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 a “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%)