

**OSGOODE**

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

Professional Development  
**LLM**



Directors

**Professor David Doorey**, York University

**John D.R. Craig**, Heenan Blaikie LLP

# Part-time LLM Specializing in Labour Relations and Employment Law

## Outside Toronto?

Distance Learning options are available for some courses. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details.

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**YORK**  
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**redefine THE POSSIBLE.**

The LLM in Labour Relations and Employment Law gives students the opportunity to gain an enriched and deeper understanding of the theory, policies and principles that underlie labour and employment law and to consider, at an advanced level, the social, economic and political forces shaping this dynamic field today.

## DIRECTORS

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**Professor David Doorey**  
York University



**John D.R. Craig**  
Heenan Blaikie LLP

## CURRICULUM

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Courses will be offered in an intensive format (typically three to five consecutive days including one Saturday).

### Degree Requirements

There are two options for completing this degree which must equal 36 credits.

#### Option I

- The required courses in the Labour Relations and Employment Law specialization [18 credits];
- 12 additional credits of coursework of which a maximum of 6 credits may be from outside the Labour Relations and Employment Law specialization\*; and
- A Major Research Paper (70 pages) in the Labour Relations and Employment Law specialization [6 credits].

#### Option II

- The required courses in the Labour Relations and Employment Law specialization [18 credits];
- 18 additional credits of coursework of which a maximum of 6 credits may be from outside the Labour Relations and Employment Law specialization\*; and
- A significant research paper (30 pages) in one of the Labour Relations and Employment Law courses as the means of evaluation.

*\*Credits outside the Labour Relations and Employment Law specialization may be taken from other Part-time LLM specializations scheduled during your period of enrollment only. If you choose Option II, you will be required to take at least one 3 credit course outside the Labour specialization.*

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### Required Courses

Perspectives on Labour and Employment Law: From Theory to Practice [6 credits]

The Individual Employment Relationship [6 credits]

The *Charter* and Human Rights in Labour Law [6 credits]

### Elective Courses

Labour and Employment Law in the New Economy [6 credits]

Industrial Conflict: Common Law and Labour Board Remedies [3 credits]

Labour and Pension Law in Restructuring the Insolvent Enterprise [3 credits]

Comparative Labour Law: The Wagner Model [3 credits]

## COURSE DESCRIPTIONS

### **Perspectives on Labour and Employment Law: From Theory to Practice [6 credits]**

This course examines theoretical approaches that have played a significant role in the development of Canadian labour and employment law, and also looks at the contribution that empirical and comparative research methodologies have made to the study of this area of law. Selected writings by labour law scholars, in Canada and elsewhere, will be reviewed from both a theoretical and a methodological perspective.

### **The Individual Employment Relationship [6 credits]\***

New patterns for the utilization and control of productive labour have prompted debate over the effectiveness of existing mechanisms for the regulation of workplace relationships. The course focuses on common law and statutory regulation of the terms and conditions in employment relationships not covered by collective bargaining, with emphasis on the impact of recent economic, judicial and statutory developments for the continued relevance of these standards in the modern context. It includes an historical survey of their development and an overview of the basic protections offered to workers in Ontario and other Canadian jurisdictions in areas such as hours of work, vacation, maternity and parental leave, and notice of termination. The interaction of individual employment law with collective agreements and employment standards legislation will also be considered. Finally, the course addresses the continuing development of employment standards legislation in the face of the global economy and new working arrangements, such as telecommuting and contract work. Students will consider whether these changes call for the raising of existing standards or for more flexibility for employers. This includes a reconsideration of the effectiveness and appropriateness of focusing on employment as the foundational concept for the operation of existing schemes of regulation.

### **The Charter and Human Rights in Labour Law [6 credits]\***

The workplace has been a significant source of legal developments in respect of both statutory human rights legislation and the constitutionally entrenched *Canadian Charter of Rights and Freedoms*. This course will examine, in the employment context, the nature of prohibited discrimination and statutory defences, the duty to accommodate, and remedies under human rights statutes, as well as the processes for dealing with such issues. In particular, the respective roles of the human

rights administrative process and collective agreement arbitration will be assessed. In respect of the *Charter*, the role of administrative tribunals as well as courts in dealing with *Charter* claims will be considered. The substantive focus will be the impact of s. 15 (equality), s. 2(d) freedom of association, and s. 2(b) (freedom of expression) on labour law.

### **Labour and Employment Law in the New Economy [6 credits]\***

The 'new economy' is defined by globalization, by technological change and by neoliberal policies which envisage a more limited role for the state in the labour market and elsewhere. These forces - individually and in combination - challenge many of the assumptions on which collective bargaining and protective labour legislation have traditionally been grounded. This course explores both the resulting stresses in existing regimes of labour law and attempts to create new regimes, especially those with international and transnational dimensions.

### **Industrial Conflict: Common Law and Labour Board Remedies [3 credits]\***

In the regulation of strikes, lockouts and picketing, the common law often comes to the surface and fits uneasily with the statutory labour relations regime, both substantively and in terms of remedies. The following are among the topics that may be dealt with in this course: the common law industrial torts and their new life after *Pepsi-Cola*; the right to strike at common law and its continued relevance to workers not covered by labour relations legislation; issues arising from the growing use of partial strike tactics; the impact (if any) of the *Charter* rights of freedom of association and expression on strikes and picketing, including political strikes; the interface between court and labour board jurisdiction, substantively and in terms of available remedies, and the appropriate extent of court deference to legislative and board regulation in the *Charter* era; recent jurisprudence on the legal capacity of unions and its implications for the regulation of industrial conflict; the extent of the employer's right to use replacement workers; and the extent of the job rights of returning strikers. High union density in the public and parapublic sectors, and growing governmental concern for fiscal restraint, make it necessary to consider the treatment of strikes and lockouts in essential services and the justification for imposing dispute resolution procedures that do not involve work stoppages.

## **Labour and Pension Law in Restructuring the Insolvent Enterprise [3 credits]\***

Labour and pension law are remedial regulatory regimes designed to protect employees in their relations with their employers. Once it becomes insolvent however, that employer loses much of its control over the enterprise to creditors. This course addresses the consequences of an employer's insolvency for the labour and pension rights of employees. In particular, the course will concentrate on the effects on these rights of the choice of restructuring, rather than liquidation, as the means to deal with insolvency.

## **Comparative Labour Law: The Wagner Model [3 credits]\***

The Canadian labour law model has long been linked legislatively and philosophically with the American Wagner Act model. Yet, for all the similarities between the two models, there are significant differences too. Some of these differences flow directly from variations in statutory language and constitutional divisions of power, while others are the result of different trajectories in the case law of the National Labor Relations Board

**Note: Curriculum and course descriptions are subject to change.**

*\* New courses and course changes are subject to Senate approval.*

and the American courts. In debates about labour law reform in both countries over the years, reference has often been made to the perceived benefits and flaws of the other system. This course will introduce the student to the key aspects of the American labour law model, including its historical development and key moments in case law and legislative reform, as well as the theoretical and philosophical debates that have shaped the model over time and at present.

## **Major Research Paper [6 credits]**

A Major Research Paper (MRP) of approximately 70 pages may be completed on an approved topic in Labour Relations and Employment law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval before writing your paper. The final paper is marked on a pass/fail basis.

## **TUITION AND FEES**

Tuition and fees for the Part-time LLM are \$18,660. This includes the cost of course materials. Tuition and fees are payable in six equal installments of \$3,110 over the course of the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies for each payment processed. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.

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## **FOR MORE INFORMATION CONTACT**

**Sophie Seventikidis**, Admissions and Client Services Assistant

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**APPLY NOW FOR FALL 2010! ENROLLMENT IS LIMITED.**