law traditionally characterized under the head of "master and servant", which was largely concerned with wrongful dismissal, but extends well beyond that. In addition to the common law governing the contract of employment, the course will examine the floor of irreducible rights with respect to a wide variety of employment benefits provided by labour standards legislation and human rights codes. While each Canadian province and the federal jurisdiction provides labour standard statutes and human rights codes, the focus will be British Columbia, although other jurisdictions will be examined to the extent that they provide important points of contrast. The goal of the course is to provide a comprehensive overview of the substantive law of employment and the procedures for this law's enforcement. The general topics to be covered are:

- a) the legal background and contemporary context of the individual employment relationship
- b) formation of the employment relationship
- c) the rights and obligations of employers and employees under the contract of employment and protective legislation
- d) termination of employment; and
- e) enforcement mechanisms.

OBJECTIVES

After reading the assigned materials and participating in class discussions, you will be able to:

- a) identify the parties to an employment relationship, describe some of the common law obligations owed by employers and employees, and describe how the parties can terminate their relationship;
- b) apply the foregoing principles to a fact situation by developing accurate and persuasive arguments;
- c) identify, describe, and critically assess the historical and contemporary purposes, effectiveness, and underlying values of these legal principles;
- d) describe and defend alternative legal rules with reference to a defensible normative position;
- e) describe some of the legal entitlements of employees and reciprocal obligations of employers under the *Employment Standards Act* and *Human Rights Code*;
- f) develop skills of statutory interpretation;
- g) appreciate and understand the relationship between the common law of employment and statutes regulating the employment relationship;
- h) identify key issues of enforcement and institutional design in effective statutory regulation of the employment relationship; and
- i) develop an awareness of factual assumptions upon which the legal principles of the employment relationship are based.

EVALUATION

Students may elect either or two options:

Option A: Final Examination (open book) 100 per cent or

Option B: Final examination (open book) 50 per cent and a 50 per cent case comment on a specified case. The case comment is due during term. Detailed information about this assignment will be provided to at a later date.

April 6, 2010

¹ The information in this document is provided for course registration purposes only and is *subject to change*. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).