

REGULATION OF WORK [LW303]

Course Syllabus 2070

Capstone course for students who have completed the foundation courses in *Law, Power and Politics* [LW 101] and *General Theories of Market Regulation* [LW 216] or MA/PhD-level equivalent

Module 1: Where have we come from? The rise and fall of Canadian labour law

- Dark satanic mills 1770-1850
- The gilded age of capitalism 1850-1914
- Capitalism in turmoil 1914-1945
- The postwar compromise: labour finally gets its just desserts (sic) 1945-1980
- The precipitous decline and final fall of the labour movement and labour law (1980 - 2000)
- The false dawn of constitutionalized labour law (2000-2020)
- Bismark redux: social equity and the welfare state as instruments of authoritarian governance (2020 -2070)

Module 2: And why?

- Loss of working class identity, culture, solidarity, power
- Technology / AI
- Globalization
- Neo liberalism
- Populism
- Exogenous labour market disruptions: pandemics and ecological crises
- Permeability / volatility / ambiguity of workplace relations
- Labour law's inevitable failures / unkept promises

Module 3: Where are we in 2070? Why Bismark redux?

- "Labour" and "employees" no longer exist as sociological descriptors, as political and industrial movements, or as the subjects of policy discourse or legislation
- Demise / disappearance of old collective bargaining and employment standards systems based on "employment" or its proxies
- Illiberal/ benign authoritarian / right wing populist governments come to power semi-democratically by seducing the centre-left's "natural" working class constituency with promises of economic security and advancement (cf Trump, LePen, Johnson, Bolsanaro and counterparts in Poland, Hungary, Italy, Netherlands etc).
- Once promised, these governments must deliver to some extent; they are able to maintain social discipline and electoral power by actually enhancing provision of social equity (cf Bismark in 1880s Germany: pensions for elderly and disabled, compensation for workplace accidents etc.)

- NDP merged with Greens and Liberals in 2035; new United Progressive Party (UPP) flounders 2035 – 2070; wins just two federal elections and four provincial elections over 35 years: consistently outbid by “pro worker” Conservatives
- Under Conservative PM O’Toole, Canada adopted a new Charter guarantee of “equity for all economically or socially subordinate groups and persons” including those identified as “victims of discrimination on the basis of race, religion, gender, indigeneity, disability or poverty” (Constitution Act 2030 s. 15a)
- In lieu of specific labour laws. a new Conservative approach: universal minimum guaranteed annual income plus state provision of public goods (health care, housing, education etc) maintained at level sufficient to contain discontent; introduction of socially, ecologically or economically disruptive technologies strictly monitored; social equity impact statement required in all trade treaties, fiscal policies etc.

Module 4: How do lawyers advance social equity in 2070? [Experiential component]

- Conventional advocacy for clients claiming established social entitlements
- Test case litigation to enlarge reach of Charter right to social equity (s. 15a)
- Lobby within the system to operationalize / enhance / reinterpret “equity”
- Oppose disruptive technologies and public policies that threaten to undermine social equity
- Broker alliances of equity-seeking groups
- Mobilize large scale and/or local protests by equity-seeking groups (including but not limited to work stoppages), defend protesters against repressive state action, negotiate end of protest in exchange for enhanced social equity measures

Assignments:

- Students will read the assigned materials and provide a report on three additional readings for each of modules 1-3 that they have found for themselves (50%)
- Students will prepare a report on module 4 relating observations during their practical placement experience to their readings for modules 1-3 (50%)