

LAWS70200 Employment Contract Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2014, Parkville This subject commences in the following study period/s: April, 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 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: www.services.unimelb.edu.au/disability/
Coordinator:	Prof Sean Cooney
Contact:	For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Employment contracts have been a major source of litigation in recent years, with some cases leading to very large payouts. This subject examines the evolving law of employment contracts, and other related kinds of personal work contracts. Drawing on recent cases as well as leading articles by Australian and international scholars, the lecturers consider several key questions. These include determining and varying contract terms, employer and employee duties, non-compete clauses, termination and damages. The subject also looks at the interaction between employment contracts and major statutes, such as the Australian Consumer Law and the <i>Fair Work Act 2009</i> (Cth). The subject seeks to combine discussions of the practical realities of contracting with a broader analysis of the underlying assumptions in current law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The scope of employment regulation: Which work relationships are covered? # The regulation of independent contracting, such as agency relationships # The content of the employment contract: Express terms # The content of the employment contract: Implied terms

	<ul style="list-style-type: none"> # Non-compete clauses and restraint of trade # Employment, the <i>Competition and Consumer Act 2010</i> (Cth) and estoppel # Variation and flexibility in the employment contract # Termination at common law # The relationship between contracts, awards and agreements # Statutory remedies for termination of employment.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Be able to apply, at an advanced level, relevant legal principles to the individual employment relationship in problem-solving exercises # Be able to analyse emerging and contemporary issues in employment contract law and scholarship, including issues such as recruitment; non-compete obligations; the interaction between express and implied contractual terms; the relationship between policies and employment contracts and the relationship between federal legislation (the <i>Fair Work Act</i> and the <i>Competition and Consumer Act 2010</i> (Cth)) and employment contracts # Be able to evaluate aspects of Australian employment law drawing on scholarly and policy-oriented writing from Australia and overseas # Demonstrate an understanding of the development of Australian employment contract law in an international context.
Assessment:	Take-home examination (100%) (19 – 23 June) or 10,000 word research paper (100%) (30 July) 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. Details regarding any prescribed texts will be provided prior to the commencement of the 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:	www.law.unimelb.edu.au/subject/LAWS70200/2014