

# LAWS50064 Employment Law

<b>Credit Points:</b>	12.50															
<b>Level:</b>	5 (Graduate/Postgraduate)															
<b>Dates &amp; Locations:</b>	This subject is not offered in 2013. 1 x 3 hour seminar per week.															
<b>Time Commitment:</b>	Contact Hours: 36 hours. Total Time Commitment: 144 hours.															
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	Not offered 2013	12.50	LAWS50024 Principles of Public Law	Not offered 2013	12.50	LAWS50026 Obligations	Not offered 2013	12.50	LAWS50027 Dispute Resolution	Not offered 2013	12.50
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<b>Corequisites:</b>	None.															
<b>Recommended Background Knowledge:</b>	None.															
<b>Non Allowed Subjects:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70371 Principles of Employment Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70371 Principles of Employment Law	Not offered 2013	12.50									
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<b>Core Participation Requirements:</b>	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>															
<b>Contact:</b>	<p>Melbourne Law School Student Centre          Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au)          Tel: +61 3 8344 4475</p>															
<b>Subject Overview:</b>	<p>Employment Law is an increasingly complex field of legal regulation. It comprises the common law of contract and several overlapping statutory schemes including principally the Fair Work Act 2009 (Cth), Commonwealth and State equal opportunity legislation, and work health and safety statutes. These different legal frameworks can only be fully understood and appreciated in their industrial, social and political contexts. Those contexts includes dynamic federal-State relations, the tradition of Australian industrial relations with its values of industrial justice, strategic decision-making of industrial associations, and new forms of work organisation.</p>															

	<p>This subject explores this multifaceted and dense field of employment law in detail, with a focus on the dynamic processes of law-making and intersections between different sources of rights and obligations. Enforcement in the field of employment law poses particular challenges, across the different statutory frameworks, and these matters will also be closely examined.</p> <p>The principal substantive topics that will be addressed in this subject will include:</p> <ul style="list-style-type: none"> <li># The common law framing of contracts of employment and the contracting arrangements of independent contractors and the self-employed;</li> <li># The constitutional framework underlying the Fair Work Act;</li> <li># Statutory standards under the Fair Work Act regarding unfair dismissal, minimum wage rates, hours of work and leave;</li> <li># The regulation of employment rights and working conditions by awards and workplace agreements under the Fair Work Act;</li> <li># Various aspects of the common law contract of employment including new and emerging duties of mutual trust and confidence;</li> <li># The regulation of issues of discrimination and harassment under the Fair Work Act and equal opportunity legislation; and</li> <li># The regulation of work health and safety.</li> </ul> <p>This subject will also examine a number of thematic issues, such as non-standard workers, fair treatment at work, work-life balance, freedom of association, employment security and employment law responses to economic downturns.</p>
<b>Objectives:</b>	<p>A student who has successfully completed this subject will have an advanced and integrated understanding of the specialised and cross-disciplinary field of employment law. This includes a deep appreciation of the intersections and specific contexts and histories of each unique regulatory framework that comprises employment law. Students will have obtained specialised skills to:</p> <ul style="list-style-type: none"> <li># Critically analyse and reflect on different literatures that seek to understand the field of employment law through, for example, capital and labour relations, regulation theory and critical approaches such as feminist scholarship;</li> <li># Engage in a sophisticated manner in debates taking place within Australia and internationally on the appropriate role of the state in regulating labour relations, in addition to contributing to debates regarding the legitimacy of the discipline of employment law within the legal academy; and</li> <li># Interpret and transmit technical knowledge and skills across the field of employment law through addressing problems and case studies of contemporary and emerging issues in the field.</li> </ul> <p>Through assessment involving an independent research paper, students will have obtained specialised skills in self-directed legal research and in an autonomous and creative production of a substantial piece of legal writing that is thoroughly researched and develops arguments in a highly structured, supported and referenced way, with a high degree of original content.</p>
<b>Assessment:</b>	A 6,000 word research essay due at the end of semester (100%); OR A final 3-hour open-book examination (100%).
<b>Prescribed Texts:</b>	Andrew Stewart, <i>Stewart's Guide to Employment Law</i> (latest edition, Federation Press); Specialist printed materials will also be made available from Melbourne Law School.
<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>Generic Skills:</b>	<p>Students who successfully complete this subject will have developed:</p> <ul style="list-style-type: none"> <li># An integrated understanding of the specialised subject-matter of employment law, through the different legal frameworks governing work relations;</li> <li># A sophisticated appreciation of, and ability to engage in, the complex theoretical, policy and practical debates taking place in Australia as elsewhere in relation to employment law and its enforcement;</li> <li># An extended understanding of recent developments in the field, the literature, and the professional practice of employment law.</li> </ul>

**Notes:**

This subject has a quota of 60 students.