

# PUBH 6115, SECTION 1

## Worker Protection Law Fall 2018

### COURSE & CONTACT INFORMATION

**Credits:** 1

**Meeting Day(s):** Wednesday

**Meeting Time:** 4:40 – 5:30

**Meeting Place:**

**Instructor:** Michael Austin, Dir. Environmental Health and Safety

**Email:** maustin@umn.edu

**Office Phone:** 612-626-6436

**Office Hours:** By appointment

**Office Location:** Fay Thompson Center for Environmental Management,  
501 SE 23rd. Ave., Minneapolis, MN 55455

### 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.

### COURSE PREREQUISITES

None

### COURSE GOALS & 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

## 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.

Worker Protection Law is a one credit course. The University expects that you will spend a minimum of three hours per week attending class or comparable online activity, reading, studying, completing assignments, etc. over the course of a 15-week term. Thus, this course requires approximately 45 hours of effort spread over the course of the term in order to earn an average grade.

Like other work in the course, all student to student communication is covered by the Student Conduct Code (<https://z.umn.edu/studentconduct>).

## COURSE TEXT & READINGS

Burnham, William Introduction to the Law and Legal System of the United States (Coursebook), West Group, Saint Paul, MN, ISBN-13: 978-1634602075, ISBN-10: 1634602072 Note that you may purchase any edition of this book.

Legal case material will be provided

## COURSE OUTLINE/WEEKLY SCHEDULE

9/5	Introduction to Tort – Road Runner v Wile E. Coyote
9/12	History of American Labor Movement
9/19	<i>Tort Law</i> “A Trench Caves In” and “Black Lung Story” Tort law primer- outline tort cause of action for employee against employer
9/26	Burnham Ch. I, II, III, XI “Tort Law” <u>Murray v. South Carolina RR Company</u> , McMullan’s Law Reports, 2 <sup>nd</sup> Ed
10/3	<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
10/10	<u>Escola v. CocaCola</u> , 150 P.2d. 436 (1944) Legal research tools presentation
10/17	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
10/24	<i>Law of Contracts</i> Burnham Ch. X Part 1: “The Common Law of Contracts” <u>English vs. General Electric</u> , 977 F.2d. 572, 15 OSHC 1933 (4th Circ., 1992) - tort, worker’s compensation, employment law <u>Regents v. Roth</u> , 408 U.S. 564, employment at will and free speech
10/31	<u>Munday v. Waste Management</u> , 126 F.3d 239 (1997), employment discrimination and retaliation <u>International Brotherhood of Electrical Workers, AFL-CIO, et al. v. Hechler</u> , 481 U.S. 851 (1987), union contract responsibility for safety
11/7	<u>Consolidated Rail Corp. vs. Gotshall</u> , 510 U.S.1008, Docket No. 92-1956, 16 OSHC 1904 (1994) - tort, worker injury, zone of danger
11/14	<u>Lochner v. New York</u> , 198 U.S. 45 (1905) <u>New York Central RR v. White</u> , 243 U.S. 188 (1917)

11/21	<p><i>Worker's Compensation</i>  Workers Compensation "Arising out of and in the course of ...."  <u>Agnew-Watson vs. County of Alameda</u>, Docket No. A060378, 16 OSHC 2121 (Calif. Ct. App. 1994) - is a fetus covered?  <u>Mount vs. Redwood Falls</u>, 108 NW2d 443 (1961)  <u>Debold Vs. Martell &amp; Sons</u>, 183 NW2d 283 (1971)</p>
11/28	<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  <u>Oil Chem. and Atomic Workers Intl. vs. OSHRB</u>, 671 F.2d. 643 (1982) - standing  <u>Astra Pharmaceutical Products vs. OSHRB</u>, 681 F.2d. 69 (1982) judicial review of agency action  <u>Synthetic Organic Chemical Mfr. Assoc. vs. OSHA</u>, 503 F.2d. 1155 (1974) standard of judicial review</p>
12/5	<p><i>ADA and FMLA</i>  <u>Southeastern Community College v. Davis</u>, 442 U.S. 397 (1979)  <u>School Board of Nassau County, FL v. Arline</u>, 480 U.S. 273 (1987)  <u>Murphy v. UPS</u>, 527 U.S. 516 (1999)</p>
12/12	Last Day of Instruction Persuasive Presentations
12/20	End of Fall Semester

## SPH AND UNIVERSITY POLICIES & RESOURCES

The School of Public Health maintains up-to-date information about resources available to students, as well as formal course policies, on our website at [www.sph.umn.edu/student-policies/](http://www.sph.umn.edu/student-policies/). Students are expected to read and understand all policy information available at this link and are encouraged to make use of the resources available.

The University of Minnesota has official policies, including but not limited to the following:

- Grade definitions
- Scholastic dishonesty
- Makeup work for legitimate absences
- Student conduct code
- Sexual harassment, sexual assault, stalking and relationship violence
- Equity, diversity, equal employment opportunity, and affirmative action
- Disability services
- Academic freedom and responsibility

Resources available for students include:

- Confidential mental health services
- Disability accommodations
- Housing and financial instability resources
- Technology help
- Academic support

## EVALUATION & GRADING

[Enter a detailed statement of the basis for grading here. Include a breakdown of course components and a point system for achieving a particular grade. Include expected turnaround time for grading/feedback. Please refer to the University's Uniform Grading Policy and Grading Rubric Resource at <https://z.umn.edu/gradingpolicy>]

### Grading Scale

The University uses plus and minus grading on a 4.000 cumulative grade point scale in accordance with the following, and you can expect the grade lines to be drawn as follows:

<b>% In Class</b>	<b>Grade</b>	<b>GPA</b>
93 - 100%	A	4.000
90 - 92%	A-	3.667
87 - 89%	B+	3.333
83 - 86%	B	3.000
80 - 82%	B-	2.667
77 - 79%	C+	2.333
73 - 76%	C	2.000
70 - 72%	C-	1.667
67 - 69%	D+	1.333
63 - 66%	D	1.000
< 62%	F	

- A = achievement that is outstanding relative to the level necessary to meet course requirements.
- B = achievement that is significantly above the level necessary to meet course requirements.
- C = achievement that meets the course requirements in every respect.
- D = achievement that is worthy of credit even though it fails to meet fully the course requirements.
- F = failure because work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I (Incomplete).
- S = achievement that is satisfactory, which is equivalent to a C- or better
- N = achievement that is not satisfactory and signifies that the work was either 1) completed but at a level that is not worthy of credit, or 2) not completed and there was no agreement between the instructor and student that the student would receive an I (Incomplete).

Evaluation/Grading Policy	Evaluation/Grading Policy Description
<p><b>Scholastic Dishonesty, Plagiarism, Cheating, etc.</b></p>	<p>You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means 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; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis (As defined in the Student Conduct Code). For additional information, please see <a href="https://z.umn.edu/dishonesty">https://z.umn.edu/dishonesty</a></p> <p>The Office for Student Conduct and Academic Integrity has compiled a useful list of Frequently Asked Questions pertaining to scholastic dishonesty: <a href="https://z.umn.edu/integrity">https://z.umn.edu/integrity</a>.</p> <p>If you have additional questions, please clarify with your instructor. Your instructor can respond to your specific questions regarding what would constitute scholastic dishonesty in the context of a particular class-e.g., whether collaboration on assignments is permitted, requirements and methods for citing sources, if electronic aids are permitted or prohibited during an exam.</p> <p>Indiana University offers a clear description of plagiarism and an online quiz to check your understanding (<a href="http://z.umn.edu/iuplagiarism">http://z.umn.edu/iuplagiarism</a>).</p>
<p><b>Late Assignments</b></p>	<p><b>Incomplete Contracts</b>  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: <a href="http://www.sph.umn.edu/grades">www.sph.umn.edu/grades</a>.</p>
<p><b>Attendance Requirements</b></p>	<p>You are expected to be present and participate in class discussion.</p>
<p><b>Extra Credit</b></p>	<p>You are expected to complete the assigned written persuasive paper and present your findings during the last class period. Extra credit is not possible.</p>
<p><b>Intellectual Property of Instructors' Material</b></p>	<p>The MHA program prohibits any current student from uploading MHA course content (e.g., lecture notes, assignments, or examinations for any PUBH 65XX or PUBH 75XX courses) created by a University of Minnesota faculty member, lecturer, or instructor to any crowdsourced online learning platform.</p>