

### COURSE INFORMATION<sup>1</sup>

<b>Course Name:</b> <i>Labour Law</i> <b>Semester:</b> Winter 2024 <b>Department:</b> Civil Law Section	<b>Course Code:</b> DCC 3106 <b>Credit Hours per Week</b> 3 <b>Faculty:</b> Faculty of Law
<b>Day(s) and Time(s):</b> This class is in-person and synchronous; it is a class every <b>Friday, from 5:30 p.m. to 8:20 p.m.</b> Since participation in class constitutes an essential evaluation criterion, the recording will not be allowed neither available. Students must participate in the discussion forums, answer quizzes, and submit assignments before the established deadlines on Brightspace.	<b>Classroom: FTX 227</b>  <b>Platforms:</b> Brightspace

### FACULTY INFORMATION

Professor: Office Hours:  Email:	Dr. Nelson Arturo OVALLE DIAZ Online Friday <b>3:00 p.m. to 4:00 p.m. (under appointment through <a href="#">Microsoft Teams</a>)</b> .  <a href="mailto:novalled@uottawa.ca">novalled@uottawa.ca</a> Any questions sent by email will receive a response within two business days or during the next class if it takes place within the 48 hours following receipt of the email. Note that the professor reserves the right not to answer an email if the quality of language used is inadequate. Any question which requires more than a short paragraph to answer will not be responded to by email. For the long answers, the professor only responds orally throughout the next class or during office hours.
---	--

#### Statement for sensitive content:

Classroom discussion can be intense, and students are at different stages and learning curves of understanding labour conflicts. Labour law class is challenging, and at times, some of us can feel profoundly uncomfortable and even attacked and hurt. There are many differences in living experiences between those who have already faced labour issues and those who have not yet confronted these; thus, we need to acknowledge and understand our different backgrounds and viewpoints. In this course, we follow the [Report of the Committee on Academic Freedom](#), in particular the warning against the “*exclusion of words, works or ideas in the context of respectful academic presentations and discussions whose educational goal is to promote the dissemination of knowledge*” (see page 5, recommendation f).

<sup>1</sup> [Policy 130 applies to all students enrolled in this class.](#)

## COURSE DESCRIPTION

### **Introducing the course:**

The most significant conflicts have their origin in minor disputes. Economic conflicts without resolution or inadequate resolution degenerate into deep social crises that sometimes-become armed conflicts. One of the recurring financial conflicts in modern society is between employers and workers. The quest for conflict resolution led to highly effective institutions and systems. The First World War has finalized with the creation of the International Labour Organization (ILO). It has contributed to developing an appropriate set of international standards, recommendations, and protocols for resolving conflicts between employers and workers. The ILO's proposed methods have inspired a few Canadian conflict resolution experts; this is how the Canadian labour relations model has become a coveted prototype for conflict resolution by several countries. Canada's labour relations system excels at conflict resolution in this area, so it should be checked to apply to other issues and countries.

### **Official course description:**

Introduction; negotiation; certification; collective agreement; methods of resolving disputes; various statutes.

## COURSE LEARNING OUTCOMES

### **General course learning objectives:**

At the end of the semester, those who have been actively involved will be able to contextualize the relevant theoretical, conceptual, and technical issues to assess labour conflicts in a specific workplace.

### **Special learning objectives:**

After following the different learning activities, students will be able to:

1. Describe the law of work in Canada.
2. Understand the collective bargaining regime.
3. Recognize the main issues in Canadian labour relations.
4. Understand why the degree of human rights adherence is a relevant indicator for developing and evaluating interventions in conflict resolution. This is the case with the degree of respect for freedom of association and the right to collective bargaining, for example.
5. Gain a thorough understanding of resolving disputes in labour relations to transfer this learning to other types of conflict resolution interventions.
6. Conduct a thorough and critical analysis of conflicts between employers and workers and understand how the Canadian labour relations model becomes increasingly coveted by other jurisdictions.
7. Present coherent, articulate, and thoughtful oral and writing arguments about the course's subject matter.

### DELIVERY METHODS

The course will mainly deliver as an interactive, dynamic, synchronic, and in-classroom seminar. In other words, the teaching method works in a guided reading and research seminar model. There will be mandatory readings, written analysis, video-recorded presentations, and live questions and answers. There will also be some in-classroom lectures to enhance reading activities. The professor will evaluate the participation of students in the discussion forums and quizzes during official class hours. In addition, using one case per person, the students enrolled in the course will conduct original individual research to show how to translate the theory into practice. The readings will lead to the realization of a written case law analysis, a recording of a video and essay, as well as a live question period into the development or evaluation of a hypothetical intervention in labour conflict resolution situations.

### COURSE ASSESSMENT

**Warning:** Respondus Lockdown Browser must be activated during all evaluations on Brightspace. You must install this software before evaluations: <https://download.respondus.com/lockdown/download.php?ID=518938981>. All access to the Internet browser will be blocked. The classroom will also be proctored during the evaluation periods.

The evaluation considers four (4) formative and summative evaluation elements: modalities, value, and timing.

Evaluation tool	Weighting	Deadline
In-classroom participation through quizzes and group discussions.	10%	At any moment during the official class hours, there will be many surprise quizzes and group discussions.
Submission of a written case law analysis on an SCC's judgment. Each case presents a conflict resolution intervention in a dispute between employers and workers. The submission must be done in the virtual campus tab, Brightspace by uploading a single Word file there.	15%	There will be a list of Supreme Court of Canada judgments. Each student must submit a different case law analysis in a <b>Word</b> file, before <b>7:00 p.m., on Friday, February 16, 2024.</b>
Submission of <b>10</b> minutes of recorded and edited video ( <b>MP4</b> file of less than <b>1</b> Go) based on the link between the conceptual elements of the course and the case law analysis already submitted in the written version.  <b>Notice:</b> Following the schedule of cases, the video will be viewed for all participants in the class.	25%	<b>Friday, March 15, 2024, before 7:00 p.m.</b> The submission must be done on the virtual campus tab, Brightspace.  Following the calendar and professor's instructions, for <b>10 minutes</b> , each presenter must answer live questions in the classroom. <b>Notice:</b> The attendance in the classroom of the presenters of the day is mandatory. Failing to comply with this oral evaluation results in a grade EIN (Incomplete/Failure).
Submit a research paper of <b>2,000</b> words between the beginning of the introduction and the end of the conclusion, using <b>five</b> different categories of sources and <b>50</b> pinpoint references in footnotes. By considering the judgment already presented in class, the research must analyze the different regimes of work law that coexist in the same jurisdiction.	50%	<b>Friday, April 19, 2024, before 7:00 p.m.</b> The submission must be made on the virtual campus tab, Brightspace by uploading a single Word file there.

### ***Beware of Academic Fraud!***

Academic fraud is an act committed by a student to distort the marking of assignments, tests, examinations, and other forms of academic evaluation. Academic fraud is neither accepted nor tolerated by the University. Anyone found guilty of academic fraud is liable to severe academic sanctions.

Here are a few examples of academic fraud:

- engaging in any form of plagiarism or cheating;
- presenting falsified research data;
- handing in an assignment that was not authored, in whole or in part, by the student;
- submitting the same assignment in more than one course, without the written consent of the professors concerned.

In recent years, the development of the Internet has made it much easier to identify academic plagiarism. The tools available to your professors allow them to trace the exact origin of a text on the Web, using just a few words.

In cases where students are unsure whether they are at fault, it is their responsibility to consult the “*Writing and Style Guide for University Papers and Assignments*.” It can be found at: [WRITING AND STYLE GUIDE FOR \(uottawa.ca\)](http://www.uottawa.ca/writing-and-style-guide).

People who have committed or attempted to commit (or have been accomplices to) academic fraud will be penalized. Here are some examples of the academic sanctions, which can be imposed:

- a grade of “F” for the assignment or course in question;
- an additional program requirement of between 3 and 30 credits;
- suspension or expulsion from the Faculty.

For more information, refer to the *Student’s Guide to Academic Integrity*:

<http://www.uottawa.ca/vice-president-academic/sites/www.uottawa.ca.vice-president-academic/files/academic-integrity-students-guide.pdf>

and Academic Integrity Website (Office of the Vice-President Academic and Provost)

[Academic integrity | About us \(uottawa.ca\)](http://www.uottawa.ca/academic-integrity)

**Notice:** Quotations, paraphrases, and summaries are ways of borrowing other people’s ideas, to do so lawfully, you must cite the source. This involves using the traditional method of pinpoint footnotes to avoid distractions when reading the text. Please follow the [Canadian Guide to Uniform Legal Citation](#), 10<sup>th</sup> Edition, Toronto, Thomson Carswell, 2023 [Law Library: [KE 259 .C353 2023](#)].

## Mandatory Readings

The reading activities aim to discover successes and failures in labour conflict resolution. This is to transfer the knowledge acquired in labour relations into other types of conflict resolution interventions. The development and evaluation of conflict resolution interventions are complex, but learning can be facilitated by observing concrete situations. This year, we have chosen to use a particular type of dispute, the conflict between employers and trade unions, to simplify our practical teaching and learning. Each participant will have the opportunity to read a mandatory reading book on critical conceptual elements. Also, each person will analyze a different judgment and thus understand the actual or potential role of the mediation, arbitration, or judicial system in the respective conflict resolution intervention. This draws relevant learning to be applied theoretically into a written case law analysis, a video presentation, a live question period, and a written Essay. That is the same apprenticeships needed in a labour conflict intervention situation by working for a government agency, private employer, trade union, or an NGO that operates in the field.

### Mandatory reading book:

David J. Doorety and Alison Braley-Rattai, *Canadian Labour Relations: Law, Policy, and Practice*, Second Edition (Toronto, Emond Publications, 2020). ISBN: 978-1-77255-621-6. Students can shop in stores or online via websites:

 [University of Ottawa New, Used, Rental and Digital Textbooks \(bkstr.com\)](https://www.bkstr.com/)

 <https://emond.ca/CLR2>

### Compilation of case law for individual mandatory reading and analysis:

1. [Canadian Merchant Service Guild v. Gagnon et al.](#), [1984] 1 S.C.R. 509
2. [Reference Re Public Service Employee Relations Act \(Alta.\)](#), [1987] 1 S.C.R. 313
3. [Bell Canada v. Quebec \(csst\)](#), [1988] 1 S.C.R. 749
4. [Professional Institute of the Public Service of Canada v. Northwest Territories \(Commissioner\)](#), [1990] 2 S.C.R. 367
5. [Canada \(Attorney General\) v. Public Service Alliance of Canada](#), [1991] 1 S.C.R. 614
6. [Cuddy Chicks Ltd. v. Ontario \(Labour Relations Board\)](#), [1991] 2 S.C.R. 5
7. [Lavigne v. Ontario Public Service Employees Union](#), [1991] 2 S.C.R. 211
8. [Central Okanagan School District No. 23 v. Renaud](#), [1992] 2 S.C.R. 970
9. [Comité paritaire de l'industrie de la chemise v. Potash; Comité paritaire de l'industrie de la chemise v. Sélection Milton](#), [1994] 2 S.C.R. 406
10. [Canadian Broadcasting Corp. v. Canada \(Labour Relations Board\)](#), [1995] 1 S.C.R. 157
11. [Weber v. Ontario Hydro](#), [1995] 2 S.C.R. 929
12. [Cie minière Québec Cartier v. Québec \(Grievances arbitrator\)](#), [1995] 2 S.C.R. 1095
13. [Royal Oak Mines Inc. v. Canada \(Labour Relations Board\)](#), [1996] 1 SCR 369
14. [Ross v. New Brunswick School District No. 15](#), [1996] 1 S.C.R. 825
15. [Pointe-Claire \(City\) v. Québec \(Labour Court\)](#), [1997] 1 S.C.R. 1015
16. [Delisle v. Canada \(Deputy Attorney General\)](#), [1999] 2 S.C.R. 989
17. [U.F.C.W., Local 1518 v. KMart Canada](#), [1999] 2 S.C.R. 1083
18. [British Columbia \(Public Service Employee Relations Commission\) v. BCGSEU](#), [1999] 3 S.C.R. 3
19. [R. v. Advance Cutting & Coring Ltd.](#), 2001 SCC 70
20. [Dunmore v. Ontario \(Attorney General\)](#), 2001 SCC 94
21. [R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages \(West\) Ltd.](#), 2002 SCC 8

22. [Berry v. Pulley](#), 2002 SCC 40
23. [Parry Sound \(District\) Social Services Administration Board v. O.P.S.E.U., Local 324](#), 2003 SCC 42
24. [Alberta Union of Provincial Employees v. Lethbridge Community College](#), 2004 SCC 28
25. [Newfoundland \(Treasury Board\) v. N.A.P.E.](#), [2004] 3 S.C.R. 381, 2004 SCC 66
26. [McGill University Health Centre \(Montreal General Hospital\) v. Syndicat des employés de l'Hôpital général de Montréal](#), 2007 SCC 4
27. [Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia](#), 2007 SCC 27
28. [Dunsmuir v. New Brunswick](#), 2008 SCC 9
29. [Plourde v. Wal-Mart Canada Corp.](#), 2009 SCC 54
30. [Consolidated Fastfrate Inc. v. Western Canada Council of Teamsters](#), 2009 SCC 53
31. [Syndicat de la fonction publique du Québec v. Quebec \(Attorney General\)](#), 2010 SCC 28
32. [Ontario \(Attorney General\) v. Fraser](#), 2011 SCC 20
33. [Nor-Man Regional Health Authority Inc. v. Manitoba Association of Health Care Professionals](#), 2011 SCC 59
34. [Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.](#), 2013 SCC 34
35. [Alberta \(Information and Privacy Commissioner\) v. United Food and Commercial Workers, Local 401](#), 2013 SCC 62
36. [Canada \(Attorney General\) v. Bedford](#), 2013 SCC 72
37. [United Food and Commercial Workers, Local 503 v. Wal-Mart Canada Corp.](#), 2014 SCC 45
38. [Mounted Police Association of Ontario v. Canada \(Attorney General\)](#), 2015 CSC 1
39. [Meredith v. Canada \(Attorney General\)](#), 2015 SCC 2
40. [Saskatchewan Federation of Labour v. Saskatchewan](#), 2015 SCC 4
41. [Commission scolaire de Laval v. Syndicat de l'enseignement de la région de Laval](#), 2016 SCC 8
42. [Wilson v. Atomic Energy of Canada Ltd.](#), 2016 SCC 29
43. [British Columbia Teachers' Federation v. British Columbia](#), 2016 SCC 49
44. [British Columbia Human Rights Tribunal v. Schrenk](#), 2017 SCC 62
45. [Quebec \(Commission des normes, de l'équité, de la santé et de la sécurité du travail\) v. Caron](#), 2018 SCC 3
46. [Chagnon v. Syndicat de la fonction publique et parapublique du Québec](#), 2018 SCC 39
47. [Modern Cleaning Concept Inc. v. Comité paritaire de l'entretien d'édifices publics de la région de Québec](#), 2019 SCC 28
48. [Canada Post Corp. v. Canadian Union of Postal Workers](#), 2019 SCC 67
49. [Northern Regional Health Authority v. Horrocks](#), 2021 SCC 42

**Notice:** Each student must analyze only one of these cases. The selection of the case is allocated under the rule of first-come, first-served, by the participation on the online forum. Students must rank the first, the second, and the third choices for one of the judgments listed as reading material.

#### **Other reading documents:**

1. Yves Le Bouthillier, Mario Torres & Nelson Arturo Ovalle Díaz, Building Constructive and Sound Labour Relations in Colombia – A contribution towards the improvement of labour practices in Colombia (Ottawa, 2022): [Recherche uO Research: Building Constructive and Sound Labour Relations in Colombia – A contribution towards the improvement of labour practices in Colombia \(uottawa.ca\)](#).
2. University of Ottawa v. Association of Part-time Professors of the University of Ottawa, 2023 CanLII 115869 (ON LA), <<https://canlii.ca/t/k1kcd>>

## Calendar and Evaluation Activities

Day	Description of activity	Mandatory readings, viewing or meeting	Type of evaluation
Friday, January 12, 2024.	<p>Presentation of the course, syllabus, explanations of the evaluations, as well as the distribution of judgments for individual analysis.</p> <p>Lecture</p>	<p>Syllabus and compilation of case law for individual mandatory reading and analysis.</p> <p><b>Chapter 5.</b> Introduction to the Collective Bargaining Regime and the Canadian Labour Movement.</p>	<p>On Brightspace, students must participate to select their first, second and third choice for one of the judgments to analyze.</p>
Friday, January 19, 2024.	<p>Lecture.</p> <p>Lecture.</p>	<p><b>Chapter 6.</b> A Brief History of Labour and the Law.</p> <p><b>Chapter 7.</b> Why Do Workers Join Unions, and What Effects Do Unions Have on Business?</p>	
Friday, January 26, 2024.	<p>Lecture.</p> <p>Workshop about how to analyze case law.</p>	<p><b>Chapter 8.</b> The Unionization Process.</p> <p>Nelson Arturo OVALLE DIAZ, <i>Theory of Case Law Analysis</i>.</p>	
Friday, February 2, 2024.	<p>Lecture.</p> <p>Lecture.</p>	<p><b>Chapter 9.</b> Unfair Labour Practices and the Right to Organize.</p> <p><b>Chapter 10.</b> Collective Bargaining and the Making of Collective Agreement.</p>	
Friday, February 9, 2024.	<p>Lecture.</p> <p>Lecture.</p>	<p><b>Chapter 11.</b> The Law of Industrial Conflict.</p> <p><b>Chapter 12.</b> The Collective Agreement.</p>	
Friday, February 16, 2024, before 7:00 p.m.	<p>In a single Word file, submission on Brightspace of a written case law analysis of a Supreme Court of Canada's judgment (15%).</p>		<p>Submission online in the virtual campus, in a Word file, before <b>7:00 p.m.</b></p>

Friday, February 23, 2024.	<b>Reading week:</b>	Yves Le Bouthillier, Mario Torres & Nelson Arturo Ovalle Díaz, Building Constructive and Sound Labour Relations in Colombia – A contribution towards the improvement of labour practices in Colombia (Ottawa, 2022): <a href="https://www.research.uottawa.ca/research/building-constructive-and-sound-labour-relations-in-colombia-a-contribution-towards-the-improvement-of-labour-practices-in-colombia">Recherche uO Research: Building Constructive and Sound Labour Relations in Colombia – A contribution towards the improvement of labour practices in Colombia (uottawa.ca)</a> .  University of Ottawa v. Association of Part-time Professors of the University of Ottawa, 2023 CanLII 115869 (ON LA), < <a href="https://canlii.ca/t/k1kcd">https://canlii.ca/t/k1kcd</a> >	
Friday, March 1, 2024.	Individual online <b>10-minute</b> meeting to give the first comments on the case law analysis and instruction for the video.	Each student with the professor, one person at a time. Since meeting all students takes more than three hours, online individual meetings start during office hours to finalize earlier that day, following the professor’s schedule.	
Friday, March 8, 2024.	Lecture  Lecture	<b>Chapter 13.</b> Grievances, Labour Arbitration, and “Just Cause” for Discipline in the Unionized Workplace.  <b>Chapter 14.</b> The Regulations of Union: Legal Status, the Duty of Fair Representation, and Decertification.	
Friday, March 15, 2024, before 7:00 p.m.	Submission of <b>10</b> minutes of recorded and edited video (mp4 file less than <b>1 GB</b> ) based on the case law analysis already submitted in writing.	<b>Note: To record and edit your video, you can use the software of your preference. For example, you can use PowerPoint:</b> <i>Using PowerPoint Cameo to add your webcam into presentations.</i> <a href="https://youtu.be/AdAodnrJsQg?feature=shared">https://youtu.be/AdAodnrJsQg?feature=shared</a> <i>Kevin Stratvert, How to Make a Video in PowerPoint - ppt to video.</i> <a href="https://youtu.be/D8JV3w4TQVw">https://youtu.be/D8JV3w4TQVw</a> <i>Kevin Stratvert, How to Make Video in PowerPoint.</i> <a href="https://youtu.be/VWUxQ3S8S_A">https://youtu.be/VWUxQ3S8S_A</a> <i>How to Easily Make a Video in PowerPoint (Slideshow &amp; Recording).</i> <a href="https://youtu.be/hisnhKK94nl?si=bNNijjZAnSBAbTP">https://youtu.be/hisnhKK94nl?si=bNNijjZAnSBAbTP</a> <i>Sharon Smith, Create Training Videos Using PowerPoint.</i> <a href="https://youtu.be/HD5q48xWSqY">https://youtu.be/HD5q48xWSqY</a>	Online submission to the virtual campus (Brightspace), before <b>7:00 p.m.</b>

Friday, March 22, 2024.	Viewing the <b>first third part of</b> oral presentations via pre-recorded videos and answering questions live in the classroom.	We will follow the chronological order of the judgments to view the <b>first</b> videos.	
Friday, April 5, 2024.	Viewing the <b>second series of</b> oral presentations via pre-recorded videos and answering questions live in the classroom.	We will follow the chronological order of the judgments to view the <b>second following series of</b> videos.	
Tuesday, April 9, 2024.	Viewing the <b>remaining</b> oral presentations via pre-recorded videos and answering questions live in the classroom.  Workshop on writing a work plan and a research paper ( <u>Essay</u> ).	We will follow the chronological order of the judgments to view the <b>remaining series</b> of videos.  <a href="#"><u>Canadian Guide to Uniform Legal Citation</u></a> , 10 <sup>th</sup> Edition, Toronto, Thomson Carswell, 2023 [Law Library: <a href="#"><u>KE 259.C353 2023</u></a> ].	
Friday, April 19, 2024.	Submit a research paper of <b>2.000</b> words between the beginning of the introduction and the end of the conclusion, using <b>five</b> different categories of sources and <b>50</b> pinpoint references in footnotes ( <b>50%</b> ).		Online submission to the virtual campus (Brightspace), <b>before 7:00 p.m.</b>

### *Participation/Attendance*

Class participation and attendance are essential elements of every student's learning experience, and the professor expects that students attend all classes.

Attendance is an evaluation element and a condition of final exam evaluation (research paper). Failing to comply with the course attendance policy specified in the syllabus may result in an EIN (Failure/Incomplete) grade. EIN is equivalent to a failure mark (F). Thus, most evaluations take place in the classroom. For example, answering questions live period in the classroom is mandatory and requires attendance in person; otherwise, the incomplete grade rule applies.

## SYNCHRONOUS TEACHING

---

The course is held in real time (synchronous).

Courses will be held in the classroom.

**Notice 1:** The teaching material for this course is protected by copyright. The sharing of these documents in any manner (including online platforms) is strictly prohibited. Students have access to this material only for learning purposes within the framework of this course; therefore, any form of copy, distribution, reproduction, or transmission is illicit and has disciplinary and legal penalties.

**Notice 2:** Materials and information posted on the virtual campus (Brightspace) will be available only during the respective semester. Once the exam period is finalized, the virtual campus will be inactive and inaccessible to anyone. Official notes will be verified, stored, and published directly by the civil law section.

**Notice 3:** If you have a question, please, raise your hand, and speak up to all. Only oral questions will be answered immediately by the professor.

### Technological Tips for Class Meetings

- Learners must connect to Brightspace at any time during the course.
- Learners must participate in the course activities, including quizzes and discussion forums.
- Make sure to attend class in a quiet setting.

**Technological Skills:** Students must be able to: apply knowledge using online tools, develop autonomy, develop skills, and make use of appropriate resources to be sufficiently prepared for evaluation activities.

**Etiquette and respect:** We must always be respectful. Harassment of any form is not tolerated. We must all contribute to making the learning space pleasant and professional.

The communication between the professor and the students will happen only in person, via Microsoft Teams or email. It is important to follow certain rules of etiquette when you send a message, such as.

- Always indicate your course code, section, and your name.
- Write a subject to your message.
- Wait 48 hours before sending any reminders.

### Policy on Language Quality and Late Submissions

Class attendance is necessary to successfully complete this course. Since **10%** percent of the mark involves quizzes and group discussion forums during class hours, thus participation is required for succeeding in this course. Absences will be penalized with an incomplete grade if necessary.

You will also be judged on your writing abilities. It is recommended to take the appropriate measures to avoid mistakes such as spelling, syntax, punctuation, inappropriate use of terms. You may be penalized up to **20%**, to the corrector's discretion.

Late submissions are not tolerated. Exceptions are made only for illness, or other serious situations deemed as such by the professor. *There will be a penalty for late submissions.* University regulations require all absences from exams, and all late submissions due to illness to be supported by a medical certificate.

Students who are excused for missing an exam will be required to write a deferred exam or paper.

DFR forms must be completed for both midterms and final exams. Once completed, the form with supporting documentation (ex. medical certificate) will automatically be sent to the academic unit which offers the course. Please, verify the conditions of Academic Regulation.

Absence for any other serious reason must be justified in writing. The faculty reserves the right to accept or refuse the reason. Reasons such as travel, jobs, or any misreading of the examination timetable are not acceptable.

### Penalty:

A penalty of **10%** will be given for each subsequent calendar day following the due date. This goes for assignments submitted through email as well (virtual campus), and, in this case, the time that the email was received will be counted as the time of submission of the document.

We suggest that you inform your professor as early as possible if a religious holiday or a religious event will force you to be absent during an evaluation.

### Sexual violence: support and prevention

The University of Ottawa does not tolerate any form of sexual violence. Sexual violence refers to any act of a sexual nature committed without consent, such as rape, sexual harassment, or online harassment. The University, as well as student and employee associations, offers a full range of resources and services allowing members of our community to receive information and confidential assistance and providing for a procedure to report an incident or make a complaint.

### **Resources for You**

#### **ACADEMIC WRITING HELP CENTRE** - [Academic writing help | Study \(uottawa.ca\)](#)

At the AWHC you will learn how to identify, correct, and ultimately avoid errors in your writing and become an autonomous writer. In working with our Writing Advisors, you will be able to acquire the abilities, strategies and writing tools that will enable you to:

- **Master the written language of your choice**
- **Expand your critical thinking abilities**
- **Develop your argumentation skills**
- **Learn what the expectations are for academic writing**

#### COUNSELLING AND COACHING - <http://sass.uottawa.ca/en/personal>

There are many reasons to take advantage of the Counselling Service. We offer:

- Personal counselling
- Career counselling
- Study skills counselling

#### **HUMAN RIGHTS OFFICE** - [Human Rights Office | About us \(uottawa.ca\)](#)

##### **Mandate:**

To provide leadership in the creation, implementation and evaluation of policies, procedures and practices on diversity, inclusion, equity, accessibility and the prevention of harassment and discrimination.

##### **Contact information:**

1 Stewart St. (Main Floor – Room 121) - Tel.: 613-562-5222 / Email: [respect@uOttawa.ca](mailto:respect@uOttawa.ca)

#### CAREER DEVELOPMENT CENTRE - <https://www.uottawa.ca/current-students/career-experiential-learning/career-development>

Career Development Centre offers various services and resources in career development to enable you to recognize and enhance the employability skills you need in today's world of work.

#### STUDENT RESOURCE CENTRES

The Student Resources Centres aim to fulfil all sorts of student needs.

## Academic GPS

The Academic GPS hub is a one-stop shop for academic support. Whether you're an experienced student or just starting out, you'll find some great resources to help you succeed.

### With the Academic GPS, you can

- chat with a mentor seven days a week
- register for study groups
- take part in study methods workshops (note taking, time management, exam preparation, stress management, etc.),
- book an appointment with a mentor.

For more information: [uOttawa.saea-tlss.ca/en/academic-gps](http://uOttawa.saea-tlss.ca/en/academic-gps)

## Health and Wellness

Your wellness is an integral part of your success. If you don't feel well, it can be hard to focus on your studies. Dedicated professionals and fellow students who care about you are always ready to provide advice and support. Depending on your needs, many activities and services exist to accompany you during your academic journey. Services include

- opportunities to connect;
- counselling sessions
- peer support;
- physical activity;
- wellness activities and workshops;
- spiritual guidance.

If you want to connect with a counsellor, you can book an appointment online or go to their walk-in clinic at 100 Marie-Curie, fourth floor. You can also drop-in to our wellness space, chat online with a peer helper, or access 24/7 professional help through the website.

For more information and to access these services, go to [uOttawa.ca/wellness](http://uOttawa.ca/wellness).

## Academic accommodations

We try to make sure all students with disabilities have equal access to learning and research environments, the physical campus and University-related programs and activities. The Academic Accommodations service works with other campus services to create an accessible campus learning environment, where students with disabilities have an equal opportunity to flourish. We offer a wide range of services and resources, provided with

expertise, professionalism, and confidentiality.

**Some services we offer:**

- Help for students with disabilities in making the transition
- Permanent and temporary accommodation measures
- Learning strategy development
- Adaptive exams
- Transcriptions of learning material
- Interpretation (ASL and LSQ)
- Assistive technologies

If you think that you might need any of our services or supports, [email the Academic Accommodations service \(adapt@uOttawa.ca\)](mailto:adapt@uOttawa.ca).

---

### Intellectual Property Rights

All materials prepared by the course participants, including instructions, class handouts, videos, audio, and exam materials, are protected by copyright. Copying, scanning, reproducing, or posting on a website or any other means constitutes copyright infringement and is illegal.

All rights reserved. Reproduction, transmission, or computer capture of the course materials, in any form, electronic, mechanical, or photographic, is prohibited without the prior written permission of the instructors who participated in their creation.

The material published on the virtual campus belongs to the respective authors. Students have access to this material only during the semester and for learning purposes within this course; therefore, any form of distribution, reproduction or transmission is prohibited.

## Evaluation of the Case Law Analysis

Element of analysis	Score	Feedback
1. Style of the cause, reference, citation, or name of the case	/0.2	
2. Judicial instance who decided the analyzed case	/0.3	
3. Parties in dispute	/0.3	
4. Day of the judgment in analysis	/0.2	
5. Legal nature of the dispute, and specific legal topic	/1	
6. Relevant facts and evidence	/1	
7. Procedural history of the case or prior judgments in the same judicial procedure	/1	
8. Questions of law or legal issues in dispute	/1	
9. Arguments of the parties	/1	
10. Legal rules applied to the dispute according to the judges (majority)	/1	
11. Reasons for the decision or <i>ratio decidendi</i> (majority)	/1	
12. Incidental remarks of interest or <i>obiter dicta</i>	/1	
13. Reasons for dissent, on the motifs, or concerning the conclusion of the case (minority judges)	/1	
14. Decision, Holding, Disposition, Conclusion, or Results of the Judgment	/1	
15. Synthesis, evaluation, and comments:		
A). Meaning of the decision (confirmation of a judicial precedent, development of a distinction, or development of a new legal precedent).	/1	
B). What is the theoretical perspective or approach of the judgment? This is also the theoretical impact on the labour community's discourse and the influences on regimes of work law (common law regime, regulatory regime, collective bargaining regime, or even the human rights regime).	/2	
C). Scope of the decision (personal comments on terms of philosophical, ideological, school of thought or other beliefs which impact our lives).	/1	
<b>Total</b>	<b>/15</b>	

## **General criteria for evaluating the recorded video and live answers.**

For a recorded video presentation to merit more than **23** out of 25 points, it must be exceptional. In other words, it must not have any errors or unfavourable comments.

For a recorded video presentation to score between **20 – 23** out of 25 points, it must be excellent. In other words, it may have a microscopic margin of error that is imperceptible to inexperienced people, but which is only noticeable to an expert (the professor).

For a recorded video presentation to score between **17 – 20** out of 25 points, it must be very good. In other words, it may have an insignificant margin of error that is imperceptible to the public, but the most attentive classmate may perceive a mistake.

For a recorded video presentation to score between **14 – 17** out of 25 points, it must be good. It may have a minor margin of error that can be detected by the public, but it is always justifiable since the prior preparation was successful.

For a recorded video presentation to score between **12.5 – 14** out of 25 points, it must be satisfactory. It may have an acceptable margin of error that can be identified by the public, but it can still be justified for a good reason given an unforeseen situation that is never attributable to the presenter.

For a recorded video presentation to score lower than **12.5** out of 25 points, it must be prepared and rescheduled for a new semester because the margin of error is large and unjustifiable.

## Evaluation rubric for the recorded video presentation and live answers.

Evaluated student: \_\_\_\_\_

Judgment: \_\_\_\_\_

Date of the speech: \_\_\_\_\_

Specific evaluation criteria	Score	Reviews from the professor
<p>The preliminary preparation and the submission on an MP4 file in less than 1 Gb fulfil the requirements.</p> <p>The relevance between the speech and the additional elements of the video (texts, images, etc.), and the quality of video editing deserves the higher acknowledgment possible.</p> <p>Respecting the calendar as well as the time allocated (<b>10 minutes</b>).</p> <p>The ability to detach oneself from the text, visual control of the webcam (when speaking, your face must be included in the video), spontaneity, quality of oral expression, appropriate rhythm, and sureness in front of the audience deserves the higher acknowledgment possible.</p>	/5	
<p>The clarity on the timeline, the relevant facts, and the history of the case are explicitly presented.</p> <p>Presentation of the legal reasoning of the judgment (this includes the legal views under discussion and the arguments of litigators, majority, and dissenting judges).</p> <p>Ability to present and explain the consequences between the <i>ratio decidendi</i> of the judgment and the meaning as a judicial precedent into the regimes of work law and into specific workplaces.</p>	/5	
<p>Ability to make the critical link between your case law analysis and the concepts studied in the class. The elaboration on how to transfer knowledge from this case law to the general field of labour law is well explained.</p>	/5	
<p>The general organization and quality of the speech, the content, the precision (pinpoint references), and the scientific rigour of the discourse constitute an exceptional model to follow.</p>	/5	
<p>The relevance of the answers to the questions on the live meeting.<sup>2</sup></p>	5	
<p><b>Total</b></p>	<b>/25</b>	

<sup>2</sup> **Notice:** The attendance of the presenters in the classroom on the day of the answers to the questions live is mandatory. Failing to comply with this oral evaluation results in a grade EIN (Incomplete/Failure).

**General criteria for evaluating a research paper or an essay: It is a research investigation in law; it is a procedure to develop new legal knowledge through a structured study or a systematic analysis of relevant sources to answer a research question.**

For a law essay to merit **A+**, research must be original and exceptional and must be characterized by in-depth analysis on a very specific topic related to the general course objectives while also considering the different regimes of work law that coexist at the same time, and in the same territory. In other words, the essay must not have any errors or unfavourable comments. The paper deserves to be published because it provides the academic community with an original contribution to the knowledge development of labour law.

For a law essay to score between **A- and A**, it must be excellent. In other words, the essay may have a microscopic or imperceptible margin of error to the unacquainted, but this margin of error is only noticeable to an expert (the evaluator). The essay could be published with minor corrections.

It must be very good for a law essay to score between **B and B+**. In other words, the essay may have a little margin of error that is perceptible to the best classmate. The margin of error identified does not affect the consistency between the thesis, development, and conclusion.

For a law essay to score between **C and C+**, it must be good. The essay may have a minor margin of error that the public can detect; nevertheless, the essay is always consistent from beginning to end.

For a law essay to score between **D and D+**, it must be satisfactory. The essay may have an acceptable margin of error that the public can identify, but the error can be justified for good reasons given the exceptional circumstances.

For a law essay to warrant a failing grade, it must lack consistency and rigour either in the content or form. The research paper must be written again because the margin of error is large and unjustifiable.

## Evaluation rubric for the research paper

Name of the student: \_\_\_\_\_ Case law analyzed: \_\_\_\_\_ Title of the paper: \_\_\_\_\_

Specific evaluation criteria	Score	Reviews from the professor
Does the number of words respect the target expected for the assignment? Does the legal dissertation have a clear and coherent construction? The final version of the table of contents presents a well-structured list of arguments in the form of titles and subtitles. Do the pinpoint-footnote bibliographical references reflect exactly the bibliography and is the same also true of the inverse?	/5	
Does the written language respect the level of academic work?	/5	
Does the bibliography used in the citations contain at least five categories of different sources? The assignment must include the following categories: legislation, jurisprudence, recognized doctrine, government documents, and foreign or international legal instruments. There must be at least <b>50</b> combined and relevant footnote pinpoint citations in each legal essay. Citations from newspapers and blogs do not count.	/5	
Are the legal citation rules respected? Quotations, paraphrases, and summaries are ways of borrowing other people's ideas; to do so lawfully, you must cite the source. This involves using the traditional method of pinpointing footnotes to avoid distraction when reading the text. Please follow the <i>Canadian Guide to Uniform Legal Citation</i> , 10 <sup>th</sup> Edition, Toronto, Thomson Carswell, 2023 [Law Library: <b>KE 259 .C353 2023</b> ], online: <a href="https://ocul-uo.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991006780929705161&amp;context=L&amp;vid=01O_CUL_UO:UO_DEFAULT&amp;lang=en&amp;search_scope=MyInst_and_CI&amp;adaptor=Local%20Search%20Engine&amp;tab=Everything&amp;query=any,contains,Canadian%20Guide%20to%20Uniform%20Legal%20Citation">https://ocul-uo.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991006780929705161&amp;context=L&amp;vid=01O_CUL_UO:UO_DEFAULT&amp;lang=en&amp;search_scope=MyInst_and_CI&amp;adaptor=Local%20Search%20Engine&amp;tab=Everything&amp;query=any,contains,Canadian%20Guide%20to%20Uniform%20Legal%20Citation</a>	/5	
Does the assignment content make specific and relevant references to at least <b>two</b> judgments from the case law collection published on the course's virtual campus? The case law collection is a mandatory read, and there must be at least <b>five</b> relevant bibliographic pinpoint references in footnotes format from the course's case law collection. Does the development of the subject make the critical link between the legal essay and the concepts studied in class? There must be at least <b>10</b> bibliographic pinpoint references relevant to the mandatory reading book.	/5	
Does the introduction clearly identify the subject of the legal dissertation by announcing a working thesis explicitly, clearly, and precisely, and does the thesis express a cause-and-effect relationship?	/5	
Do the arguments and supporting evidence logically lead to the conclusion by confirming or disapproving the announced thesis? Any inconsistency will be penalized.	/10	
The research paper is of an exceptional overall quality that merits a publication as a peer-review article given its authentic contribution to the knowledge development of the labour law.	/10	
<b>Total</b>	<b>/50</b>	