

SAULT COLLEGE OF APPLIED ARTS & TECHNOLOGY
SAULT STE. MARIE, ONTARIO

COURSE OUTLINE

Course Outline: BUSINESS LAW

Code No.: BUS 102-4

Program: ACCOUNTING

Semester: TWO

Date: JANUARY 1990

Previous Outline Dated: JANUARY 1988

Author: JOHN ROSSI

New: _____ Revision: X

APPROVED: *Montali*
Dean, School of Business & Hospitality

Jan 90
Date

BUSINESS LAW

BUS 102-4

Course Name

Course Number

LENGTH OF COURSE: Four, fifty minute periods per week for one semester.

TEXT: The Law and Business Administration in Canada; 5th edition
by Soberman and Smythe

GENERAL OBJECTIVES:

Purpose:

The purpose of this subject is to provide the student with the knowledge of the principles of law, particularly commercial law which regulates business, to develop in the student an understanding of these rules, to develop in him/her the skill of recognizing, classifying, clarifying, and analyzing business legal problems, to apply the law and reason to a legal solution, and in so doing develop an understanding of a positive attitude toward the judicial process and its complexities.

METHOD OF INSTRUCTION:

Reading assignments, lectures, discussion, case studies, tests and assignments.

GRADING:

The student's grade will be determined by the administration of a maximum of nine tests to be given as indicated on the course outline. Tests will be a combination of multiple choice and short essays. Test papers will be returned to the students after grading in order to permit verification of the results and to review the test. However, the students will be required thereafter to return the test papers to the instructor.

GRADE INTERPRETATION:

A letter grading of A, B, C, I, or R, will be used to indicate the achievement or value of the student's work.

(A+) 96% or more

(A) This grade means that the student has an exceptional understanding of and/or ability with the portion of the subject assessed, to such an extent that he/she has a complete or near complete grasp of or ability with the material or work and thus understands more than eighty-five percent of the work tested.

- (B) This grade means that the student has a high degree of understanding of and/or ability with the portion of the subject assessed and thus understands more than seventy percent or able to perform more than seventy percent of the work tested.
- (C) This grade means that the student has a basic understanding of all the elementary essentials of the portion of the subject assessed, and/or able to perform all the basic elementary essentials or the work tested and thus understands more than fifty-eight percent or able to perform more than fifty-eight percent of the work tested.
- (I) In tests and assignments this grade means that the student has not successfully demonstrated a basic understanding of the material assessed to achieve a "C" grade, and the results of this assessment therefore, will be weighed as a zero* in the calculation of the final average grade of all the tests, etc.
- (R) This grade means that the student has not achieved a minimum of a "C" grade in the final average calculation of all his tests, etc., or has demonstrated a lack of serious intention in acquiring a basic understanding of the material during the semester.

*NOTE: THIS MEANS THERE WILL BE NO MAKE-UP TESTS, ETC.

NOTE: There will be no merging of "I" grades.

Miss a Test: If a student misses a test, it is the student's responsibility to contact the instructor in the first class the student has with the instructor after the test, or upon returning to the College, and make arrangements to take the test. The student, of course, must have a valid reason for not writing the test in the first instance. If the student fails to contact the instructor within a reasonable time, the student may be refused the opportunity to take the test at a later time. If the student is to write the test, it will be either a multiple-choice type or essay type test, at the discretion of the instructor.

SPELLING:

Correct spelling and grammar in all test papers and written submissions are essential to effectively communicate proof of understanding of the subject content. Any serious frequency of spelling errors, particularly of subject terminology or of grammar errors will probably reduce the receiver's or marker's ability to accurately interpret the communication, and thus should be avoided, and may also therefore justify the lowering of the mark by one grade or more, and even possibly the granting of an "I" grade.

PUNCTUALITY:

Classes will commence on time, that is, precisely on the hour, students are expected to be in class beforehand. Anyone not present as aforesaid will be refused entry. Tardiness causes interruption in the class process and is therefore, thereby prohibited.

SPECIFIC OBJECTIVES:

The student will be responsible for (1) all the content of all the chapters* indicated, (2) for any articles distributed during the class sessions, (4) and for the material emphasized in the lectures and case studies, an outline of which is provided below.

*NOTE: Chapters are not necessarily in sequence.

BUSINESS LAW (BUS 102-4)

CHAPTER

LECTURE EMPHASIS

1	Course Outline and distribution and review. <u>Law & Society</u> - definition, personality and nature of the law
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3	<u>Canadian Legal System</u> -sources of the law, judge made, statute, implications of the precedent system, classifications, the legal profession, hierarchy and jurisdiction of the courts, importance of the Provincial, Small Claims and District Courts, settlement out of, simple litigation procedure, means of satisfying judgment, execution, garnishment, recovery of personal property. Articles - cases as examples
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2	Judicial interpretation, interrelation of legal adjudication and legislation. Articles - cases as examples
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4	<u>Torts</u> -definition, distinction between civil and criminal. Kinds of torts, assault, battery, false imprisonment, occupier's liability, negligence, exceptions, defences, misrepresentations, related statutes. Articles - Cases as examples.
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CHAPTER

LECTURE EMPHASIS

5

Professional Liability

-negligent misrepresentation

TEST

6

Principles of Contract Law

-definition, history, requirements for a valid contract, advantages, mutual agreement, rules for a valid offer and acceptance.

Cases 1,3,4

7

Consideration

-definition, kinds, meaning of good, value, valid, the seal
Cases 1 only

Legal Intention

-reason for rule various presumptions, effect

TEST

8

Capacity

-definition, general rule, persons with limited ability
Cases 1,3

TEST

CHAPTER

LECTURE EMPHASIS

9

Legality of Purpose

-reasons for the rule, contracts un-enforceable at common law, unreasonable restraint of trade laws, contracts void or illegal by statute, Combines Investigation Act, Lord's Day Act, Bankruptcy Act, Canadian Criminal Code, Income Tax Act, Customs Act, Gaming Act, Ontario Human Rights Code, Employment Standards Act, Workers Compensation Act, licencing statutes

Articles - Cases 1,2

TEST

11

Statute of Frauds

Nature of memorandum, doctune of part-performance oral evidence rule, Sale of Goods Act, Sealed documents.

TEST - Articles, Cases as examples

23

Special Contracts

Employment: definition of employer, employee in common law, in statute, difference between agency, independent contractor, tortious liability of, vicarious liability concept.

Employment contracts, form, termination notices at common law.

Statutes affecting employer/employee rights and duties, Canada Labour (safety) Code, Employment Standards Act, its contents and definitions, waivers, garnishments, wage priority, minimums, wage protection, hours of work, overtime, holidays, vacations equal pay, termination of notice, offences, penalties, where to complain, possible results.

TEST

CHAPTER

LECTURE EMPHASIS

23

Ontario Human Rights Code, discrimination generally, employment, hiring, advertising, promoting, firing, unions, application forms, exceptions opinion, special organizations, offences, penalties, where to complain, results, and amendment proposed in June 1982, Charter of Rights 5.15, April 1985, Discriminatory Business Practices Act, Labour Relations Act, collective bargaining, Ontario Occupational Health and Safety Act
Articles, cases as examples

TEST

15

Discharge of a Contract

-four ways of discharging obligations, performance, agreement, frustration, law
Articles, Case 1

TEST

17

Breach of Contract

-how a breach may occur, remedies for, possible criminal consequences
Articles, Case 2

TEST

21

Bailment

-definition, essentials, consequences, standards of care, defences, exculpatory clauses, rules for effectiveness, examples.
Innkeepers Act
Articles - Cases 1 & 2 in Text

TEST