ST. JEROME'S UNIVERSITY

St. Jerome's University in the University of Waterloo
Department of Sociology and Legal Studies
LS 496 002 Fall 2021
Legal Studies Special Topics: PRECARIOUS WORK IN A DIGITAL AGE
Wednesdays 13:00-14:30 *Zoom*

Instructor Information

Instructor: Dr Anastasia Tataryn
Office: Sweeney Hall 2008 (access TBA)
Virtual Office Hours: Wednesdays 15:00-17:00
Email: atataryn@uwaterloo.ca

Course Description

What has happened to the world of work? How do we regulate work and labour? The standards and categories of employment and labour law are based on an industrial relations model, one that harkens back to a bygone era. How can we understand and protect people at work today? Particularly attuned to the current changes in online, remote and digital work, this special topics course will investigate and explore topics in labour law that pose a challenge to traditional, existing frames of law and legal regulation. Students will explore questions of precarious labour, digital and platform economies, automation and algorithms at work, with emphasis on the populations who are most affected by the absence of legal protection for persons in non-standard, atypical work.

Course Objectives

This is a senior seminar, so the first objective is to encourage students to take ownership of the course. Other than a few opening remarks and guiding questions from the course instructor, the students themselves are responsible for setting the tone and tempo of the in-class/ online seminar experience. The second objective, related to the first, is to foster an environment of respectful and knowledgeable critique and engagement, which is essential to effective scholarly debate. This means that students must be exceptionally well-prepared on a weekly basis to not only answer, but also ask pointed questions that demonstrate your critical reading and thinking skills.

Required Texts

I, and many of us, are settlers, visitors on the Haldimand Tract, a portion of the traditional territory of the Attawandaron, Anishnaabeg, and Haudenosaunee peoples. One truth about this land is the broken and breached treaties with Indigenous people of the Six Nations by the Canadian government. This is only one of many truths to tell about the historical and current injustices of colonial practice which currently affords me unearned privilege not shared with most Indigenous peoples who for hundreds of years were stewards of this land. It is with humility, gratitude and a need to learn and listen, that I aim to care for and respect the land.

All readings listed in this outline can be accessed through the Library Course Reserves. All other supplementary readings or research material are to be accessed through the UW Library Database.

There are two (2) key articles required as readings for each seminar week. Supplementary readings, provided throughout the course, are meant to be cross-referenced for seminars and research purposes. More details in seminar and on LEARN.

Course Requirements and Assessment

25% Seminar Leadership
15% Seminar Participation

20% Essay Plan with Annotated Bibliography OR Detailed Project Plan with Annotated
40% Final Essay OR project submission

Assessment Breakdown

15% Seminar Participation:

Students are expected to engage with each seminar having completed the readings. Each seminar, each and every student is to post a question, by each Monday morning 10am, related to that week's readings on the Discussion Board on LEARN for the seminar week. At the beginning of each week, the instructor will ensure that all questions have been added. Each added 'Hat' question is one point contribution to your overall participation grade (9 weeks = 9 points, 9% out of 15%). The questions will spark discussion and are meant to raise any issues with unclear concepts or confusion from the readings, or anything that may be controversial, or of particular interest. In addition to the weekly Hat question, 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 presentations and seminar content. Make-up questions will not be permitted. You must stay on top of the material from week to week.

25% Seminar Leadership:

In the first class, students will sign up to present the readings for one week. Students will work together in pairs to present the two articles for their designated week. The aim is for the seminar leaders to summarize the readings, describing each author's key theoretical and methodological approach(es) (we will discuss how to do this in class), and trace how the authors build their arguments. Handouts may be used/ provided for the seminar participants. The seminar leaders will be required to relate the readings to the other readings and/or current events, previous seminar discussions and overall themes of the

course, as well as to relevant 'real-life' events (past or present). Feel free to research beyond the two articles, using the supplementary reading list as a guide or starting point.

Seminar leaders are asked to critically discuss the articles, to engage deeply with the themes, identifying both how the author contributed to discussion in the field and some limitations of the author's contribution. The seminar leaders will be asked to conclude their presentation by identifying two or three questions for discussion that arise from the readings.

The seminar leaders will then lead the class in a discussion of these questions, incorporating questions from the Hat. The discussion should be inclusive and well facilitated, encouraging contributions from all seminar participants. Discussions aim to be both an in-depth discussion of the texts and a creative process of linking the texts to other texts, ideas, and 'real-life' events.

You, in pairs, can decide how to divide the preparation and the presentation time amongst themselves, but each student's presentation should include analysis as outlined above (not just description), and each student should speak for not more than 15 minutes in total (not including facilitating the discussion after). Each student's mark will be assigned by the professor based on their own part of the presentation and on the overall performance of their seminar.

20% Essay Plan with Annotated Bibliography OR Detailed Project Plan with Annotated:

Students will write a two-paged outline of their proposed final research paper that includes a summary of their proposed argument, 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.

Essay topics will be discussed in advance during seminars – which is why attendance to all seminars is crucial – and must be aligned with at least one of the seminar themes/topics. The authors and journals listed in the seminar reading lists are meant to be a good starting point for research and research topics.

If a student chooses a research project rather than an essay, the student must discuss their idea and plan one-to-one with the professor. Projects may be in the form of a website, a podcast, a video or other media, however it is vital that the research question is clear, the target audience is clear AND that the project include a detailed annotated bibliography of academic source material.

Students will submit their outline along with a single-spaced annotated bibliography of at least five academic sources they have examined so far for their research. The bibliography should include full bibliographic information for each source followed by a short paragraph

briefly summarizing that source, its relation to the proposed research topic and the debates therein, and what it will contribute to the research paper. No more than one of the five sources can come from the seminar readings.

Once the essay or project plans and annotated bibliographies are assessed, students may at that point make an appointment to speak with me in more detail about their plan and ask for any clarification on feedback.

40% Final Essay OR project submission:

This essay or project will be due on the last day of the term (before the exam period). Essays should be no more than 10-12 pages double spaced, Times New Roman 12-pnt font, not including title page and references/bibliography. If the student is submitting a project, the file must be easily accessible to the Professor and submitted online by the deadline. Please discuss projects one-to-one with the Professor.

The final essay or project is meant to be an accumulation of materials and topics covered in the course but must be based primarily on external research. More details will follow in seminar, and a supplementary course readings list will be provided on LEARN to help kick-start research. The essay/project MUST engage directly with the course themes and topics, and seminar discussions.

SCHEDULE (*subject to change*)	
Seminar Theme and Topic	**Readings**
WEEK 1: Sept 8 **Introduction to Course: Format, Expectations and Perspective on Law**	No readings.
WEEK 2: Sept 15 **What is Employment Law and Labour Law?**	What is labour law meant to protect, how and why? Diamond Ashiagbor, 'Labour and Employment' Chapter 37, pg 182-186. *The Routledge Handbook of Law and Society* (2021).

	Judy Fudge, 'Revising Labour Law for Work' in *The Informal Economy Revisited* (2020) BBC Work Life: https://www.bbc.com/worklife/article/20201023-coronavirus-how-will-the-pandemic-change-the-way-we-work Conference Board of Ontario: https://www.conferenceboard.ca/focus-areas/human-resources/2021/working-through-covid-19/flexible-work-environments
WEEK 3: Sept 22 **What is the Crisis of Labour Law?**	Ruth Dukes and Wolfgang Streeck, 'Labour Constitutions and Occupational Communities: Social Norms and Legal Norms at Work' *Journal of Law and Society* 2020. (Interview in Jacobin Magazine, supplementary) Nicole Bernhardt, 'Racialized Precarious Employment and the Inadequacies of the Canadian Welfare State' *Journal of Workplace Rights* (2015)
WEEK 4: Sept 29 **Digital Work and the Platform Economy**	Melissa Gregg and Rutvica Andrijasevic, 'Virtually Absent: The Gendered Histories and Economies of Digital Labour' *Feminist Review* (2019) Uma Rani and Parminder Jeet Singh, 'Digital Platforms, Data, and Development: Implications for Workers in Developing Economies' *Comparative Labour Law and Policy* (2019)

WEEK 5: Oct 6	
Gender and Work, Part 1	Rebecca Zahn, 'Trade unions, the gig economy and the feminisation of work: lessons from the past?' In *Theorising Labour Law in a Changing World: Towards Inclusive Labour Law* (2019).
	Julie MacLeavy, 'Gender inequality and technological advancement in the age of Covid-19' *Gender, Work & Organization* (2020)
READING WEEK: Oct 13	*Reading Week – no readings, no seminars*
WEEK 6: Oct 20	
Algorithms and Data: Impacts on the Labour Force and Law	Jeremias Adams-Prassl, 'What if Your Boss Was an Algorithm? The Rise of Artificial Intelligence at Work' *Comparative Labour Law and Policy Journal* (2019)
	Ifeoma Ajunwa, 'Algorithms At Work: Productivity Monitoring Platforms And Wearable Technology As The New Data-Centric Research Agenda For Employment And Labor Law' in 63 *St. Louis U. L.J.* (2019)
WEEK 7: Oct 27	
Automation	
	Ewan McGaughey, 'Will Robots Automate Your Job Away? Full Employment, Basic Income and Economic Democracy' *Comparative Labour Law and Policy Journal* (2019)
	Andrew Weaver, 'Technology and the Reskilling Debate: What's the Problem and What Should Be Done?' *Comparative Labour Law and Policy Journal* (2019)

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WEEK 8: Nov 3	
Precarity, Bias and the Law	*Can't Even: How Millennials became the burnout generation* Anne Helen Peterson (2020) - Chapter 3: College At Any Cost - Chapter 5: How Work Got So Shitty - Chapter 7: Technology Makes Everything Work M. Bertrand-S. Mullainathan, 'Are Emily and Greg more employable than Lakisha and Jamal? A field experiment on labor market discrimination' In *Am. Econ. Rev.* 94,991–1013 (2004).
WEEK 9: Nov 10	
What is work, now? Policy and Popular Culture	https://www.oecd.org/future-of-work/#ensuring-job-quality https://www.conferenceboard.ca/insights/future-of-work https://www.teenvogue.com/story/how-to-get-a-job-pandemic George Eaton, 'There is no such thing as the 'dignity of work'": Sarah Jaffe on love, labour and the post-Covid world' *New Statesman.* (2021)
WEEK 10: Nov 17 **Essay plan due** **NO SEMINAR**	**Essay OR Project Plan and Annotated Bibliography** - submit by 9pm **on Wednesday Nov 17th** - electronic submission via DropBox on LEARN

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WEEK 11: Nov 24 **Covid and the Future of Labour Law**	Keith Ewing and Lord Hendy, 'Covid-19 and the Failure of Labour Law: Part 1' *Industrial Law Journal* (2020) Julianna Faludi and Michelle Crosby, 'The Digital Economy of Sourdough: Housewifisation in the Time of Covid-19' *Triple C* (2021)
WEEK 12: Dec 1 **Course Review, no readings**	
WEEK 13: *Research Essay/ Project Due by Friday Dec 10th*	**Final Essay OR Project Due** - submit by 9pm - electronic submission via DropBox on LEARN

Submission and Return of Assignments

Submit electronic copies of all assignments via the Drop Box on LEARN. Submissions will be automatically time-stamped to indicate on-time submission. Assignments will be graded within two weeks of the date of submission; 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. The following policies also apply if you think that you will not be able to carry-out your responsibilities as a seminar leader on the date you selected at the beginning of the term.

Accommodations will only be considered if:

(a) you are ill and submit a *University of Waterloo Verification of Illness Form* to the course

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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. Any violations will result in deductions to the student's overall participation grade.

Correspondence with Professor

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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).

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 memo 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 memo 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. Tests written in pencil will not be considered for re-marking.

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.]

Intellectual Property

This course contains the intellectual property of the instructor, TA, and/or St. Jerome's University. Intellectual property includes items such as:

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- 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).

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,

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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/.

Mental Health and Student Support

All of us need a support system. The SJU faculty and staff encourage students to seek out mental health support if they are needed. **Note:** *Due to COVID-19 and campus closures, UW's in-person counselling services are extremely limited, and most support will be provided online or by phone. Students are advised to contact Counselling Services by phone or email.*

On Campus:
- SJU Wellness Coordinator: Lindsay Thompson (**lindsay.thompson@uwaterloo.ca**)
- Counselling Services: **counselling.services@uwaterloo.ca** / 519-888-4567 x32655
- **MATES**: one-to-one peer support program offered by Federation of Students (FEDS) and Counselling Services
- Health Services Emergency service: located across the creek form Student Life Centre

Off campus, 24/7:
- **Good2Talk**: Free confidential help line for post-secondary students. Phone: 1-866-925-5454
- Grand River Hospital: Emergency care for mental health crisis. Phone: 519-749-4300 x6880
- **Here 24/7**: Mental Health and Crisis Service Team. Phone: 1-844-437-3247
- **OK2BME**: set of support services for lesbian, gay, bisexual, transgender or questioning teens in Waterloo. Phone: 519-884-0000 x213

Full details can be found online on the Faculty of Arts **website.**

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Download **UW and regional mental health resources (PDF)**

Download the **WatSafe app** to your phone to quickly access mental health support information.

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