

School of Public Health

Syllabus and Course Information



PubH 6115

Worker Protection law

Fall 2016

Credits:	1
Meeting Days:	Wednesday
Meeting Time:	4:40 – 5:30
Meeting Place:	W132BHS
Instructor:	Michael L Austin
Office Address:	W145BHS
Office Phone:	612-626-6436
E-mail:	maustin@umn.edu
Office Hours:	by appointment

I. Course Description

How do we protect workers? We will focus on the role of government in protecting rights of citizens. Labor movement history will serve as a starting point for a discussion of modern systems for protecting workers from unsafe work places and compensating them for injuries that do occur. Law will be reviewed that protects individuals against class based discrimination and creates a “right” to work.

II. Course Prerequisites

none

III. Course Goals and Objectives

At the end of this course, students will be able to:

Discuss the history of worker protection law

Describe the role of government in protecting the safety and well-being of citizens

Discuss legal issues underlying several worker protection policies

Discuss the legal basis for compensation for injuries to health and property, and its application to worker protection

Demonstrate techniques of persuasive legal research, writing and oral presentation

IV. Methods of Instruction and Work Expectations

Students are encouraged to introduce issues of current interest from the media or from their workplace for discussion. These issues will be incorporated into the curriculum when appropriate.

Through lecture and discussion, we will review public law that focuses on the role of government in protecting the safety and well-being of citizens. Review of labor movement history will serve as a starting point for a discussion of modern systems for protecting workers from unsafe work places and compensating them for injuries that occur.

In addition, we will review law that protects individuals against class based discrimination and creates a “right” to work.

Each student will conduct legal research and write five pages on the legal aspects of an environmental or public health problem. A rough draft must be submitted for review with the instructor before a final draft is submitted. The paper must advocate a public policy that might solve the problem, and include at least 10 primary references.

Each student will prepare and present a 6-8 minute persuasive speech in class based on the legal research and writing project. Students will critique each other.

V. Course Text and Readings

Burnaham, William *Introduction to the Law and Legal System of the United States, 4th ed.*, West Group, Saint Paul, MN Book - softbound , Copyright: 2006, ISBN-13: 9780314158987
Legal case material

VI. Course Outline/Weekly Schedule

9/7	Introduction to Tort – Road Runner v Wile E. Coyote
9/14	History of American Labor Movement
9/21	<i>Tort Law</i> “A Trench Caves In” and “Black Lung Story” Tort law primer- outline tort cause of action for employee against employer
9/28	No class – I will be at a conference on sustainable labs Burnham Ch. I, II, III, XI “Tort Law” <u>Murray v. South Carolina RR Company</u> , McMullan’s Law Reports, 2 nd Ed
10/5	<u>LaPorte v. U.S. Radium Corp.</u> 13 F. Supp 263 (1935), role of court in deciding applicability of statute of limitations to wrongful death claim <u>In re Jacobs</u> , 98 N.Y. 98, 1885
10/12	<u>Escola v. CocaCola</u> , 150 P.2d. 436 (1944) Legal research tools presentation
10/19	Present outline of your persuasive presentation “Prosecuting Worker Endangerment,” David Uhlman, American Constitution Society for Law and Policy, 2008 <u>U.S. vs. Borrowski</u> , Docket No. 90-2133, 15 OSHC 1929 (1st Circ., 1992) criminal prosecution CWA, injury to worker
10/26	No class – I will be in Mexico

	<p><i>Law of Contracts</i> Burnham Ch. X Part 1: "The Common Law of Contracts" English vs. General Electric, 977 F.2d. 572, 15 OSHC 1933 (4th Circ., 1992) - tort, worker's compensation, employment law Regents v. Roth, 408 U.S. 564, employment at will and free speech</p>
11/2	<p>Munday v. Waste Management, 126 F.3d 239 (1997), employment discrimination and retaliation International Brotherhood of Electrical Workers, AFL-CIO, et al. v. Hechler, 481 U.S. 851 (1987), union contract responsibility for safety</p>
11/9	<p>Consolidated Rail Corp. vs. Gotshall, 510 U.S.1008, Docket No. 92-1956, 16 OSHC 1904 (1994) - tort, worker injury, zone of danger</p>
11/16	<p>Lochner v. New York, 198 U.S. 45 (1905) New York Central RR v. White, 243 U.S. 188 (1917)</p>
11/23	<p><i>Worker's Compensation</i> Workers Compensation "Arising out of and in the course of" Agnew-Watson vs. County of Alameda, Docket No. A060378, 16 OSHC 2121 (Calif. Ct. App. 1994) - is a fetus covered? Mount vs. Redwood Falls, 108 NW2d 443 (1961) Debold Vs. Martell & Sons, 183 NW2d 283 (1971)</p>
11/30	<p>Burnham, William <i>Introduction to the Law and Legal System of the United States</i> Chapter VI: "Administrative Law"- Part 1: Law and Procedures of Administrative Agencies, Types and Purposes of Administrative Agencies, Rule - Making Functions of Agencies, Adjudicatory Functions of Agencies, Judicial Review of Agency Action, Presidential and Congressional Controls on Federal Agency Action Oil Chem. and Atomic Workers Intl. vs. OSHRB, 671 F2d. 643 (1982) - standing Astra Pharmaceutical Products vs. OSHRB, 681 F.2d. 69 (1982) judicial review of agency action Synthetic Organic Chemical Mfr. Assoc. vs. OSHA, 503 F.2d. 1155 (1974) standard of judicial review</p>
12/7	<p><i>ADA and FMLA</i> Southeastern Community College v. Davis, 442 U.S. 397 (1979) School Board of Nassau County, FL v. Arline, 480 U.S. 273 (1987) Murphy v. UPS, 527 U.S. 516 (1999)</p>
12/14	<p>Last Day of Instruction Persuasive Presentations</p>

VII. Evaluation and Grading

Legal research and persuasive exercise is ***Due December 22, 2016***

Use the format of the persuasive speech handout as the basis for your paper if you are not an expert writer. Write five pages on the legal aspects of an environmental or public health problem. I will discuss your rough draft with you before you turn in a final draft. Be concise. Minimally describe the problem, and then refer to primary legal materials and other necessary information while analyzing alternative solutions. At least 10 primary references will be required. In conclusion, advocate a public policy which might solve the problem.

Failure to submit a paper will be considered a failing grade. However, incomplete contracts for good reason will be considered.

Each student will also prepare and present an 8-10 minute persuasive speech in class based on the legal research and writing project. Students will critique each other.

Course Evaluation

Beginning in fall 2008, the SPH will collect student course evaluations electronically using a software system called CourseEval: www.sph.umn.edu/courseeval. The system will send email notifications to students when they can access and complete their course evaluations. Students who complete their course evaluations promptly will be able to access their final grades just as soon as the faculty member renders the grade in SPHGrades: www.sph.umn.edu/grades. All students will have access to their final grades through OneStop two weeks after the last day of the semester regardless of whether they completed their course evaluation or not. Student feedback on course content and faculty teaching skills are an important means for improving our work. Please take the time to complete a course evaluation for each of the courses for which you are registered.

Incomplete Contracts

A grade of incomplete "I" shall be assigned at the discretion of the instructor when, due to extraordinary circumstances (e.g., documented illness or hospitalization, death in family, etc.), the student was prevented from completing the work of the course on time. The assignment of an "I" requires that a contract be initiated and completed by the student before the last official day of class, and signed by both the student and instructor. If an incomplete is deemed appropriate by the instructor, the student in consultation with the instructor, will specify the time and manner in which the student will complete course requirements. Extension for completion of the work will not exceed one year (or earlier if designated by the student's college). For more information and to initiate an incomplete contract, students should go to SPHGrades at: www.sph.umn.edu/grades.

University of Minnesota Uniform Grading and Transcript Policy

A link to the policy can be found at onestop.umn.edu.

VIII. Other Course Information and Policies

Grade Option Change (if applicable)

For full-semester courses, students may change their grade option, if applicable, through the second week of the semester. Grade option change deadlines for other terms (i.e. summer and half-semester courses) can be found at onestop.umn.edu.

Course Withdrawal

Students should refer to the Refund and Drop/Add Deadlines for the particular term at onestop.umn.edu for information and deadlines for withdrawing from a course. As a courtesy, students should notify their instructor and, if applicable, advisor of their intent to withdraw.

Students wishing to withdraw from a course after the noted final deadline for a particular term must contact the School of Public Health Student Services Center at sph-ssc@umn.edu for further information.

Student Conduct, Scholastic Dishonesty and Sexual Harassment Policies

Students are responsible for knowing the University of Minnesota, Board of Regents' policy on Student Conduct and Sexual Harassment found at www.umn.edu/regents/polindex.html.

Students are responsible for maintaining scholastic honesty in their work at all times. Students engaged in scholastic dishonesty will be penalized, and offenses will be reported to the SPH Associate Dean for Academic Affairs who may file a report with the University's Academic Integrity Officer.

The University's Student Conduct Code defines scholastic dishonesty as "plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; or altering, forging, or misusing a University academic record; or fabricating or falsifying of data, research procedures, or data analysis."

Plagiarism is an important element of this policy. It is defined as the presentation of another's writing or ideas as your own. Serious, intentional plagiarism will result in a grade of "F" or "N" for the entire course.

For more information on this policy and for a helpful discussion of preventing plagiarism, please consult University policies and procedures regarding academic integrity: <http://writing.umn.edu/tww/plagiarism/>. Students are urged to be careful that they properly attribute and cite others' work in their own writing. For guidelines for correctly citing sources, go to <http://tutorial.lib.umn.edu/> and click on "Citing Sources". In addition, original work is expected in this course. Unless the instructor has specified otherwise, all assignments, papers, reports, etc. should be the work of the individual student. It is unacceptable to hand in assignments for this course for which you receive credit in another course unless by prior agreement with the instructor. Building on a line of work begun in another course or leading to a thesis, dissertation, or final project is acceptable.

Disability Statement

It is University policy to provide, on a flexible and individualized basis, reasonable accommodations to students who have a documented disability (e.g., physical, learning, psychiatric, vision, hearing, or systemic) that may affect their ability to participate in course activities or to meet course requirements. Students with disabilities are encouraged to contact Disability Services to have a confidential discussion of their individual needs for accommodations. Disability Services is located in Suite 180 McNamara Alumni Center, 200 Oak Street. Staff can be reached by calling 612/626-1333 (voice or TTY).