



## COURSE OUTLINE

### SCHOOL OF BUSINESS

**COURSE NAME:** Employment and Human Rights Law  
**COURSE CODE:** HRM 4011  
**CREDIT HOURS:** 42  
**PREREQUISITES:** None  
**COREQUISITES:** None  
**PLAR ELIGIBLE:** YES ( X ) NO ( )  
**EFFECTIVE DATE:** January 2009  
**PROFESSOR:** \_\_\_\_\_ **OFFICE #:** \_\_\_\_\_  
**PHONE:** 416-415-5000 **EMAIL:** \_\_\_\_\_

**NOTE TO STUDENTS:** Academic Departments at George Brown College will NOT retain historical copies of Course Outlines. We urge you to retain this Course Outline for your future reference.

FOR OFFICE USE ONLY		
<b>ORIGINATOR:</b> _____	<b>SIGNATURE</b>	<b>DATE</b>
<b>CHAIR:</b> _____	<b>SIGNATURE</b>	<b>DATE</b>
<b>DATE OF REVISION:</b> _____		

**EQUITY STATEMENT:** George Brown College values the talents and contributions of its students, staff and community partners and seeks to create a welcoming environment where equity, diversity and safety of all groups are fundamental. Language or activities which are inconsistent with this philosophy violate the College policy on the Prevention of Discrimination and Harassment and will not be tolerated. The commitment and cooperation of all students and staff are required to maintain this environment. Information and assistance are available through your Chair, Student Affairs, the Student Association or the Human Rights Advisor.

George Brown College is dedicated to providing equal access to students with disabilities. If you require academic accommodations visit the Disability Services Office or the Deaf and Hard of Hearing Services Office on your campus.

**STUDENT RESPONSIBILITIES:** Students should obtain a copy of the *Student Handbook* and refer to it for additional information regarding the grading system, withdrawals, exemptions, class assignments, missed tests and exams, supplemental privileges, and academic dishonesty. Students are required to apply themselves diligently to the course of study, and to prepare class and homework assignments as given. Past student performance shows a strong relationship between regular attendance and success.

## COURSE DESCRIPTION:

This course provides students with a comprehensive overview of all the legal aspects of the employment relationship: human rights; employment standards; employment and pay equity; occupational health and safety; workers' compensation and privacy. Students study the practical application of legislation in the workplace, including duties and obligations to ensure compliance. The emphasis is on how employers and employees accept and honour their legal obligations to each other. This includes instruction in handling employment matters in ways that minimizes hostility and legal liability.

## ESSENTIAL EMPLOYABILITY SKILLS:

As mandated by the Ministry of Training, Colleges and Universities essential employability skills (EES) will be addressed throughout all programs of study. Students will have the opportunity to **learn (L)** specific skills, to **practice (P)** these skills, and/or **be evaluated (E)** on the EES outcomes in a variety of courses. The EES include communication, numeracy, critical thinking & problem solving, information management, interpersonal and personal skills. The faculty for this course has indicated which of the EES are either Learned (L), Practiced (P) or Evaluated (E) in this course:

Skill	L	P	E	Skill	L	P	E
to communicate clearly, concisely and correctly in the written, spoken and visual form that fulfills the purpose and meets the needs of the audience		X	X	to locate, select, organize and document information using appropriate technology and information sources		X	X
to respond to written, spoken or visual messages in a manner that ensures effective communication		X	X	to show respect for the diverse opinions, values, belief systems, and contributions of others		X	X
to execute mathematical operations accurately				to interact with others in groups or teams in ways that contribute to effective working relationships and the achievement of goals		X	X
to apply a systematic approach to solve problems	X	X	X	to manage the use of time and other resources to complete projects		X	X
to use a variety of thinking skills to anticipate and solve problems.		X	X	to take responsibility for my actions, decisions and consequences		X	X
to analyze, evaluate, and apply relevant information from a variety of sources		X	X				

## COURSE OUTCOMES:

Upon successful completion of this course the students will have reliably demonstrated the ability to:

### 1. Explain the legal framework that governs the workplace and determines the nature of the employment relationship.

- Differentiate between areas of provincial and federal jurisdiction
- Distinguish between statutes and common law and how they impact on employment
- Explain how Ontario's judicial and administrative systems operate
- Identify common law issues related to hiring, including negligent misrepresentation
- Examine the nature of the relationship between the individual being hired and the organization
- Explore the importance of clearly written employment contracts and the terms that they frequently contain

## **2. Examine how the workplace is bound by legislation designed to ensure that it operates in an equitable and non-discriminatory way.**

- Identify key features and provisions of human rights legislation
- Explain the concepts of bona fide occupational requirement, duty to accommodate and undue hardship
- Examine what constitutes harassment and the employer's obligation to provide a harassment-free workplace
- Discuss the options employees have to address human rights complaints and the various resolution processes
- Differentiate between equal pay for equal work, pay equity and employment equity
- Explain the key elements of federal employment equity legislation
- Outline the key concepts of pay equity legislation and the process for achieving it

## **3. Explore the legal safeguards in place to ensure that employees receive a minimum standard of treatment as well as protection for their well-being and privacy.**

- Outline the major provisions of the Employment Standards Act and the protections it offers to employees
- Describe the internal responsibility system under health and safety legislation and the duties, responsibilities and rights of the various parties
- Explain the process of responding to workplace accidents
- Outline how health and safety legislation is administered and enforced, and the penalties employers can incur for violations
- Discuss the main features of workers' compensation legislation
- Explain how workers' compensation is funded and the key employer and employee rights and responsibilities from the WSIA
- Examine the legislation in place to safeguard the privacy rights of employees
- Explore evolving privacy issues relating to employee surveillance and monitoring

## **4. Examine the various ways an employer can dismiss an employee and their respective legal ramifications.**

- Differentiate between dismissal with cause and dismissal without cause
- Explain the concept of constructive dismissal
- Outline the statutory provisions upon termination from the Employment Standards Act
- Examine how the conduct of the employer during dismissal can have legal consequences
- Discuss the actions employees can take who feel they have been unjustly dismissed
- Examine the trends in severance packages and awards determined by the courts
- Explore what employers can do to reduce the potential of dismissal claims

## **5. Assess policies, practices and procedures to determine compliance with legislation and their effectiveness in addressing employer liability.**

- Determine the appropriateness of employment systems and processes in relation to human rights legislation
- Analyze employment contracts to ascertain their effectiveness in articulating important elements of the employment relationship
- Discuss how documented policies and procedures can support an employer's legal position
- Determine the means by which employers can monitor and evaluate their progress in meeting employment and pay equity obligations
- Examine workplace situations to determine if employer responsibilities and liabilities under health and safety legislation are being met
- Examine the effectiveness of workplace programs and procedures that identify and resolve performance problems and issues of employee conduct

## **6. Develop strategies to address the legal obligations and challenges faced by employers.**

- Explain how policies and procedures can be changed to ensure compliance with legislation
- Determine how an employer can effectively prevent, as well as address, harassment complaints and violations
- Identify ways that an employer can address the challenges of maintaining pay equity

- Determine the means by which an employment contract can be changed
- Explore strategies to address health and safety liability and minimize workplace accidents and injuries
- Assess the options available to employers to dismiss an employee and their associated risks and liabilities
- Examine the actions employers can pro-actively take to limit their liability through all phases of the employment process.

## DELIVERY METHODS / LEARNING ACTIVITIES

Lecture, collaborative work, case studies, on-line learning and independent study.

## LIST OF TEXTBOOKS AND OTHER TEACHING AIDS:

Filsinger, Kathryn, Employment Law for Business and Human Resources Professionals, Emond Montgomery Publications, 2005

### AVAILABLE ONLINE:

Canada Labour Code

Occupational Health and Safety Act

Canadian Human Rights Act

Pay Equity Act

Human Rights Code

Workplace Safety and Insurance Act

Employment Standards Act

## TESTING POLICY:

Exemption or deferral of a term exam or final examination is not permitted except for a medical or personal emergency. The professor must be notified by e-mail prior to the test. Appropriate documentation, as determined by the professor, must be submitted.

Any student who either misses the midterm exam or does not hand in an assignment and who provides acceptable documentation of illness or other serious problem will have the missed percentage of the course mark added to the weighting of the final exam. There will be no make-up exams or assignments.

### Absence from final exam:

- Professor must be notified by e-mail **before** the examination
- Documentation must be presented to the professor **within three working days**.
- If the majority of the course work has been completed with a passing performance, and the documentation is acceptable, an "Incomplete" grade (INC) will be entered by the instructor. **An INC grade will not be granted if term work was missed or failed.**
- The final examination must be written **within 60 days of the submission of the incomplete grade. Failure to do this will result in an F grade.**

**ASSIGNMENT POLICY:**

Students unable to submit an assignment on the due date should discuss the matter in advance with the professor. At the professor’s discretion, late assignments may not be accepted. Where late assignments *are* accepted, the professor will apply a late penalty. Assignments are due at the start of class.

**EVALUATION SYSTEM:**

<b>Assessment Tool:</b>	<b>*Description:</b>	<b>Outcome(s) assessed:</b>	<b>EES assessed:</b>	<b>*Date / Week:</b>	<b>% of Final Grade:</b>
Quizzes/assignment(s)	Multiple Choice/True/False/case/research	1, 2, 3,4,5	1,4,5,6		15%
Mid-term exam	Multiple Choice/True False, Short Answers, Case	1,2,3,4,5	1,4,5,6	7	25%
In-Class	Exercises, case studies, homework	1,2,3,4,5,6	1,4,8,9,10,11	1-14	10%
Paper and presentation	Group assignment and presentation	3, 4	1,4.6.8,9,10	13.14	20%
Final Exam	Multiple Choice/True/False, Short Answers, Case	1,2,3,4,5,6	1.4.5.6	15	30%
				<b>TOTAL:</b>	<b>100%</b>

**\*Subject to change according to circumstances.**

**GRADING SYSTEM**

**The passing grade for this course is D. (A minimum of 65% is needed for HRP AO requirements.)**

A+	90-100	4.0	B+	77-79	3.3	C+	67-69	2.3	D+	57-59	1.3	Below 50	F	0.0
A	86-89	4.0	B	73-76	3.0	C	63-66	2.0	D	50-56	1.0			
A-	80-85	3.7	B-	70-72	2.7	C-	60-62	1.7						

Excerpt from the College Policy on Academic Dishonesty:

The *minimal* consequence for submitting a plagiarized, purchased, contracted, or in any manner inappropriately negotiated or falsified assignment, test, essay, project, or any evaluated material will be a grade of zero on that material. To view George Brown College policies please go to [www.georgebrown.ca/policies](http://www.georgebrown.ca/policies)

## TOPICAL OUTLINE:

<b>Week</b>	<b>Topic/Task</b>	<b>Outcome(s)</b>	<b>Content/Activities</b>	<b>Resources</b>
1	<ul style="list-style-type: none"> <li>▪ Introduction to Employment Law</li> <li>▪ Overview of Legal Framework</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sources of Employment Law</li> <li>▪ Judicial Framework</li> <li>▪ Where to Find Employment Laws</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 1</li> </ul>
2	<ul style="list-style-type: none"> <li>▪ Human Rights Issues (Prior to Employment)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Overview of Human Rights Legislation</li> <li>▪ Recruitment, Selection, and Hiring</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 2</li> </ul>
3	<ul style="list-style-type: none"> <li>▪ Human Rights Issues (During the Course of Employment)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ What Constitutes Discrimination</li> <li>▪ Duty to Accommodate</li> <li>▪ Harassment</li> <li>▪ Human Rights Complaints</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 5</li> </ul>
4	<ul style="list-style-type: none"> <li>▪ Employment Standards Act</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3, 4</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Requirements</li> <li>▪ Minimum Employment Standards</li> <li>▪ Administration and Enforcement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 6</li> </ul>
5	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety Act</li> <li>▪ Workplace Safety and Insurance Act</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Internal Responsibility System</li> <li>▪ Duties of the Workplace Parties</li> <li>▪ Workers' Rights</li> <li>▪ Accidents</li> <li>▪ OHS Administration and Enforcement</li> <li>▪ WSIA Benefits</li> <li>▪ Duty to Cooperate</li> <li>▪ Funding and Claims Management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 7 &amp; 8</li> </ul>
6	<ul style="list-style-type: none"> <li>▪ Equity in the Workplace</li> <li>▪ Privacy Inside and Outside the Workplace</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2, 3, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Equal Pay for Equal Work</li> <li>▪ Pay Equity</li> <li>▪ Employment Equity</li> <li>▪ Personal Information Protection and Electronic Documents Act</li> <li>▪ Employee Surveillance and Monitoring</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapters 9 &amp; 10</li> </ul>
7	<ul style="list-style-type: none"> <li>▪ Mid-Term Exam</li> </ul>			
<i>Week 8 – Intersession Week</i>				
9	<ul style="list-style-type: none"> <li>▪ Common Law Issues</li> <li>▪ The Employment Contract</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Areas of Common Law Liability</li> <li>▪ Written Employment Contracts</li> <li>▪ Enforceability and Interpretation of Written Contracts</li> <li>▪ Common Contractual Terms</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapters 3 &amp; 4</li> </ul>
10	<ul style="list-style-type: none"> <li>▪ Navigating the Employment Relationship</li> <li>▪ The End of the Employment Relationship and Beyond</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Changing Employment Terms and Conditions</li> <li>▪ Managing Employee Performance and Conduct</li> <li>▪ Resignation and retirement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 11 &amp; 12</li> </ul>
11	<ul style="list-style-type: none"> <li>▪ Termination and Severance</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4, 5 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Overview of Just Cause Requirements</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 13</li> </ul>

	<ul style="list-style-type: none"> <li>Requirements under Employment Standards Act</li> <li>▪ Dismissal with Cause</li> </ul>		<ul style="list-style-type: none"> <li>▪ Establishing Just Cause</li> </ul>	
12	<ul style="list-style-type: none"> <li>▪ Dismissal with Cause</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Termination Notice or Pay in Lieu</li> <li>▪ Severance Pay</li> <li>▪ Overview of Just Cause Requirements</li> <li>▪ Establishing Just Cause</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 14</li> </ul>
13	<ul style="list-style-type: none"> <li>▪ Dismissal without Cause</li> <li>▪ Post-Employment Obligations</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4, 5, 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wrongful Dismissal</li> <li>▪ Constructive Dismissal</li> <li>▪ Wrongful Dismissal Damages</li> <li>▪ Avoiding Wrongful Dismissal Claims</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 15 &amp; 16</li> </ul>
14	<ul style="list-style-type: none"> <li>▪ Group / Individual Presentations</li> </ul>			
15	<ul style="list-style-type: none"> <li>▪ Final Exam</li> </ul>			

**Please note: this schedule may change as resources and circumstances require.**

For information on withdrawing from this course without academic penalty, please refer to the College Academic Calendar: <http://www.georgebrown.ca/Admin/Registr/PSCal.aspx>