



ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo

Department of Sociology and Legal Studies

LS 330 Section 001, Winter 2022

Labour Law in Precarious Times

We acknowledge that we are living and working on the traditional territory of the Attawandaron (also known as Neutral), Anishinaabe and Haudenosaunee peoples. St. Jerome's University is situated on the Haldimand Tract, the land promised to the Six Nations that includes ten kilometres on each side of the Grand River.

Course Information

This course will be held remotely. Attendance is preferred, as you will be able to interact via Zoom with the professor and your classmates. If 'live' attendance is not possible, then it is expected that you will keep up to date with the recording and Discussion Board conversations on LEARN.

1.5 hour lecture/ wk

Wednesdays 10:00-11:30am, *online: Zoom.*

Instructor Information

Instructor: Dr Anastasia Tataryn

Office: Sweeney Hall 2008

Office Hours: *it is advisable to email me to arrange for a Zoom meeting at a mutually convenient time. If in person is preferable, then please email to confirm a Monday appointment, between 10-12pm.*

Email: atataryn@uwaterloo.ca

Course Description

This course explores themes of labour and employment law. Focus will be placed on the rise of non-standard labour arrangements, precarious employment, and questions of legal regulation, market priorities and value.

Course Objectives

This is an upper year lecture course. As such, the first objective is for students to integrate their readings with lecture discussions – it is expected that students will keep up with required readings and attend the lecture having read the reading, ideally with questions and comments to share with the class. Despite the lectures being held remotely, there will be ample opportunity for discussion and students are encouraged to participate to test, and

challenge, their knowledge and understanding of concepts. The second objective, related to the first, is to foster an atmosphere of critical thinking and for students to engage with labour law mindful of its interdisciplinary and interconnected nature.

Required Texts

David Doorey, *Law of Work* 2nd ed. Emond Publishing, 2020.

Additional required and supplementary readings can be accessed through the Library Course Reserves. Some of these other readings will be also posted on LEARN.

Course Requirements and Assessment

Participation (LEARN discussion board and Zoom break-out groups, throughout term): 10%

Take-Home Exam (analyse readings and respond to questions based on content): 35%

Essay Prep Assignment (thesis statement, outline and bibliography): 15%

Final Essay on Assigned Topic (research and analysis, 10-12 pages): 40%

Assessment Breakdown

Participation (LEARN discussion board and Zoom break-out groups, throughout term): 10%

Course Participation (10%)

Students are expected to engage with each week of content (lecture and readings) having completed the readings and attend(ed) the lecture, even if this means listening to recording soon after the live event. Each week, each student is required to comment – respond to an existing comment or start a new thread – on the LEARN discussion board OR in the live lecture. Comments can be a question, they can be an appropriate example related to the content, or if this is in the live (online) lecture than this can be an answer to a question posed by the professor.

Your participation will be assessed based on the quality and content of your weekly question as well as your responses and participation in discussions, commenting and engaging with, each week's content. Make-up comments/questions will not be permitted. You must stay on top of the material from week to week.

Take-Home Assignment (analyse readings and respond to questions based on content, 35%, released Wednesday Feb 16th 10am. Due Friday Feb 18th by 10am):

Responses to the four questions are expected to be well-written, edited and not in point form. These are not mini-essays, so be reasonable with your responses – no more than 6 pages double spaced should be submitted in total.

When referencing external sources, follow the Student Handbook on Citations. Exams will be submitted through Turnitin to avoid any issues of academic integrity.

Essay Prep Assignment (thesis statement, outline and bibliography, 15%, due Friday March 18th 5pm):

Students will write a two-page outline of their final research paper that includes a summary of their thesis statement (e.g. main argument; point of the essay), how they will go about building this argument, how their argument will relate to existing research and to broader debates in the course, and why their topic is important. The outline should be written in full sentences (avoid point form), like the first pages of a research paper.

A critical engagement with topics is expected, as well as demonstration of external research. Students will submit their outline along with a single-spaced bibliography of at least five academic sources they have examined so far for their research paper. The bibliography should include full bibliographic information for each source following the Student Handbook on Citations found on the LEARN course page.

Once the essay plans and bibliographies are assessed, students will have the opportunity for a discussion with the professor during the live lecture, to ask for any clarification on feedback.

Final Essay on Assigned Topic (research and analysis, 10-12 pages, 40%, due Monday April 4th 11:59pm):

This essay will be due at the end of the course and should be no more than 10-12 pages double spaced, Times New Roman 12-pnt font, not including title page and references/bibliography.

The essay is meant to be an accumulation of materials and topics covered in the course but must be based primarily on external research. A full, properly referenced bibliography and footnotes are expected. More details will follow in seminar, and a supplementary course readings list will be provided on LEARN to help kick-start research.

Essays will be submitted through Turnitin to avoid any issues of academic integrity.

SCHEDULE (<i>subject to change</i>)	
Seminar Theme and Topic	Readings
WEEK 1: Jan 5	
The Law of Work: Key Terms and Introduction	Doorey textbook: Chapter 1 (David Doorey, <i>Law of Work</i> 2 nd ed. Emond Publishing, 2020). Diamond Ashiagbor, 'Labour and Employment' Chapter 37, pg 182-186. <i>The Routledge Handbook of Law and Society</i> (2021). <i>Course Reserves</i> .

<p>WEEK 2: Jan 12</p> <p>What is Employment?</p>	<p>Doorey textbook: Chapters 2 and 4</p> <ul style="list-style-type: none"> - Pg 65: Applying the Law break-out groups / LEARN discussion board
<p>WEEK 3: Jan 19</p> <p>The Contract of Employment</p>	<p>Doorey textbook: Chapters 5, 6 & 7</p> <ul style="list-style-type: none"> - Pg 110: Applying the Law break-out groups / LEARN discussion board
<p>WEEK 4: Jan 26</p> <p>Regulatory Regime of Labour</p> <ul style="list-style-type: none"> - Wage regulation - Working time 	<p>Doorey textbook: Chapters 17, 18 & 19</p>
<p>WEEK 5: Feb 2</p> <p>Human Rights at Work</p>	<p>Doorey textbook: Chapters 21 & 22</p> <p><i>Supplementary: Chapter 39, Canadian Charter.</i></p>
<p>WEEK 6: Feb 9</p> <p>Gender and Work</p>	<p>Judy Fudge and Guy Mundlak, 'Law and Gendered Labour Market Segmentation' <i>International Labour Review</i> Online First: November 2021. https://doi-org.proxy.lib.uwaterloo.ca/10.1111/ilr.12339. <i>Course Reserves.</i></p> <p>Rebecca Zahn, 'Trade unions, the gig economy and the feminisation of work: lessons from the past?' In <i>Theorising Labour Law in a Changing World: Towards Inclusive Labour Law</i> (2019). <i>Course Reserves.</i></p>

WEEK 7: Feb 16

Take Home Written Assignment – 48 hours, released at 10am on Wed Feb 16

Take-Home Exam (analyse readings and respond to questions based on content, 35%, released Wednesday Feb 16th 10am. Due Friday Feb 18th by 10am):

Responses to the four questions are expected to be well-written, edited and not in point form. These are not mini-essays, so be reasonable with your responses – no more than 6 pages double spaced should be submitted in total.

READING WEEK: Feb 19 – no lecture, no readings

WEEK 8: March 2

Labour Migration Law

Doorey textbook: Chapter 25
- Discussion question for break-out groups // LEARN discussion board: pg 419 question #5.

Bridget Anderson, Ruhs, M., & Poeschel, F. (2021). 'Rethinking labour migration: Covid-19, essential work, and systemic resilience'. *Comparative Migration Studies*, 9(1), [45].
<https://doi.org/10.1186/s40878-021-00252-2>

WEEK 9: March 9

Privacy at Work

Doorey textbook: Chapter 26

Watch Ken Loach's *Sorry We Missed You*.

WEEK 10: March 16

Labour Law in a Digital Era

Essay Prep Assignment (thesis statement, outline and bibliography, 15%) Due Friday March 18th 5pm

IN CLASS // ON LEARN *DISCUSSION of film and these readings:*

Carlotta Benvegnù, Nelli Kampouri, "Platformization" beyond the Point of Production: Reproductive Labor and Gender Roles in the Ride-Hailing and Food-Delivery Sectors. *South Atlantic Quarterly* (2021) 120 (4): 733–747. doi: <https://doi-org.proxy.lib.uwaterloo.ca/10.1215/00382876-9443294>

Seili Suder, Andra Siibak, 'Proportionate response to a COVID-19 threat? Use of apps and other technologies for monitoring

<p>employees under the EU data protection framework’ <i>International Labour Review</i> Online First: 26 August 2021 https://doi-org.proxy.lib.uwaterloo.ca/10.1111/ilr.12331 <i>Course Reserves</i>.</p>	
<p>WEEK 11: March 23</p>	
<p>International Trade and Labour Law</p>	<p>Doorey textbook: Chapter 27</p> <p>Adelle Blackett. ‘Domestic Work: Transnational regulation’ Chapter 22, pg 119-123. <i>The Routledge Handbook of Law and Society</i> (2021). <i>Course Reserves</i>.</p>
<p>WEEK 12: March 12</p>	
<p>Course Review, no readings</p>	<p>Final Essay on Assigned Topic (research and analysis, 10-12 pages, 40%) due Monday April 4th 11:59pm. DROPBOX</p>

Submission and Return of Assignments

Submit electronic copies of all essays via the DropBox on LEARN. Essays will be automatically time-stamped to indicate on-time submission. Essays will be graded within two weeks of the date of submission; essay comments and grades will be posted on LEARN.

Late Assignments

Any assignment submitted after the date and time that it is due will be subjected to a 5% per day late penalty. For example, if you submit a paper that is assessed at 85%, it will fall to 80% if you submit it late by one day, 75% for two days, and 70% for three (and so on). Your assignment will not be accepted if it is more than 7 days late. There are no make-up or grade weighting re-arrangement options for any assignment.

Accommodations will only be considered if:

- (a) you are ill and submit a *University of Waterloo Verification of Illness Form* to the course instructor as soon as possible;
- (b) there was a death of a family member, which you can prove through official documentation (travel receipts will not suffice) submitted to the course instructor;
- (c) due dates conflict with important dates on your religious calendar, and you have informed the course instructor of this fact;
- (d) you are [registered with AccessAbility Services](#) and can provide the course instructor with

the relevant documentation.

Do familiarize yourself with the University of Waterloo's policies on what your responsibilities are in the event of a late or missed course requirement:

https://uwaterloo.ca/registrar/finalexaminations/examination-regulations-and-related-matters#acc_illness

Keep in mind the following regulations:

Students in on-campus courses who are ill and unable to meet assignment due dates or write a term test or final examination should seek medical treatment and provide confirmation of the illness to the instructor(s) within 48 hours by submitting a completed *University of Waterloo Verification of Illness Form* to support requests for accommodation due to illness. The *University of Waterloo Verification of Illness Form* is normally the only acceptable medical documentation and is available on line at uwaterloo.ca/health-services/student-medicalclinic/services/verification-illness. Students who consult their physician or use the services of an off-campus walk-in clinic must provide this form to the attending physician for completion; doctors' notes and forms created by the physician or clinic are normally not acceptable.

Attendance and Participation

All students are entitled to one penalty-free missed class for which no documentation is necessary. If a student misses more than one class, official documentation must be provided to the professor as soon as possible that demonstrates the reason for absence. Only official documentation related to (a) death of a family member; (b) illness; (c) AccessAbility; and (d) UW-recognized religious holidays will be considered – for more details on types of documentation, see 'Late and Missed Course Requirements'. If no official documentation is received, the student can expect deductions of 5% per missed class from the overall participation grade.

Electronic Devices

No off-task use of technology is permitted during course participation. Any violations will result in deductions to the student's overall participation grade.

Correspondence with Professor

Email is the best way to reach the professor. I will aim to reply to emails within 2 business days (Monday to Friday, 8:30am-4:30pm, holidays exempted).

Privacy and Copyright

Materials, lectures, and all audio, video and written content on LEARN is absolutely not to be circulated or reproduced beyond LEARN and LS 496. Please be considerate and respectful of your colleagues' and your professor's privacy. The professor maintains copyright over this course (recordings, syllabus included). It is the intellectual property of the professor and not

to be copied or reproduced for any purposes without explicit permission.

Intellectual property includes items such as:

- Lecture content, spoken and written (and any audio/video recording thereof);
- Lecture handouts, presentations, and other materials prepared for the course (e.g., PowerPoint slides);
- Questions or solution sets from various types of assessments (e.g., assignments, quizzes, tests, final exams); and
- Work protected by copyright (e.g., any work authored by the instructor or TA or used by the instructor or TA with permission of the copyright owner).

Course materials and the intellectual property contained therein, are used to enhance a student's educational experience. However, sharing this intellectual property without the intellectual property owner's permission is a violation of intellectual property rights. For this reason, it is necessary to ask the instructor, TA, and/or St. Jerome's University for permission before uploading and sharing the intellectual property of others online (e.g., to an online repository).

Permission from an instructor, TA, or the University is also necessary before sharing the intellectual property of others from completed courses with students taking the same/similar courses in subsequent terms/years. In many cases, instructors might be happy to allow distribution of certain materials. However, doing so without expressed permission is considered a violation of intellectual property rights.

Please alert the instructor if you become aware of intellectual property belonging to others (past or present) circulating, either through the student body or online. The intellectual property rights owner deserves to know (and may have already given their consent).

Re-marking Course Work

Assignments are marked carefully in this course. Re-grades are highly unlikely to result in perceptible changes to your final grade and are strongly discouraged. However, if you feel that the grader has made a serious error in grading your work and you would like to request that the work be re-marked, you must write a detailed email in which you identify the questions or portions of the assignment or test that you believe were marked incorrectly and why you think the marking was incorrect. Please note that the effort you put into the assignment and your future plans (needing high grades for law school, etc.) are not valid reasons for requesting a re-grade. Submit the email to the professor during office hours together with the marked test or assignment. The professor will pass it on to the TA who graded it to be re-marked. Work will not be re-marked without a written request. The deadline for requesting a re-marking is *two weeks* from the date the course work was handed back in class. If the work was re-marked by the TA and you feel it is necessary to appeal the outcome, you may submit it to the professor during office hours with your original memo and the TA's written response. Attach a note stating that you wish to request

a second re-marking and why. The deadline for this request is two weeks from the date the first re-mark was made available for pick-up.

Please note that the TA or professor *will re-mark the entire test or assignment*, not simply the questions or portion you believe were scored improperly. The re-grader may discover errors that were not detected in the first marking of the assignment or test. As a result, *it is possible that your revised mark will go down*, rather than going up or staying the same. The revised mark will stand.

OTHER IMPORTANT INFORMATION

Academic Integrity In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect, and responsibility. [Check www.uwaterloo.ca/academicintegrity/ for more information.]

Grievance: A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on Student Petitions and Grievances, www.sju.ca/sites/default/files/upload_file/PLCY_AOM_Student-Petitions-and-Grievances_20151211-SJUSCapproved.pdf. When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. [Check www.uwaterloo.ca/academicintegrity/ for more information.] A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course instructor, academic advisor, or the Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on Student Discipline, www.sju.ca/sites/default/files/PLCY_AOM_Student-Discipline_20131122_SJUSCapproved.pdf. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, www.adm.uwaterloo.ca/infosec/Policies/policy71.htm. For typical penalties, check the Guidelines for the Assessment of Penalties, www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm.

Appeals: A decision made or penalty imposed under the St. Jerome's University Policy on Student Petitions and Grievances (other than a petition) or the St. Jerome's University Policy on Student Discipline may be appealed if there is a ground. A student who believes they have a ground for an appeal should refer to the St. Jerome's University Policy on Student Appeals, www.sju.ca/sites/default/files/PLCY_AOM_Student-Appeals_20131122-SJUSCapproved.pdf.

Note for students with disabilities: AccessAbility Services, located in Needles Hall (Room 1401) at the University of Waterloo, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility Services at the beginning of each academic term, www.uwaterloo.ca/accessability-services/.