

LAWS70197 Labour Standards under the Fair Work Act

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: June, 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:	The 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 new legislation replaced the <i>Workplace Relations Act 1996</i> (Cth) (WRA), which had previously been the centrepiece of Commonwealth statutory regulation of working conditions. The subject examines the mechanisms by which minimum wages, working hours regulation and leave entitlements are set and reviewed. It also addresses the important topic of how these 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. Associate Professor John Howe has been teaching and researching labour law for over ten years. Mr Paul O'Grady is a respected practitioner in employment law, and co-author of a leading text book. 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). Principal topics will include:

	<ul style="list-style-type: none"> # The way that the Australian Constitution shapes the legal mechanisms used to regulate labour standards and working conditions, and the scope of the new national system based on the corporations power and the referral power # The institutions that regulate labour standards and working conditions, including Fair Work Australia and the Fair Work Ombudsman # The role and content of the National Employment Standards (NES) as a means of maintaining a safety net of fair working conditions # The form, function and content of Modern Awards as a mechanism for setting further minimum labour standards at an industry and sectoral level # The relationship of Modern Awards and the NES to other means of regulating working conditions, including the contract of employment and enterprise agreements # 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 # 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.
Objectives:	<p>A student who has successfully completed this subject should understand:</p> <ul style="list-style-type: none"> # The historical origins of the federal system of labour regulation in Australia, in particular, conciliation and arbitration as a means of setting minimum labour standards # The constitutional parameters of labour regulation in Australia and the shift to a national system # The different mechanisms of setting and maintaining minimum labour standards under the <i>Fair Work Act 2009</i> (Cth), and how to evaluate these mechanisms using historical, practical and theoretical perspectives; in particular, regulation theory # Emerging issues in the setting and effective enforcement of labour standards and working conditions # The development of Australian labour standard-setting and enforcement in an international context.
Assessment:	Take-home examination (100%) (12 pm 2 August to 5 pm 6 August) or 10,000 word research paper (100%) (13 September) on a topic approved by the subject coordinator
Prescribed Texts:	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.
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
Links to further information:	http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5250