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PROFESSIONAL LLM in

labour relations and employment law

DIRECTORS

John D.R. Craig

Partner, Fasken
Martineau Dumoulin LLP
Assistant Professor, Faculty of Law
University of Western Ontario

David Doorey

Associate Professor
of Labour and
Employment Law
York University

A WORLD LEADER IN LAW SCHOOL LIFELONG LEARNING

DIRECTORS



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Dumoulin LLP
Assistant Professor, Faculty of Law
University of Western Ontario

"The program was a true highlight for me academically. The quality of the faculty was outstanding and the opportunity to meet others in my field from across Canada and learn equally from them was a unique one. I continue to use much of the information gathered during the program in my daily work and am ever thankful for the long-lasting friendships that I also gained."

Katherine E. Bilson, BA (Hons), LLB, LLM
Legal Counsel, Human Resources, Canadian Pacific
Calgary, Alberta

FACULTY INCLUDES

Kevin Banks

Associate Professor and Director, Centre for Law
in Contemporary Work Place, Faculty of Law
Queen's University

Alan Bogg

Professor of Labour Law
Faculty of Law, University of Oxford

John D.R. Craig

Partner, Fasken Martineau Dumoulin LLP
Assistant Professor, Faculty of Law
University of Western Ontario

Gillian Demeyere

Associate Professor, Faculty of Law
University of Western Ontario

David Doorey

Associate Professor of Labour and
Employment Law, York University

Bruce E. Kaufman

Professor, Georgia State University

Michael Lynk

Associate Professor, Faculty of Law
University of Western Ontario

Christopher C. Rootham

Partner, Nelligan O'Brien Payne LLP

Daphne Taras

Dean, Edwards School of Business
University of Saskatchewan

Eric Tucker

Professor, Osgoode Hall Law School



DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. The 36 credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Students who elect to do the degree by coursework only must write a Significant Research Paper (30 pages) as the means of evaluation in one of the courses within the specialization. Please visit www.osgoodepd.ca for required and elective course information.

PROGRAM FORMAT

Courses will be offered in an intensive format (typically three to five consecutive days). Videoconferencing is available for most courses, although occasional in-person attendance in Toronto is required (refer to the schedule for specific details on each course). Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice. Visit the OsgoodePD website for complete details.

The two year, part-time Professional 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.

COURSE DESCRIPTIONS

Theories and Perspectives in Labour & Employment Law* [3 credits]

This course examines four leading theoretical approaches that have played a significant role in the development of Canadian labour and employment law. Each of these approaches - neo-classical, institutional, behavioural and Marxist – are rooted in different views of political economy. The implications of each approach for labour market regulation will be considered. Recent developments in the labour market and their impact on labour and employment law will also be assessed.

Contemporary Issues in Labour Law* [3 credits]

This course examines important and contemporary issues and debates in labour law and labour law scholarship in Canada and the beyond. While 'black letter law' will be considered, the course is more focused on exposing students to important conceptual, theoretical, and historical debates that are shaping the direction of labour law today and for the future. This course will provide students with an opportunity to engage with some of the world's leading thinkers in the field of labour law.

Contemporary Issues in the Common Law of Employment* [3 credits]

This course is a study of the common law of the individual contract of employment. The focus will be on Canadian common law, with some comparison with other jurisdictions. The course will canvas the legal history of the employment relationship, along with contemporary issues – political, practical, and theoretical – in the common law of employment. Through oral presentations and group discussion, students will be exposed to specific topics and issues in employment law. Throughout the course, students will consider the unique features of the contract of employment and competing legal conceptualizations of the employment relationship.

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.

Contemporary Issues in Employment Regulation* [3 credits]

This course focuses on statutory regulation of the terms and conditions of employment relationships not covered by collective bargaining. It will engage students in an examination of the theoretical underpinnings of the statutory regulation of employment, an historical survey of the development of employment regulation, and an overview of the protections offered to workers in Ontario and other Canadian jurisdictions. Against the backdrop of a global economy, a rapidly changing workforce and new types of working arrangements, this course will expose students to specific topics and issues in the regulation of employment, including privacy, whistleblowing, pensions and class actions.

Labour and Employment Law in International Law [3 credits]

International labour and employment law has become increasingly relevant in Canadian law due to renewed emphasis by the Supreme Court of Canada on the rules and norms developed at the international level. For example, the Supreme Court has ruled that the guarantee of "freedom of association" in Section 2(d) of the *Charter* should be interpreted to provide at least as much protection as do International Labour Organization (ILO) Conventions ratified by Canada. This course will explore the law and institutions of international labour and employment law and how they interact with national legal systems.

Comparative Labour & Employment Law: The British Model [3 credits]

Much of Canadian employment law is borrowed, or at least built upon the foundation of, the British common law of the employment contract. Yet the modern British approach to employment law has veered in important ways from the Canadian approach, both in terms of the development of the common law model and in the manner in which the two countries have chosen to regulate work. Despite its roots in the British legal system, the Canadian approach to governing collective labour relations reflects more American influence

than British. The British "voluntarist" approach to industrial relations eschewed statutory recognition of unions, enforceable collective agreements, and tight government control of industrial action. Yet we can still see the influence of British law on Canadian labour law, for example, in the system of torts that continue to govern industrial conflict in both countries. This course introduces students to key historical and contemporary issues and debates in British labour and employment law from a comparative law perspective.

Public Sector Labour and Employment Law [3 credits]

This course examines the labour and employment law governing employees of the Federal and Provincial Crowns, through three broad themes:

- 1) *Exceptionalism*. The laws governing public servants are different from those governing employees, employers, and unions in the private sector. While some of the "fundamentals" of the Wagner Act model remain in place in the public sector, there are a number of significant and important differences that this course will explore.
- 2) *The rule of law*. This course will examine the tension between courts, with their commitment to rights, and the managerial ethos of public administration that is committed to utility. This tension is played out between the importance of the rule of law and managerial discretion in public sector labour and employment law.
- 3) *Merit*. This course will explore the so-called "merit principle" that governs appointments in the public service. This theme

includes everything from rules-based appointment procedures to the principle of a politically neutral public service.

Special Topics in the Law of Work* [3 credits]

This course explores in greater detail important issues and debates in labour and employment law. For the 2016-18 cohort, the course will be taught by two of North America's leading industrial relations scholars (Professor Bruce Kaufman of Georgia State University and Professor Daphne Taras, Dean of the Edwards School of Business, University of Saskatchewan), who will explore the influence of law and economics on the development of work law and industrial relations policy, and the growing relevance of non-union forms of collective employee representation in law and practice, among other topics.

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.

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

TUITION AND FEES

The 2014/2015 tuition, which includes both years of the Professional LLM program, is \$21,888.45 for domestic students and \$31,783.50 for international students, plus supplementary fees. Tuition and supplementary fees are payable in six installments for the part-time option or three installments for the full-time option. A \$15 administrative fee is levied by the Faculty of Graduate Studies each term. Tuition and supplementary fees are set by the York University Board of Governors and are subject to change at any time. Please visit the tuition section on our website for a breakdown of fees and complete details.

Fees include the required course materials. Where assigned, textbooks are provided in hard copy and all other course materials and readings are provided in electronic format only. An additional charge will apply to any shipping of materials outside of Canada. Videoconference participants are required to purchase the necessary hardware and software. Light meals are provided for students attending classes in person in Toronto.



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by the LSUC. All OsgoodePD LLM courses are eligible for substantive CPD hours and those containing professionalism hours are noted on the website. Please email cpd@osgoode.yorku.ca for specific information and for CPD/MCLE hours with other regulatory bodies.

FOR MORE INFORMATION

admissions-opd@osgoode.yorku.ca

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