

730-405 Unions, Bargaining and Industrial Action

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2009.
Time Commitment:	Contact Hours: One 3-hour seminar per week Total Time Commitment: 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory. Normally a student would have or be undertaking 730-436 Principles of Labour Law. Students who are unsure about whether to enrol should feel free to consult the subject coordinator in advance.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>This subject examines the regulation of Australian workplaces in the aftermath of the Federal Government's Work Choices legislation. The subject focuses on the issues of freedom of association and the right to organise unions, bargaining over employment conditions, and controls over industrial action. The subject will include an examination of competing policy objectives, a historical overview of Australian workplace regulation, an analysis of international legal principles and a comparative study of the law in jurisdictions such as the USA, New Zealand and the UK. The subject will conclude with a consideration of new and innovative models or workplace regulation appropriate for contemporary forms of work.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing.</p>
Objectives:	<p>The objectives of this course are to:</p> <ul style="list-style-type: none"> • Understand the debates about the workplace regulation through the prism comparative and international law (including the principle of freedom of association); • Be able to analyse and critically evaluate policy proposals on regulating workplace organisations • Be familiar with the operation of the Australian regulatory framework, and in particular the Work Choices changes • Assist students to develop their legal research and writing capabilities.
Assessment:	Research assignment of 5000 words, 100% (due first day of examination period); or a reflective essay of 1500 words, 40% (due first day of the exam period); and a final open-book examination of 2 hours, 60%.
Prescribed Texts:	Printed materials will be issued by Melbourne Law School.
Recommended Texts:	
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	On completion of the subject, students should have developed the following generic skills:

- # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage
- # the capacity for close reading and analysis of a range of sources
- # the capacity for critical and independent thought and reflection
- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # the capacity to plan and manage time
- # intercultural sensitivity and understanding

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # Critically evaluate Australian debates about the appropriate approaches to regulating the workplace
- # Identify and critically evaluate research materials relevant to regulating Australian the workplace
- # Analyse an aspect of the law of the workplace by reference to regulation theory and/or comparative legal methodologies;
- # structure and compose a research paper around an aspect of regulating the workplace, within a specific time frame;
- # understand the political and economic context of debates about regulating the workplace.