

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2011-12 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION¹

COURSE	Law 326A The Individual Employment Relationship
UNIT VALUE	1.5 units (3 hours of instruction per week)
INSTRUCTOR	Judy Fudge
TERM OFFERED	Fall 2011
CLASS TIMES	See schedule
PREREQUISITES/CO-REQUISITES	None

COURSE 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 mechanism

COURSE OBJECTIVES

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

1. 1. identify the parties to an employment relationship, describe some of the general common law obligations owed by employers and employees, and describe how the parties can terminate their relationship;
2. apply the foregoing principles to a fact situation by developing accurate and persuasive arguments;
3. identify, describe, and critically assess the historical and contemporary purposes, effectiveness and underlying values of these legal principles;
4. describe and defend alternative legal rules with reference to a defensible normative position.
5. describe some of the legal entitlements of employees and reciprocal obligations of employers under the Employment Standards Act and Human Rights Code;
6. develop skills of statutory interpretation;
7. appreciate and understand the relationship between the common law of employment and statutes regulating the employment relationship;
8. identify key issues of enforcement and institutional design in effective statutory regulation of the employment relationship; and
9. develop an awareness of factual assumptions upon which the legal principles of the employment relationship are based.
10. integrate theoretical perspectives on employment law into the problem solving method.

PEDAGOGIC APPROACH

Although the course is a lecture, as much as possible the course will be taught by the instructor as a dialogue with and between students. Students are expected to complete assigned readings in advance of each class and to reflect upon the matters to be discussed.

EVALUATION

There are two compulsory forms of evaluation in this course:

1. An assignment worth 25 per cent of the final mark due during term.
2. A final examination worth 75 per cent of the mark.

May 25, 2011

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 Academic and Student Relations (lawmaass@uvic.ca).