

# LAWS70446 Equality Law Internationally

<b>Credit Points:</b>	12.5									
<b>Level:</b>	7 (Graduate/Postgraduate)									
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: July, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.									
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of all the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50032 Administrative Law</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50028 Constitutional Law	Semester 2	12.5	LAWS50032 Administrative Law	Semester 1	12.5
Subject	Study Period Commencement:	Credit Points:								
LAWS50028 Constitutional Law	Semester 2	12.5								
LAWS50032 Administrative Law	Semester 1	12.5								
<b>Corequisites:</b>	None									
<b>Recommended Background Knowledge:</b>	<p>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.</p> <p><b>JD Students:</b> It is strongly recommended that JD students have completed, or are concurrently enrolled in, the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50041 Public International Law</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50041 Public International Law	Semester 1	12.5			
Subject	Study Period Commencement:	Credit Points:								
LAWS50041 Public International Law	Semester 1	12.5								
<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 Student Equity and Disability Support.									
<b>Coordinator:</b>	Prof Beth Gaze									

<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Professor Beth Gaze</b> (<a href="http://www.law.unimelb.edu.au/staff/Beth%20Gaze">http://www.law.unimelb.edu.au/staff/Beth%20Gaze</a>) (Coordinator)  <b>Professor Judy Fudge</b> (<a href="http://www.law.unimelb.edu.au/staff/Judy%20Fudge">http://www.law.unimelb.edu.au/staff/Judy%20Fudge</a>)</p> <p>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>)</p>
<b>Subject Overview:</b>	<p>Equality and discrimination law is continuing to increase in importance, but remains controversial. This subject examines international and comparative aspects of equality and discrimination law. The subject is not confined to, but will include a focus on labour and employment issues. Equality and discrimination issues will be examined at four levels: international law, transnational, state constitutional law, and state human rights law. A review of the content and operation of the major United Nations (UN) and International Labour Organization (ILO) conventions relevant to discrimination generally and to equality at work is directly relevant to Australian domestic law as these treaties provide a constitutional basis as well as content for much Australian anti-discrimination legislation. For comparison, an overview of the European Union (EU) system for regulating discrimination law will be included. The focus then shifts to comparative national law, with an examination of protection of equality and discrimination rights at constitutional and legislative levels in Australia and other countries that take different approaches: some or all of Canada, New Zealand, South Africa, the United Kingdom and the United States.</p> <p>This subject provides a critical examination of the scope and operation of equality and discrimination law at international, transnational and national levels and utilises comparative doctrinal and policy analysis. While the major focus will be on work and employment, other areas will be considered where they cast light on the development of the law.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># An introduction to the different roles played by equality and discrimination at different locations and levels of the legal system</li> <li># Consideration of debates about the meaning of equality, discrimination and other contested concepts such as choice and responsibility</li> <li># Analysis of the roles, framework and key features of international treaties and conventions relating to equality and discrimination in both general (human rights) and specific (ILO) contexts</li> <li># Analysis of some of the key EU equality directives and their adoption in some Member States</li> <li># An analysis of constitutional protection of equality rights in countries with different modes of protection, chosen from Canada, New Zealand, South Africa, the United Kingdom and the United States</li> <li># An examination of anti-discrimination and equality laws across several countries to contrast different approaches and conceptualisations of these rights, and also different social environments and barriers to achieving a more equal society</li> <li># Consideration of the role(s) of law in relation to equality and discrimination, and the uneven progress in the countries analysed</li> <li># Exploration of possible future directions for better protection of equality and discrimination rights.</li> </ul>
<b>Learning Outcomes:</b>	<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 ideas of equality and discrimination, and how they are used in legal documents at the international, national constitutional and national legislative levels</li> <li># Be able to critically examine, analyse, interpret and assess the purposes and effects of these legal rules</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as the role of international law, the appropriate scope of constitutional protection for rights, and the role of legislative protection in areas such as education for children with a disability, sex and race discrimination at work, and the extent of accommodation for parents and carers and for people with disabilities at work and in other contexts</li> <li># Have a sophisticated appreciation of the factors and processes influencing the production of each of the types of law</li> <li># Have an advanced understanding of situations in which issues of equality and discrimination may arise in at international level, in government actions, and in non-government activities such as work or education</li> </ul>

	<ul style="list-style-type: none"> <li># Have a detailed 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 in legal forms and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have a sophisticated appreciation of the plurality of norms and governance regimes involved in equality and anti-discrimination laws at different levels</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to equality and discrimination in legal contexts</li> <li># Have the communication skills to clearly articulate and convey complex information regarding equality and discrimination in legal contexts 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 law.</li> </ul>
<b>Assessment:</b>	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (2 - 5 September) or 10,000 word research paper (100%) (12 October) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<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/LAWS70446/2016">www.law.unimelb.edu.au/subject/LAWS70446/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Employment and Labour Relations Law Graduate Diploma in Government Law Graduate Diploma in Human Rights Law Graduate Diploma in International Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Employment and Labour Relations Law Master of Human Rights Law Master of Law and Development Master of Laws Master of Public and International Law