MGMT3701
LEGAL ASPECTS OF EMPLOYMENT
(/MGMT5711 Employment and Industrial Law)

COURSE OUTLINE
1. Course Teaching Staff

Please note: You are expected to attend lectures and tutorials. If you have questions regarding the course please initially contact your tutor, by email or phone.

2. Information about the course

2.1 Teaching times and Location

2.2 Units of Credit
This course constitutes 6 units of credit.

2.3 Summary of Course
The course will explore the sources of law in employment and industrial contexts which is 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.

2.4 Parallel teaching in the course
Parallel teaching of undergraduate and postgraduate students will occur in this course, primarily in the lecture content. The postgraduate students are offered additional content delivery in seminar discussions, and must undertake different assessment tasks designed to acknowledge the different expectations, learning styles, prior knowledge and life experiences of postgraduate students, as required to preserve the academic integrity of the respective programs.

2.5 Course Aims and Relationship to Other Courses

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

There are a broad range of prerequisites for this course: MGMT1001 or equivalent as approved by Head of School. (Note: you may not do this course if you have previously done MGMT2702 prior to 2005). The prerequisites ensure that you have some basic knowledge of how workplaces function, and the ways in which their functioning may be understood. Every workplace operates in a legal framework, so this course adds to the knowledge necessary for any specialisation in human resource management or industrial relations. Although the material focuses on the Australian legal environment, the issues raised recur in all workplace legal systems in all national contexts. The course introduces a number of issues which can be taken up in further study, e.g. occupational health and safety, international regulation.
3. Course Aims and Learning Outcomes

3.1 Course Aims

The overarching goal of this course is to help you develop a deeper understanding of theory and research in the area of Legal Aspects of Employment. The course operates under the assumption that an in-depth understanding of the legal considerations will help you become a successful employee and/or leader, and will assist you with your long-term career goals and aspirations.

3.2 Student Learning Outcomes

Successful completion of the course should enable students to

i. have a solid theoretical and practical perspective on legal aspects of employment and a working knowledge of the key concepts and debates in this area

ii. have an understanding of how the law affects workplaces and organisations and acquire an enhanced ability to influence these processes in an informed manner, whether as managers, employees or concerned citizens

iii. develop research, writing and speaking skills necessary for work and further study

iv. strengthen key competencies in oral and written communication and persuasion, critical thinking, information processing and planning.

3.3 Graduate Attributes and Assessments

This course contributes to your development of the following Australian School of Business Graduate Attributes, which are the qualities, skills and understandings we want you to have by the completion of your degree:

<table>
<thead>
<tr>
<th>Course Learning Outcomes</th>
<th>ASB Graduate Attributes</th>
<th>Assessed by Assessment No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>i &amp; ii</td>
<td>1. Critical thinking and problem solving</td>
<td>2, 3, 4 &amp; 5</td>
</tr>
<tr>
<td>ii, iii &amp; iv</td>
<td>2. Communication</td>
<td>1, 2, &amp; 4</td>
</tr>
<tr>
<td>ii &amp; iv</td>
<td>3. Teamwork and leadership</td>
<td>1 &amp; 2</td>
</tr>
<tr>
<td>i and ii</td>
<td>4. Social, ethical and global perspectives</td>
<td>1 &amp; 4</td>
</tr>
<tr>
<td>I &amp; iii</td>
<td>5. In-depth engagement with relevant disciplinary knowledge</td>
<td>1, 2, 3, 4 &amp; 5</td>
</tr>
<tr>
<td>ii &amp; iv</td>
<td>6. Professional skills</td>
<td>1, 2, 4 &amp; 5</td>
</tr>
</tbody>
</table>

3.3 Approaches to Teaching and Learning

In order to actively engage students in the learning process this course attempts to integrate scholarly material with students’ existing experience and knowledge. So, for example, students’ own workplace experience, their knowledge of the workplace from current affairs, newspapers, etc, will be incorporated into the tutorial discussions.

A variety of teaching strategies (aural, visual, oral, written) will be used to facilitate different ways of learning. All knowledge does not spring from the teachers. Therefore the course
incorporates student to student interaction. As the course is about education rather than punishment, meaningful and timely feedback will be given to assist students’ learning.

*Maximising your learning requires that you read the assigned materials and actively participate in discussions and structured exercises.*

### 3.4. Learning Activities and Teaching Strategies

The course involves one 2-hour lecture and a one-hour tutorial each week. The lectures will provide an introduction to each topic while the tutorials will concentrate on discussion, exploration and examination of issues and, where relevant, specific judgments and legislation. The lectures are designed to assist students to get the most out of what they read by giving some context and framework. The tutorials are designed to get students to articulate their own ideas, formed by both their engagement with lectures and written material, in conjunction with (or in opposition to) those of their peers and their teachers.

### 4. Student responsibilities and conduct

#### 4.1 Workload

It is expected that you will spend at least ten hours per week studying this course. This time should be made up of reading, library research, working on exercises and assignments, and attending lectures and tutorials. In periods where you need to complete assignments or prepare for examinations, the workload may be greater. Over-commitment has been a cause of failure for many students. You should take the required workload into consideration when planning how to balance study with the demands of your employment and other social activities.

#### 4.2 Attendance

Your regular and punctual attendance at lectures and tutorials is expected and both will impact on your final grade for this course. It is your responsibility to schedule your time so that you can comfortably arrive at lecture or tutorial before the scheduled time. Late arrival is distracting and disrespectful to both the lecturer/tutor and your fellow students. Note also that University regulations indicate that if students attend less than eighty per cent of scheduled tutorial classes they may be refused final assessment and thus fail the course. The course is structured around the incremental attainment of knowledge, which relies heavily on the lecture experience. Thus, the attendance of the lectures is compulsory.

#### 4.3 General Conduct and Behaviour

You are expected to conduct yourself with consideration and respect for the needs of your fellow students and teaching staff. Conduct which disrupts or interferes with a class, such as ringing or talking on mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: [www.my.unsw.edu.au](http://www.my.unsw.edu.au)

#### 4.4 Keeping informed

You should take note of all announcements made in lectures, tutorials or on the course web site. The PowerPoint handouts and readings (where available) for each lecture will be made available on the UNSW Blackboard site after the lecture:

From time to time, the University will send important announcements to your university e-mail address without providing you with a paper copy. You will be deemed to have received this information. You may also wish to share contact information with one or more of your classmates, in case you need to contact them in the event that you miss a lecture or tutorial.

5. Learning Assessments

5.1 Formal Requirements

In order to pass this course, you must:
- achieve a composite (i.e., overall) mark of at least 50 for the course;
- fully complete and submit all assessment tasks
- attend at least 80% of the lectures and tutorials.

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 plan and the essay 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 develop their communication abilities, 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.

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Weight</th>
<th>ASB Graduate Attributes assessed</th>
<th>Length</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance, preparation and participation</td>
<td>20%</td>
<td>GA2, GA3, GA4, GA5, GA6</td>
<td>Every week</td>
<td></td>
</tr>
<tr>
<td>Essay plan and bibliography</td>
<td>10%</td>
<td>GA1, GA2, GA3, GA5, GA6</td>
<td>250 words plus 6-item bibliography</td>
<td>Week 5</td>
</tr>
<tr>
<td>Mid-semester test</td>
<td>20%</td>
<td>GA1, GA5</td>
<td>2 hours</td>
<td>Week 7</td>
</tr>
<tr>
<td>Essay</td>
<td>30%</td>
<td>GA1, GA2, GA4, GA5, GA6</td>
<td>2000 words</td>
<td>Week 11</td>
</tr>
<tr>
<td>Final exam</td>
<td>20%</td>
<td>GA1, GA5</td>
<td>2 hours</td>
<td>TBA (formal exams)</td>
</tr>
</tbody>
</table>
5.2 Assessment Details

i. Attendance, preparation* and participation – 20%

Tutorial topics relate to the lectures, 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, e.g. a chapter from the textbook. 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 discuss the questions set at the beginning of each list of tutorial readings.

*Preparation – as well as the regular weekly preparation of reading, each student will be required to choose one tutorial topic for which they will introduce discussion of a relevant illustration, e.g. newspaper article, youtube clip – you may come up with a relevant item of your own, in consultation with the tutor.

ii. Essay Plan – 10%

The plan for your essay must be 250 words long and have a correctly-cited bibliography of six items. It is due in week 5 and will be returned in week 7 to enable students to receive feedback before attempting the major essay. The essay marking criteria (below) will be used to assess the plan.

iii. Mid-semester test – 20%

A short answer (about one paragraph) test on the material covered in lectures and tutorials to the middle of semester. It will take place in the lecture theatre during the lecture period 6-8pm in week 7.

iv. Essay – 30%

The essay question will be provided in the Week 2 lecture.

Length: 2000 words maximum
Due Date: Week 11

Essay assessment criteria:

The following criteria will be applied in assessing your essay (and, to a more limited extent, your essay plan):

<table>
<thead>
<tr>
<th>Key Criteria</th>
<th>Comments</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Focus:</strong></td>
<td>Did you answer the question posed and address the main issues?</td>
<td></td>
</tr>
<tr>
<td><strong>2. Argument:</strong></td>
<td>How well did you argue a case in your essay; are the sub-arguments well organised; is the structure logical and well thought out? Were your main assertions backed by sufficient evidence?</td>
<td></td>
</tr>
<tr>
<td><strong>3. Research:</strong></td>
<td>What was the depth of your reading and research? Did you read critically? Does the essay indicate awareness of different</td>
<td></td>
</tr>
</tbody>
</table>
4. **Expression:**
   - Is the essay written in a clear, precise and readable style, appropriate for an academic paper? (e.g. no spelling errors; work is edited; written expression is clear; all student details are clearly presented; all sections of the assignment are present; paragraphs are well developed; content conveyed clearly)

5. **Referencing:**
   - Did you reference sources properly and provide a bibliography? (e.g. At least 2 academic readings are used and integrated in discussing the experiences; Harvard style referencing)

6. **Late penalty**
   - yes/no

<table>
<thead>
<tr>
<th>Total</th>
<th>/30</th>
</tr>
</thead>
</table>

### v. Final test – 20%

The written exam will be of **two hours** duration, during the formal examination period. Further details will be advised towards the end of the semester.

### 5.3 Assignment Submission Procedure

Assignments are to be submitted at tutorials and marked assignments will be returned at tutorials. If this is not possible, a 24 hour assignment box is located outside the glass security doors on the North side of the ground floor West Lobby of the Australian School of Business building. Another assignment box will be located during session directly outside the lifts in the West Lobby on the 5th floor. This is available only during the building opening hours 7am to 9pm. These two boxes will be emptied daily during session.

### 5.4 Turn-it-in

A soft copy of all assignments must be uploaded into Turn-it-in using the link on Black Board. Soft copies must be submitted by the **beginning of the tutorial time** on the due date. Assignments will not be marked if a soft copy has not been uploaded. Please make sure that you have attached the final version of your assignment. It is recommended that you leave a margin of time for uploading so you can trouble-shoot if there are any technical issues.

**Assignment files are to be named as follows:**

Family name_Firstname_SID_Assignment Item.docx (or .doc)

*E.g.*, Jane Jones would submit her Essay as:

Jones_Jane_z3012549_Essay.docx (or .doc)

### 5.5 Late Submission

**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 5% of the gross 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.

5.6 Special Consideration and Supplementary examinations

UNSW Policy and information on special consideration, including supplementary exams can be found at: https://my.unsw.edu.au/student/atoz/SpecialConsideration.html

In brief:

- Applications for special consideration (including supplementary examinations) must go through UNSW Central administration (within 7 working days of the assessment to which it refers) – applications will not be accepted by teaching staff;

- Applying for special consideration does not automatically mean that you will be granted additional assessment or that you will be awarded an amended result;

- If you are making an application for special consideration (through UNSW Central Administration) please notify your Lecturer in Charge as soon as possible;

- Please note: a register of applications for Special Consideration is maintained. History of previous applications for Special Consideration is taken into account when considering each case.

- For complete details of UNSW policy and process for Special Consideration see https://my.unsw.edu.au/student/atoz/SpecialConsideration.html.

6. Student Resources

6.1 Course Resources

Prescribed Text


The text can be purchased at the UNSW bookshop.

Study Material:

All lecture slides, readings and additional material will be made available on the Blackboard website and via My Course.

Other useful books and websites

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**

*Fair Work Act* (Cth) 2009 The government website relating to this new legislation is very comprehensive


*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.

**Journals**

There are a number of journals and loose leaf reports that provide information and updates on current developments.

*Australian Labour Law Reporter*

*CCH Law of Employment*

*Australian Journal of Labour Law*

*Australian Industrial Law Reports*

*Economic and Labour Relations Review*

*Journal of Australian Political Economy*

*Journal of Industrial Relations*

*Human Resources Law Bulletin*

*Workforce*
Students are also encouraged to peruse newspapers and weeklies for current industrial relations and workplace relations issues.

Internet resources

www.austlii.edu.au
www.wagenet.gov.au
www.airc.gov.au
www.hreoc.gov.au
www.industrialrelations.nsw.gov.au
www.dewr.gov.au
www.workplaceexpress.com.au
www.anzwers.com.au
www.acci.asn.au
www.aigroup.asn.au
www.workplace.gov.au

6.2 Other Resources, Support and Information

The University and the Australian School of Business (FOB) provide a wide range of support services for students, including:

- Learning and study support
  - Education Development Unit
  - (http://education.FOB.unsw.edu.au)

Additional learning and language support is available from the Education Development Unit (EDU) in the ASB. The EDU provides individual and small group consultations, academic skills workshops, discipline-specific support workshops and a range of study skills resources and handouts. EDU services are free and confidential, and are available to students of ASB. Students requiring advice and assistance with assignment writing, academic reading and note-taking, oral presentation, study skills or other learning needs are advised to drop in or contact the learning advisors in the EDU which is located in:

  - UNSW Learning Centre (http://www.lc.unsw.edu.au)

The Learning Centre provides a wide range of academic support services to students enrolled in degree programs at UNSW. At The Learning Centre, students are assisted in adjusting to academic culture and to new approaches to learning and teaching. The Centre also offers a range of learning and language assistance programs. The Learning Centre can be contacted on (02) 9385 3890.

- Counselling support - http://www.counselling.unsw.edu.au

The UNSW Counselling Service provides a confidential service staffed by professionals who are able to do assessment, short term counselling, and assist students in their continued academic, personal and professional development. With a counsellor, you can talk about: academic problems, administrative problems, personal concerns, crises or traumas, personal difficulties, moods and feelings, health and well-being, or any concern that interferes with personal satisfaction or academic achievement. The counselling service can be contacted by email at counselling@unsw.edu.au or calling (02) 9385 5418.

- Library training and support services - http://info.library.unsw.edu.au
The UNSW Library offers a series of workshops aimed at providing information for postgraduates in their areas of interest. Programs on offer include *Getting more from your library*, *Endnote Advanced*, *Finding Theses and Digital Thesis Submission*, and *Seven secrets of effective searching*. Registration is essential for these programs. If you are interested in attending please contact m.astar@unsw.edu.au. For more information on any of these programs, see http://info.library.unsw.edu.au/skills/services/pgtimetable.html.

- **Disability Support Services** – 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 Coordinator or the Equity Officer (http://www.equity.unsw.edu.au/disabil.html). Early notification is essential to enable any necessary adjustments to be made.

In addition, it is important that all students are familiar with University policies and procedures in relation to such issues as:

- **Examination procedures** and advice concerning illness or misadventure https://my.unsw.edu.au/student/academiclife/assessment/examinations/examinationrules.html


### 7. Academic Honesty and Plagiarism

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For full information regarding policies, penalties and information to help you avoid plagiarism see: http://www.lc.unsw.edu.au/plagiarism/index.html. In brief:

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.

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For UNSW policies, penalties, and information to help you avoid plagiarism see: http://www.lc.unsw.edu.au/plagiarism/index.html as well as the guidelines in the online ELISE Plus tutorial for all new UNSW students: http://info.library.unsw.edu.au/skills/tutorials/InfoSkills/index.htm

To see if you understand plagiarism, do this short quiz: http://www.lc.unsw.edu.au/plagiarism/plagquiz.html

For information on how to acknowledge your sources and reference correctly, see: http://www.lc.unsw.edu.au/onlib/ref.html


8. Continual Course Improvement
Formal feedback is via UNSW’s Course and Teaching Evaluation and Improvement (CATEI) Process (http://www.ltu.unsw.edu.au/ref4-5-1_catei_process.cfm), and is gathered from students at the end of the semester. Significant changes to courses and programs within the School are communicated to subsequent cohorts of students.

9. Readings

TUTORIAL READING GUIDE
(Every week you need to think about how you would answer the questions at the beginning of each tutorial topic – BEFORE you come to the tutorial. Make sure you
read the relevant materials on Blackboard each week as well as the textbook chapters and other readings in this guide.)

**Week 1 – Introductory tutorial**

Students should choose the tutorial topic/week for which they will introduce a contemporary illustration such as a newspaper article.

**Week 2 – History of labour law**

Is the regulation of the labour relationship a product of the 20th century?  
What were the main concerns of Australian labour law 100 years ago, and what are they now?

Readings

- Stewart (textbook), chapters 1, “Employment law: an introduction” and chapter 2, “The development and coverage of employment law in Australia”

- Owens and Riley, ch. 1 “The law of work”


**Week 3 – Law in context: constitutional framework and theories of regulation**

How important are notions of equity, fairness, human rights, social justice, business necessity and economic efficiency in the state’s attempts to regulate employment and industrial relations within a “market economy”? Is there any need for the law’s intervention to extend beyond (or retreat from) its present limits? How useful are concepts such as class and power when seeking to explain the making and operation of law and labour law?

Readings

- Stewart, chapter 2, “The development and coverage of employment law in Australia”

- Owens and Riley, ch. 3 “Australian law of work in transition”


- Company, Sydney


• Williams, G. (1998) Labour law and the Constitution, Federation Press, Sydney, ch. 1-5 (a very useful reference that goes through each of the constitutional powers individually)
Week 4 – The common law and employment contracts

Is the notion of the “freedom of contract” enjoyed by employers and employees a fiction? To what extent does the common law contract of employment represent a process of “bargaining” between parties of equal power and status? How do you distinguish between a contract of service and a contract for service and why is this important?

Readings
- Stewart, chapters 3-6 – “Who is an employee?” to “Terms of an employment contract”
- Owens and Riley, ch. 5 “Work relations and the limits of contract”
- Owens and Riley, ch. 6, “Rights and responsibilities under contract”

Week 5 – WorkChoices, Fair Work and beyond

These readings will be useful for the essay topic.

Readings
- Stewart, chapters 1 and 2, and chapter 7 “Minimum standards: the NES and awards”
- Owens and Riley, ch. 11, 12 and supplement
- Fieldes, D. “We’ve got this new legislation”: a review article on Australia@Work and other 2007 reports on WorkChoices”, The Economic and Labour Relations Review, 18 (1) November 2007, pp. 143-154 (this is a review article of all the reports published on the impact of WorkChoices – so check the bibliography for useful sources)
Creighton and Stewart, online supplement re Fair Work

Work Choices legacy, Federation Press, Sydney – with an online supplement at
available on googlebooks at
dq=workchoices+fair+work+australia&ots=p-Pbi8I3yy&sig=aUWfURx5_Ong2LM_5b2hj2YvP7M#!v=onepage&q=workchoices%20fair%20work%20australia&f=false


work”, Journal of Australian Political Economy, no. 56, December at http://www.jape.org/

Australian Political Economy, no. 56, December at http://www.jape.org/

Stewart, A. (2006) “WorkChoices in overview: big bang or slow burn?” Economic and

(see other papers delivered at this “Symposium: state systems of industrial
relations” for more on this topic)

Week 6 – Freedom of association – unions and the law

Why is freedom of association regarded as a fundamental civil right? Is the strike a
legitimate industrial tactic?

Readings

- Stewart, chapter 1 and chapter 18, “Industrial action”.
- Owens and Riley, ch. 10, 12
  assessment of ACTU strategy”, Journal of Australian Political Economy, no. 56,
  December at http://www.jape.org/
  Journal of Australian Political Economy, no. 56, December at http://www.jape.org/
  Picketing During the 1998 Maritime Dispute” Labour and Industry, Volume 9, (3)
  Bargaining Laws” in Relations Industrielles – Industrial Relations, vol. 57 – 2

**Week 7 – Tutorials will be devoted to discussion of the essay.**

**NO READINGS**

**Week 8 – Discrimination in employment**

What are the principal purposes of this type of legislation? What is meant by direct and indirect discrimination? What is sexual harassment? Are any other types of workplace harassment prohibited by anti-discrimination laws? What is bullying? Is it prohibited by anti-discrimination laws? What other laws are relevant to workplace bullying? Does the common law have any bearing on the “right to dignity at work”?

**Readings**

- Stewart, chapter 14, “Discrimination and victimization”
- Owens and Riley, ch. 8 “Equality and diversity at work”
- Creighton and Stewart, ch. 14

**Week 9 – Termination of employment**

Do unfair dismissal protections impose unreasonable restrictions on employers? Should small business be exempt from unfair dismissal legislation?

**Readings**
• Stewart, chapter 16, “Termination of employment contracts” and chapter 17, “Remedies for wrongful or unfair termination”

• Owens and Riley, ch. 9 “Security at work”


Week 10 – NO LECTURE AND NO TUTORIALS (reading/writing week)

Week 11 – Occupational health and safety
Should we legislate for health and safety or should workers be able to make contracts for risk? Should deaths in the workplace be treated as industrial homicide?

Readings
• Stewart, chapter 15, “Workplace Safety”

• Owens and Riley, ch. 7 “Work standards”


• Mayhew and Quinlan (1998) Outsourcing and Occupational Health and Safety - A Comparative Study of Factory-based and Outworkers in the Australian TCF Industry, Industrial Relations Research Centre

**Week 12 – Human rights and international labour issues**

Is there a place within the context of industrial/employment relations for promoting the practical recognition and protection of fundamental human rights? What impact, if any, do you think international instruments have on employment relations in Australia? Do you think they can be used as effective instruments for managing workplace or industrial disputes within a country like Australia? Should Australian workers be concerned about international worker rights?

**Readings**

- Owens and Riley, ch. 2 “The law of work in the global era”


- Creighton and Stewart, ch. 3


- Ruskin, N. and Smith, L (1998) ‘The Role and Impact of ILO Standards in the Australian Workplace’ in *JIR* June, volume 40, no. 2
10. COURSE SCHEDULE
The week for this course begins on Thursday with the lecture followed by the tutorial on the same topic on Tues and Thurs the following week.

<table>
<thead>
<tr>
<th>Lecture</th>
<th>Lecture Topic</th>
<th>Tutorial Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Introduction</td>
<td>Choice of tutorial topic for preparation</td>
</tr>
<tr>
<td>Week 2</td>
<td>A brief history of labour law</td>
<td>History of labour law</td>
</tr>
<tr>
<td>Week 3</td>
<td>Law in context: constitutional framework &amp; theories of regulation</td>
<td>Law in context: constitutional framework</td>
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<tr>
<td>Week 4</td>
<td>The common law and the workplace; employment contracts</td>
<td>Common law/employment contracts</td>
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<tr>
<td>Week 5</td>
<td>WorkChoices, Fair Work and beyond</td>
<td>WorkChoices, Fair Work and beyond</td>
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<td></td>
<td>ESSAY PLAN DUE</td>
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<tr>
<td>Week 6</td>
<td>Freedom of association - unions</td>
<td>Freedom of association - unions</td>
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<tr>
<td>Week 7</td>
<td>TEST 6-8pm ESSAY PLANS RETURNED</td>
<td>Tutorials will be devoted to discussion of the essay.</td>
</tr>
<tr>
<td>Week 8</td>
<td>Discrimination in employment</td>
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<td>Week 9</td>
<td>Termination of employment</td>
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<tr>
<td>Week 10</td>
<td>NO LECTURE – READING/WRITING WEEK AS</td>
<td>NO TUTORIALS</td>
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<tr>
<td></td>
<td>ESSAY DUE</td>
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<tr>
<td>Week 11</td>
<td>Occupational health and safety</td>
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<td>ESSAY DUE</td>
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<tr>
<td>Week 12</td>
<td>Human rights &amp; international labour issues</td>
<td>Human rights &amp; international labour issues</td>
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