

730-436 Employment Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: A two-hour seminar plus a one-hour seminar per week Total Time Commitment: 120 hours
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal theory or in each case their equivalents.
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>
Coordinator:	Dr Joo-Cheong Tham
Subject Overview:	<p>This subject provides a detailed overview of the legal regulation of work relationships in Australia, in an industrial, social and political context. Historical and theoretical perspectives are used. The subject examines how work relationships are regulated through a contractual paradigm, as well as through statutory regimes designed to ensure the fair and non-discriminatory treatment of workers, and reasonably safe work practices. A major focus of the subject is the Workplace Relations Act 1996 (Cth), which sets minimum employment conditions and regulates awards and workplace agreement-making. We will examine key aspects of the Act, including the significant 'Work Choices' amendments enacted in 2005 by the Howard Coalition Government, and the Rudd Labor Government's recent 'Forward with Fairness' reforms.</p> <p>Topics include:</p> <ul style="list-style-type: none"> # Various aspects of the common law contract of employment, including emerging ideas of employment as based on mutual trust and confidence; # Statutory provisions regarding discrimination in employment and occupational health and safety; # Statutory standards under the Workplace Relations Act regarding unfair dismissal, minimum wage rates, hours of work and leave; # The regulation of employment rights and working conditions by awards and workplace agreements, the Workplace Relations Act; # The constitutional framework for Australian employment law; <p>A number of thematic issues will be developed. These will be chosen for their currency and relevance, and may include the phenomenon of casualisation, and work and family conflict.</p>
Objectives:	Upon completion of this subject, students should be able to:

	<ul style="list-style-type: none"> # Analyse the legal principles of Australian labour law in problem solving exercises; # Critically engage with the legal principles of Australian labour law using theoretical perspectives; # Understand the development of Australian labour law in an industrial, social, political and historical context; # Analyse emerging and contemporary issues in Australian work relations.
Assessment:	A 5,000 word research essay (100%) due at the end of the semester) OR a final open-book examination three hours (100%). All students are required to complete a work-book containing answers to case studies and problems discussed in class by the final week of semester (hurdle requirement).
Prescribed Texts:	Printed materials will be issued by the Faculty of Law.
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:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # 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 # the capacity to participate as a member of a team # intercultural sensitivity and understanding