COURSE OUTLINE

MGMT 3701
Legal aspects of employment

Lecturer: Diane Fieldes
Address: Room 4.091, 4th Floor, Rupert Myers Building
Phone: 9385 7140
Mobile: 0413 003 148 (9am-9pm, Mon-Fri ONLY)
Administrative Details

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Room 4.091, Level 4, Rupert Myers Building,
Telephone: 9385 7140
Mobile: 0413 003 148 (9am-9pm Mon. to Fri. ONLY)

Consultation Times
Lectures and Tutorials
Monday 3-5pm
Lecture: WED 6pm–8pm Gold G06
Tutorial: WED 5pm–6pm or 8pm-9pm Gold G06

School Website: http:/www.orgmanagement.unsw.edu.au

COURSE DESCRIPTION AND EXPECTED LEARNING OUTCOMES

The aim of this course is to introduce students of industrial relations and human resource management to the common law and legislative regime which constitutes the regulatory framework of the employment relationship in Australia.

The course will explore the sources of laws which are of major practical significance to the employer-employee relationship, with particular reference to legal rights and obligations and associated legal remedies and liabilities. Specific legislation governing workplace relations, discrimination, and occupational health and safety will be covered.

The subject is not designed to equip students to practice labour law, but rather aims at providing a good working knowledge of the history, theory and practice that govern labour relations at both Federal and State level. Students should finish the course with sufficient knowledge to allow them to understand contemporary changes to labour law, and to apply that knowledge in the workplace.

Prior knowledge of law or the legal system is neither required nor expected.

TEACHING

The subject involves one 2-hour lecture and a one-hour tutorial each week. The lectures will provide an introduction to each topic while the following week’s tutorials will concentrate on discussion, exploration and examination of issues and specific judgments and legislation.
ASSESSMENT

For a pass or better in this course you are required to complete various types of assessment.

1. Tutorial attendance and participation  20%
2. Tutorial paper (750 words maximum)  20%
3. Mid-session essay (2,500 words maximum)  40%
4. In-class test  20%

The assessment items are designed to help achieve the learning outcomes outlined earlier. The ability to produce written reports of a high standard, outlining a clear argument for a position, is essential for many graduate positions. Both the essay and the tutorial paper are designed to assist in gaining or developing this skill. In order to formulate a position, students need to learn how to use the ideas they have gained from reading and listening to the lectures. The process of discussion with others allows students to test the ideas they have gained, and refine them. The feedback from marked written work is designed to pinpoint areas of weakness or misunderstanding in order to assist students’ learning.

Those students who have a disability that requires some adjustment in their teaching or learning environment are encouraged to discuss their study needs with the course convener prior to, or at the commencement of, their course, or with the Equity Officer (Disability) in the Equity and Diversity Unit (9385 4734 or www.equity.unsw.edu.au/disabil.html). Early notification is essential to enable any necessary adjustments to be made.

1. Tutorial attendance and participation – 20%

Tutorial topics relate to the preceding week's lecture, providing students with an opportunity to think about the issues raised in lectures and to do the required reading before the tutorial. To prepare for each tutorial, you are advised to read at least one of the recommended readings. This will enable you to make an informed and thoughtful contribution to the discussion. Some time in each tutorial will be allocated to small group discussion.

TO PASS THE SUBJECT, STUDENTS MUST ATTEND 80 PER CENT OF TUTORIALS.

2. Tutorial paper – 20%

Each student is required to write a 750-word tutorial paper during session. Tutorial topics will be allocated in the first tutorial class (Week 2).

Students must select one of the tutorial topics and write a paper which addresses a significant aspect of the topic. You should address issues by developing an argument and expressing a considered personal view or assessment based on your research. Analyses and conclusions should be supported by some reference to relevant statute or case law or to an actual case study. Papers which merely narrate factual matters will achieve poor marks.

The paper must be handed in for assessment at (or before) the tutorial which discusses its subject matter. Handing in your tutorial paper early in the session means you will get feedback before you attempt the major essay.
3. Essay – 40%

Length: 2500 words maximum
Due Date: Week 10 - Wednesday 4 October

The essay question will be handed out separately in week 2.

Essays are to be submitted to the lecturer via the School office or the essay box in the lift lobby, 4th floor, Rupert Myers Building. No essays are to be put under doors. It is the responsibility of the student to use a School cover sheet for their essay and receive a signed receipt. Cover sheets can be downloaded from the School’s website (under “Current students”). If you do not have a receipt, as far as the School is concerned your essay has not been submitted. The receipts are the tear-off strips at the bottom of the School’s essay cover sheet. If you hand your essay in to your lecturer or tutor or to the staff of the School office, they will sign, date and tear-off the receipt for you there and then. The only other way to submit your essay is to put it in the School office essay box if the office is closed. If you do this, IT IS YOUR RESPONSIBILITY to come back during office hours and get the receipt. It is in your interests to do this as soon as possible. Students whose essays cannot be found, and who do not have receipts for them, will be deemed not to have submitted the essay and will not be allowed to submit late copies.

Extensions, of up to one week only, will be granted for the essay only to students who approach the lecturer BEFORE the due date. Late essays are penalised one mark for each day they are late. To avoid asking for an extension, note the dates of due work in your diary, start thinking about essays and tutorial presentations early, and plan your work for the session. If you are having difficulties meeting the requirements of the course, please see the lecturer as soon as possible.

4. In-class test – 20%

The written exam will be a two hour test, during the final lecture period, i.e. 6-8pm, Wednesday 1 November (week 14), in the usual lecture room. It will count for 20% of the total mark for this course. Further details will be advised towards the end of the semester.

STUDENT REQUIREMENTS AND ACCOUNTABILITIES

Lecture participation
This is a crucial element of the learning process in this subject. Lectures provide students with the conceptual orientation necessary for coming to terms with the themes and issues dealt with in each weekly topic. Marks are not awarded for attendance but non-attendance quickly begins to negatively affect your final mark. STUDENTS ARE EXPECTED TO ATTEND LECTURES. THEY ARE NOT TAPE.
Tutorial participation

The tutorial is intended as a forum for the exchange of ideas, argument and opinion on the themes and issues canvassed by the subject. You are expected to make an informed and considered contribution to discussion and debate. Effective verbal communication skills are basic tools of trade for professional employment and the tutorial offers you an opportunity to refine these skills in a supportive peer group context.

If you have any questions about the subject, please consult the lecturer and do not leave questions until the last minute. Failure to resolve issues may impair your progress in the subject and lead to unnecessary problems. Whilst the lecturer welcomes phone calls about specific issues and problems, students requiring detailed advice on essay preparation should consult the lecturer in person rather than by e-mail or telephone.

Academic honesty and plagiarism

Plagiarism is the presentation of the thoughts or work of another as one’s own.* Examples include:

- direct duplication of the thoughts or work of another, including by copying work, or knowingly permitting it to be copied. This includes copying material, ideas or concepts from a book, article, report or other written document (whether published or unpublished), composition, artwork, design, drawing, circuitry, computer program or software, web site, Internet, other electronic resource, or another person’s assignment without appropriate acknowledgement;
- paraphrasing another person’s work with very minor changes keeping the meaning, form and/or progression of ideas of the original;
- piecing together sections of the work of others into a new whole;
- presenting an assessment item as independent work when it has been produced in whole or part in collusion with other people, for example, another student or a tutor; and,
- claiming credit for a proportion a work contributed to a group assessment item that is greater than that actually contributed.†

Submitting an assessment item that has already been submitted for academic credit elsewhere may also be considered plagiarism.

The inclusion of the thoughts or work of another with attribution appropriate to the academic discipline does not amount to plagiarism.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

The Learning Centre website is the central University online resource for staff and student information on plagiarism and academic honesty. It can be located at: www.lc.unsw.edu.au/plagiarism

The Learning Centre also provides substantial educational written materials, workshops, and tutorials to aid students, for example, in:

- correct referencing practices;
• paraphrasing, summarising, essay writing, and time management;
• appropriate use of, and attribution for, a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre.

Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting, and the proper referencing of sources in preparing all assessment items.

* Based on that proposed to the University of Newcastle by the St James Ethics Centre. Used with kind permission from the University of Newcastle
† Adapted with kind permission from the University of Melbourne.

Obligation to “keep informed”
You are required to maintain contact with the course, and to be aware of any notices, advice or materials provided. Every enrolled student has a UNSW e-mail address (zID@student.unsw.edu.au) and, from time to time, the lecturer may issue individual or whole-class notices using this e-mail system. Checking your email regularly will ensure that you are up to date with unexpected illnesses, room changes and other important information.

If you have any questions about the subject, please consult with the lecturer. Try not to leave questions until the last minute. Failure to resolve issues may impair your progress in the subject and lead to unnecessary problems.

Continual course improvement
Student feedback is taken seriously, and continual improvements are made to the course based in part on such feedback. Significant changes to the course will be communicated to subsequent cohorts of students taking the course. Your input can be valuable.

BIBLIOGRAPHY

Prescribed Text

The text can be purchased at the UNSW bookshop.

Reference Texts

The following texts are available through the library and will prove useful in addition to the specific readings outlined in the rest of this course guide.


**Statutes**

*Workplace Relations Amendment (Work Choices) Act* (Cth) 2005

*Racial Discrimination Act* (Cth) 1975

*Sex Discrimination Act* (Cth) 1984

*Human Rights and Equal Opportunity Commission Act* (Cth) 1986

*Disability Discrimination Act* (Cth) 1992

*Equal Opportunity for Women in the Workplace Act* (Cth) 1999

*Industrial Relations Act* (NSW) 1996

*Anti-Discrimination Act* (NSW) 1977

*Occupational Health and Safety Act* (NSW) 2000

*Workers Compensation Act* (NSW) 1987

*Workers Compensation Legislation Amendment Act* (NSW) 2001

*Workplace Injury Management and Workers Compensation Act* (NSW) 1998

Students will find all the relevant statutes on-line at [www.austlii.edu.au](http://www.austlii.edu.au).

**Journals**

There are a number of journals and loose leaf reports that provide information and updates on current developments. Those marked with an asterisk have had whole issues devoted to the WorkChoices amendments.

*Australian Labour Law Reporter*

*CCH Law of Employment*

*Australian Journal of Labour Law*
Students are also encouraged to peruse newspapers and weeklies for current industrial relations and workplace relations issues. This is especially important at the moment, given the new *Workplace Relations Amendment (Work Choices) Act 2005*.

**Internet resources**

- www.austlii.edu.au
- www.wagenet.gov.au
- www.airc.gov.au
- www.hreoc.gov.au
- www.industrialrelations.nsw.gov.au
- www.acirrt.com
- www.dewr.gov.au
- www.workplaceexpress.com.au
- www.anzwers.com.au
- www.aci.asn.au
- www.aigroup.asn.au

**SUPPORT SERVICES AVAILABLE**

If you are experiencing difficulties, you are strongly advised to consult one or more of the following:

- **The Educational Development Unit** in the Faculty of Commerce (level two, Quadrangle Building, phone 9385 5584) – free workshops in study skills; language and learning support; assistance with essay writing;

- **The Learning Centre** (in the Library building, room 231, phone 9385 3890) – a confidential service providing help with time management, study stress, study skills, essay and assignment writing;

- **UNSW Counselling Service** – personal counselling - just off the Basser steps on Level 2 of the East Wing of the Quadrangle Building or telephone 9385 5418.

- **The Equity and Diversity Unit** co-ordinates services for students with disabilities, including notetakers, readers, sign-interpreters, examination provisions, library assistance, liaison with academic staff, parking provisions and disability resource materials. It is located in Room 2008, 2nd Level, East Wing, Quadrangle Building or telephone 9385 4734.
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<td>Week 1</td>
<td>26 July (Wed.)</td>
<td>Introduction - labour law: where to in 2006?</td>
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<td>Week 2</td>
<td>2 August</td>
<td>History of labour law</td>
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<td>Week 3</td>
<td>9 August</td>
<td>Law in context: constitutional framework and theories of regulation</td>
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<td>Week 4</td>
<td>16 August</td>
<td>The common law and the workplace</td>
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<td>Week 5</td>
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<td>Employment contracts</td>
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<td>Week 6</td>
<td>30 August</td>
<td>Institutional structures and arrangements</td>
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<td>6 September</td>
<td><em>The Workplace Relations Amendment (Work Choices) Act 2005</em></td>
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<td>Week 8</td>
<td>13 September</td>
<td>Federal and state systems of industrial law – how much longer?</td>
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<td>Week 9</td>
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<td>Termination of employment</td>
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<td><strong>Mid-session Break</strong></td>
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<td>Week 10</td>
<td>4 October</td>
<td>Discrimination in employment - <strong>ESSAY DUE</strong></td>
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<td>Freedom of association - unions and the law</td>
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