

# LAWS70197 Labour Standards under the Fair Work Act

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: April, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	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.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	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 and critique 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 to 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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Prof John Howe
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>This subject addresses the relevant provisions of the key federal statute governing minimum employment standards in Australia, the <i>Fair Work Act 2009</i> (Cth). This legislation replaced the <i>Workplace Relations Act 1996</i> (Cth) (WRA), previously the centrepiece of Commonwealth statutory regulation of working conditions. This subject examines the mechanisms by which minimum wages, working hours regulation and leave entitlements are set and reviewed, as well as the function and content of these standards. The new bullying jurisdiction of the Fair Work Commission is also examined. This subject addresses the important topic of how labour standards can be enforced, and considers issues such as the role of the Fair Work Ombudsman, and transfer of employment standards in the context of corporate restructuring.</p> <p>This subject covers federal statutory regulation of minimum employment conditions in Australia. It addresses the relevant provisions of the key federal statute, the <i>Fair Work Act 2009</i> (Cth).</p>

	<p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The way the Australian Constitution shapes the legal mechanisms used to regulate labour standards and working conditions, and the scope of the national system based on the corporations power and the referral power</li> <li># The institutions that regulate labour standards and working conditions, including the Fair Work Commission and the Fair Work Ombudsman</li> <li># The role and content of the National Employment Standards (NES) as a means of maintaining a safety net of fair working conditions</li> <li># The form, function and content of Modern Awards as a mechanism for setting further minimum labour standards at an industry and sectoral level</li> <li># The relationship of Modern Awards and the NES to other means of regulating working conditions, including the contract of employment and enterprise agreements</li> <li># The enforcement of minimum labour standards and working conditions by employees and the Fair Work Ombudsman, and protection of entitlements in the case of business restructuring</li> <li># The new jurisdiction of the Fair Work Commission to make orders to stop bullying</li> <li># Emerging issues and innovative approaches in regulating labour standards and working conditions, including protection of vulnerable workers such as casual and part-time workers and outworkers, and regulation of work/life balance.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the different mechanisms of setting and maintaining minimum labour standards under the <i>Fair Work Act 2009</i> (Cth), including recent developments in this field of law and practice</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these mechanisms and their enforcement</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as working hours, right to request flexibility mechanisms, and the Better Off Overall Test</li> <li># Have a sophisticated appreciation of the factors and processes driving parliamentary revision of the legal framework in relation to minimum labour standards</li> <li># Have an advanced understanding of situations in which minimum labour standards arise in work relationships and management practices</li> <li># Have a detailed understanding of Australia's framework of minimum labour standards in an international context</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to the setting, maintenance and enforcement of minimum labour standards, and to critically evaluate existing legal theories, especially regulation theory, with creativity and autonomy</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to minimum standards in the workplace</li> <li># Have the communication skills to clearly articulate and convey complex information regarding labour standards in the workplace to relevant specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of labour standards under the <i>Fair Work Act 2009</i> (Cth).</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (18-22 June) or 10,000 word research paper (100%) (29 July) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70197/2015">www.law.unimelb.edu.au/subject/LAWS70197/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://</a>

**www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format)** for further information about the management of subject quotas and waitlists.