

**The 2004 Public Health Institute**

**May 24 – June 11, 2004**

**COURSE SYLLABUS**

**PubH 7200-108**

**Worker Protection Law in Times of Threat**

**Credits: 1.0**

Course meeting times:	June 7-9, 2004 1:00 – 5:00 p.m.	June 11, 2004 2:00 – 5:00 p.m.
Instructor:	Michael Austin, MS, JD	
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**I. Course Description**

Legislatures write statutes and delegate rule making authority to administrative agencies. Law is also made by courts using constitutional and common law standards while settling disputes between private entities and when interpreting statutes and rules. We will examine traditional and constitutional law making authority of legislatures, agencies and courts. We will discuss how their responsibilities might change in an emergency and compare differences between the powers of states and the federal government.

Law relating to how we protect workers will be a special focus. Governments' constitutional responsibility to protect the rights of all citizens can, in emergencies, conflict with the rights of particular individuals. 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. Particular workers can also be at an increased risk of personal injury or personal legal liability during an emergency, and we must consider how they are affected by the law.

**II. Learning Objectives**

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

- Describe the structure and organization of government
- Understand how cases and controversies are settled into common law
- Identify legal issues underlying several public health and environmental public policies
- Describe the role of government in protecting the safety and well being of citizens
- Relate how government powers can change during an emergency
- Discuss the history of worker protection law
- Identify 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

### III. 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, private common law rights of action are introduced to establish traditional standards for worker and environmental protection. Issues of both a personal and more institutional nature will be discussed. Our focus will shift from issues of a personal nature to more institutional issues while emphasizing private common law rights of action.

Next, 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.

Students will be introduced to our legal system; then we will discuss tort law. Tort law is a private system of law established by tradition that requires a defendant to compensate an injured plaintiff. In addition, we will review law that protects individuals against class-based discrimination and creates a “right” to work.

For each class day, students will write a paragraph or one page outline that answers a question based on the reading assignment.

Each student will conduct legal research and write five pages on the legal aspects of a public health problem. The paper must advocate a public policy that might solve the problem, and include at least 10 primary references.

### IV. Grading

Students will be evaluated as follows:

Daily assignments: 25 points  
Legal research and writing exercise: 75 points

#### 1. Grading Criteria: This course is offered A/F or S/N

- A/F letter grade will be determined by total effort as follows:

A = 95-100 points	(4.0) Represents achievement that is outstanding relative to the level necessary to meet course requirements.
A- = 90-94	
B+ = 87-89	
B = 83-86	(3.0) Represents achievement that is significantly above the level necessary to meet course requirements.
B- = 80-82	
C+ = 77-79	
C = 73-76	(2.0) Represents achievement that meets the minimum course requirements.
C- = 70-72	
D+ =	
D = 60-70%	(1.0) Achievement below minimum course expectations but sufficient to be awarded credit.
D- =	
F = below 60%	Represents failure (or no credit) and signifies that the 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.
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- S/N option must complete all assignments to a C- level (70%):

S	Achievement that is satisfactory will be expected to complete all assignments and receive a minimum of 70% to receive a passing score (achievement required for an S is at the discretion of the instructor but may be no lower than a 70%).
F	Represents failure (or no credit) and signifies that the 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.

2. **Grading Option** – Students may change grading options during the initial registration period or during the first two days of the term. **The grading option may not be changed after the second day of class.**
3. **Course Incomplete** – An incomplete grade is permitted only in cases of extraordinary circumstances and following consultation with the instructor. In such cases and “I” grade will require a specific written agreement between the instructor and the student specifying the time and manner in which the student will complete the course requirements. Extension for completion of the work will not exceed one year.
4. **Scholastic Dishonesty** – This course follows the University of Minnesota Board of Regents’ policy on student conduct and scholastic dishonesty which can be found at: <http://www1.umn.edu/regents/policies/academic/StudentConductCode.pdf>

A grade of “F” or “N” for the entire course will be assigned for scholastic dishonesty as defined in the policy and will be reported to the Office of Student Judicial Affairs <http://www.sja.umn.edu/>

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 an “F” or “N” grade for this course. For more information on this policy and for a helpful discussion of preventing plagiarism, please consult University polices and procedures regarding academic integrity: <http://cisw.cla.umn.edu/plagiarism/uofmpolicies.html>

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/>. In addition, original work is expected in this course. It is unacceptable to hand in assignments for this course for which you received credit in another course unless by prior agreement with the instructor. Building on a dissertation or final project is acceptable.

If you have any questions, consult the instructor.

## V. Course Withdrawal

School of Public Health Students may withdraw from a course **through the second** day of the course without permission. No “W” will appear on the transcript. After the second day, students are required to do the following:

- The student must contact and notify their advisor and course instructor informing them of the decision to withdraw from the course.
- The student must send an email to the SPH Student Services Center (SSC). The email must provide the student name, ID#, course number, section number, semester, and year with instructions to withdraw the student from the course, and acknowledgement that the instructor and advisor have been contacted.
- The advisor and instructor must email the SSC acknowledging the student is canceling the course. All parties must be notified of the student’s intent.

- The SSC will complete the process by withdrawing the student from the course after receiving all emails (student, advisor and instructor). A “W” will be placed and remain on the student transcript for the course.
- After discussion with their advisor and notification to the instructor, students may withdraw until the end of the second day of class. There is no appeal process.

## VI. Disabilities

Any student with a documented disability (e.g. physical, learning, psychiatric, vision, hearing, etc.) who needs to arrange reasonable accommodations must contact the instructor and Disability Services at the beginning of the term. All discussions remain confidential. For further information contact the University of Minnesota Disability Services website at <http://ds.umn.edu/> or call 612-626-1333 (V/TTY).

## VII. Course Text and Readings

*Environmental and Worker Protection Law*, Custom Publishing Service from West Group, West Group, 2001, 0-314-24612-6

## VIII. Course Outline/Weekly Schedule

### Outline

A) Introduction	The U.S. Constitution Authority of the Courts State Powers Federal Powers Commerce Clause
B) Agency Law	Authority Administrative Procedures Act Agency access to private information Licenses and self-audit Emergency response
C) History of Labor Movement	
D) Worker Protection	Wages Conditions of work Hazard communication and right to know Workers compensation
E) Civil Rights	Rehabilitation Act Americans with Disabilities Act Privacy and personal autonomy National Security Law

## IX. Class Project