

## LAWS70371 Principles of Employment Law

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| <b>Credit Points:</b>                    | 12.50  |
| <b>Level:</b>                            | 7 (Graduate/Postgraduate)  |
| <b>Dates &amp; Locations:</b>            | This subject is not offered in 2014.   |
| <b>Time Commitment:</b>                  | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available   |
| <b>Prerequisites:</b>                    | None   |
| <b>Corequisites:</b>                     | None   |
| <b>Recommended Background Knowledge:</b> | 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.   |
| <b>Non Allowed Subjects:</b>             | None   |
| <b>Core Participation Requirements:</b>  | 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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>   |
| <b>Contact:</b>                          | For more information, contact the Melbourne Law Masters office.<br>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> )<br>Phone: +61 3 8344 6190<br>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )  |
| <b>Subject Overview:</b>                 | <p>Paid work is central to most adults. It not only provides an income but also is constitutive of their identities. For society at large, the organisation of paid work relationships is crucial because of the need to produce goods and services and to protect those engaged in production. Regulation of these work relationships by law is, therefore, important. This subject explores employment law through two integrated dimensions. The first examines the Australian legal environment with particular reference to the importance of contractual regulation in work relationships. Collective agreements and the intricate web of statutory and award regulation governing Australian work relationships will also be examined, with focus on the framework laid down by the <i>Fair Work Act 2009</i> (Cth). Anti-discrimination and health and safety statutes will also be examined. The second dimension of the subject deepens this knowledge through pursuing a series of thematic inquiries: the role of collective bargaining and freedom of association; fair and equal treatment at work and the regulation of managerial prerogative; and remedies in relation to bullying. It also includes case studies dealing with non-standard work, job security, equality and bullying.</p> <p>This subject provides a detailed overview of the legal regulation of work relationships in Australia in an industrial, social and political context. It examines how work relationships are regulated through statutory regimes as well as through contract law. A major focus of the subject is the <i>Fair Work Act 2009</i> (Cth), which sets minimum employment conditions, regulates awards and workplace agreement-making, and provides for conciliation in relation to bullying. Anti-discrimination and health and safety statutes will also be examined.</p> <p>Principal topics will include:</p> |

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|                                      | <ul style="list-style-type: none"> <li># The constitutional framework for Australian employment law</li> <li># Statutory standards under the <i>Fair Work Act 2009</i> (Cth) regarding unfair dismissal, minimum wage rates, hours of work, leave, adverse action and right to request regimes</li> <li># The regulation of employment rights and working conditions by awards and workplace agreements under the <i>Fair Work Act</i> (Cth)</li> <li># Various aspects of the common law contract of employment</li> <li># Anti-discrimination and equal opportunity law</li> <li># The regulation of work health and safety</li> <li># The enforcement of Australian employment law.</li> </ul> |
| <b>Learning Outcomes:</b>            | <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have a sound understanding of the legal principles of Australian employment law</li> <li># Be able to apply these principles to a variety of contexts (including those relating to human resource management and collective bargaining)</li> <li># Be able to critically assess the effectiveness of these legal rules</li> <li># Have the capacity to be an engaged participant in debates regarding emerging and contemporary issues in the field.</li> </ul>   |
| <b>Assessment:</b>                   | Take-home examination (100%) (10 – 14 April) or 10,000 word research paper (100%) (28 May) on a topic approved by the subject coordinator   |
| <b>Prescribed Texts:</b>             | 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.  |
| <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>Links to further information:</b> | <a href="http://www.law.unimelb.edu.au/subject/LAWS70371/2014">www.law.unimelb.edu.au/subject/LAWS70371/2014</a>  |