

## LAWS70025 Equality and Discrimination at Work

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: June, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<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>Coordinator:</b>	Prof Beth Gaze
<b>Contact:</b>	For more information: 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> ) Phone: +61 3 8344 6190 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>	Discrimination and sexual harassment in the workplace represent an overwhelming majority of total complaints made to anti-discrimination authorities. Equality and discrimination at work remain pressing concerns for employees, managers and more broadly for society. Achieving equality is elusive and, indeed, the very meaning of equality is highly contested.  This subject explores the legal meanings of equality, with a focus on the frameworks through which Australian parliaments have sought to address inequality, discrimination and harassment. It examines federal legislation dealing with race, sex, disability and age discrimination, and the <i>Equal Opportunity Act 2010</i> (Vic). Also examined is how these schemes interact with the new adverse action provisions in the <i>Fair Work Act 2009</i> (Cth). The lecturers in this subject combine many years of academic scholarship in this area of engagement in law reform debates and practical client-focused legal advice.

	<p>This subject provides an examination of the development and current scope of Australian equality and discrimination law, as relevant in employment and work relationships. It will focus on federal and Victorian jurisdictions.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># A study of the framework and key features of federal and state legislative provisions dealing with equality and discrimination in the employment context, including the <i>Equal Opportunity Act 2010</i> (Vic), the <i>Racial Discrimination Act 1975</i> (Cth), the <i>Sex Discrimination Act 1984</i> (Cth), the <i>Disability Discrimination Act 1992</i> (Cth) and the <i>Age Discrimination Act 2004</i> (Cth)</li> <li># An examination of the general protection provisions in the <i>Fair Work Act 2009</i> (Cth), including redress for certain types of adverse action</li> <li># Debates regarding the meaning of equality, discrimination and other contested concepts such as choice, especially as choice relates to carer responsibilities</li> <li># The <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic), and its potential impact in the interpretation of the <i>Victorian Equal Opportunity Act</i></li> <li># Conciliation, dispute resolution and remedies</li> <li># Alternative regulatory regimes, including the National Employment Standards, equal remuneration provisions under the <i>Fair Work Act</i>, contract law and occupational health and safety issues such as bullying</li> <li># Current processes of legislative revision at federal and state level</li> <li># The potential for future developments in the field.</li> </ul>
<p><b>Learning Outcomes:</b></p>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the legal principles of Australian equality and discrimination law within the context of work, including recent developments in this field of law and practice</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these legal rules</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as paid maternity leave, genetic discrimination, tension between work and care responsibilities, pay equity, and race, ethnicity and employment disadvantage</li> <li># Have a sophisticated appreciation of the factors and processes driving parliamentary revision of the legal framework</li> <li># Have an advanced understanding of situations in which issues of equality and discrimination may arise in work relationships and management practices</li> <li># Have developed an understanding of work-related equality and discrimination legal regimes in an international and human rights context</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to equality and discrimination issues, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to equality and discrimination at work</li> <li># Have the communication skills to clearly articulate and convey complex information regarding equality and discrimination in the workplace to relevant specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of equality and discrimination in the workplace.</li> </ul>
<p><b>Assessment:</b></p>	<p>Take-home examination (100%) (23-27 July) or 10,000 word research paper (100%) (16 September) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<p><b>Prescribed Texts:</b></p>	<p>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.</p>
<p><b>Breadth Options:</b></p>	<p>This subject is not available as a breadth subject.</p>
<p><b>Fees Information:</b></p>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<p><b>Links to further information:</b></p>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70025/2015">www.law.unimelb.edu.au/subject/LAWS70025/2015</a></p>

**Notes:**

This subject has a quota of 30 students. Please refer to the website [www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format](http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) (<http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format>) for further information about the management of subject quotas and waitlists.