

LAWS70135 Bargaining at Work

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None.
Corequisites:	None.
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) or phone +61 3 8344 6190. Alternatively, visit our website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>This subject investigates the legal regulation of workplace bargaining in Australia. With the requirement that bargaining be conducted in 'good faith' under the <i>Fair Work Act 2009</i> (Cth), this has become one of the most contested areas of federal labour regulation. The examination in this subject is informed by relevant international legal principles, and theories and purposes of industrial action and workplace bargaining. While the focus of the subject is on the system regulating workplace bargaining under the Fair Work Act, other areas of law are examined as relevant, including the common law regulation of strikes and industrial action, and the contract of employment. The special regulation of bargaining and industrial action in the building and construction industry is also examined. The lecturer in this subject is a leading expert in the field, both as a scholar and a legal practitioner. He is the co-author of the leading textbook on Australian labour law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"># The constitutional basis of the <i>Fair Work Act 2009</i> (Cth) as it relates to regulating and making workplace agreements

	<ul style="list-style-type: none"> # Relevant international legal principles and Australia's obligations in this respect # Theories and purposes of industrial action in workplace bargaining # Common law regulation of strikes and industrial action # The system regulating workplace bargaining under the <i>Fair Work Act 2009</i> (Cth), including the conduct of bargaining and the taking of protected industrial action, and the role of trade unions # The form, function and content of registered workplace agreements # The relationship of workplace agreements to other means of regulating working conditions, including the contract of employment # Special regulation of bargaining and industrial action in the building and construction industry.
Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have an understanding of the principles of Australian employment and labour relations law promoting the setting of working conditions through both collective and individual negotiations at the workplace # Be able to apply, at an advanced level, relevant legal principles to problem-solving exercises # Understand the common law regulating taking industrial action, the regime for protected action under the <i>Fair Work Act 2009</i> (Cth) and the differences between them # Demonstrate an understanding of the role of law, and of institutions such as the common law courts and industrial tribunals in regulating workplace relations # Understand the historical and continuing role of trade unions in bargaining.
Assessment:	<p>4,000 word research paper (50%) (15 October) on a topic approved by the subject coordinator 4,000 word answer to a take-home examination comprising a hypothetical problem (50%) (12 pm 11 October to 5 pm 15 October)</p>
Prescribed Texts:	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5133</p>