

MACQUARIE
UNIVERSITY



FACULTY OF
BUSINESS AND ECONOMICS

Unit code: BUSL222
Unit Name: FOUNDATIONS IN
HUMAN RESOURCES LAW

First Semester, 2011

Department of Marketing & Management

**MACQUARIE UNIVERSITY
FACULTY OF BUSINESS AND ECONOMICS
UNIT GUIDE**

Year and Semester: 2011 Semester 1

Unit convenor: Julie Zetler

Prerequisites:.

Credit points: Three

Students in this unit should read this unit outline carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

ABOUT THIS UNIT

- This unit provides a foundation for law with an emphasis on human resources law. The areas that will be covered in the subject include: the Australian legal system, development of Human Resources law, Fair Work Act, Occupational Health and Safety, Criminal law, Tort law, Contract law, Intellectual Property and Consumer Protection. At the end of this unit students will be able to explain how laws are made and enforced, describe the differences between the legal systems around the world, explain the principle rules that apply to Human Resources contracts and tortious actions, and their application to different types of businesses. The unit provides students with a grounding in human resources law that will assist them in their future management and employee roles.

- This unit is worth 3 credit points

TEACHING STAFF

- Convenor and Lecturer: Julie Zetler (julie.zetler@mq.edu.au) W3A room 434, telephone: 9850 7994.
- Tutor: to be advised.

CONSULTATION TIMES

- Consultation time with Julie Tuesday 11-1pm W3A room 434.
- You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours.

Staff will not conduct any consultations by email. You may, however, phone staff during their consultation hours.

- Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.

CLASSES

- Number and length of classes: 3 hours face-to-face teaching per week, consisting of 1 x 2 hour lecture and 1 x 1 hour tutorial.
- The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>
- Once the tutorial groups are formed, students cannot change their classes.
- Attendance will be taken in the tutorials.
- Warning: You must attend at least 10 of the 12 tutorials – failure to do so will lead to major deduction from your group-work contribution.
- Medical certificates must be provided if you are not able to attend a class without incurring a penalty.
- Students are expected to arrive on time, and not to leave until the class ends.
- If you have a recurring problem that makes you late, or forces you to leave early, have the courtesy to discuss this with your lecturer/tutor.
- Students must be quiet during classes, unless of course when class participation is required.
- Mobile phone must be turned OFF and not simply set to 'silent'.
- All laptops must be turned OFF in class.
- Students who disturb or disrupt in lectures and tutorial class will be asked to leave.

PRIZES

- None

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed text:

- James Nickolas, *Business Law* (Wiley Publication, 2010) and Stewart Andrew, *Stewart's Guide to Employment Law* (Federation Press, 2nd Ed, 2009).

References:

- Forsyth. A, Stewart A, *Fairwork* (Federation Press, 2009).
- Isaacs J, Lansbury R D (eds), *Labour Market Deregulation* (Federation Press, 2005).
- Sappideen, O'Grady, Warburton, *Macken's Law of Employment* (Lawbook, 6th ed 2009).
- CCH, *Understanding the Fair Work Act* (CCH Publication, 2009).
- CCH, *Australian Fair Work Act 2009* (CCH Publication, 2009).
- CCH, *Australian Workplace Relations Act 1996* (CCH, 9th ed, 2005).
- CCH, *NSW Industrial Relations Act 1996* (CCH, 6th ed, 2008).
- Riley, Peterson, *WorkChoices* (Thomson, 2006).
- Stewart A, Williams G, *Work Choices What the High Court Said* (Federation Press, 2007).
- Ross I, *Bargaining Under Work Choices* (LexisNexis, 2006).
- Pittard M J, Naughton R B, *Australian Labour Law* (4th ed, 2003), Butterworths
- Owens R, Riley J, *The Law of Work* (Oxford University Publication, 2nd ed, 2011).
- Week-by-week list of topics – refer attached lecture schedule

TECHNOLOGY USED AND REQUIRED

- Students are required to learn how to use power point, word processing and blackboard.

UNIT WEB PAGE

The web page for this unit can be found at: Blackboard <http://learn.mq.edu.au>

LEARNING OUTCOMES

The learning outcomes of this unit are:

1. Understand how law (common and statutory laws) are made and enforced in Australia
2. Appreciate the differences between legal systems around the world
3. Understand the principal rules that will apply to Human Resources contracts, tortious actions and their application to different types of businesses
4. Appreciate the legislation and case law that is relevant to Human Resources Law
5. Critically assess and make judgments on the merits of legal arguments

HR Discipline competencies

1. Understand the relevance of contemporary HR systems and functions to employment relationship and to organisational effectiveness
2. Critically evaluate the role and changing nature of government employers and employees and their representatives in the field of employment and industrial relations policy and practice.
3. An ability to enhance human capital through effective and sustainable recruitment and selection practices
4. An appreciation of key learning and cognition theories and how they link and inform effective human resources development practices
5. Critically analyse factors impacting on an organisation's capacity to successfully manage their human resources in a global context
6. Evaluation of key developments in contemporary HRM theory with the intention to inform practice and devise strategic HRM practices that enhance the operations of diverse organisations.
7. Understand different theoretical perspectives and key principles of managing change effectively and critically assess the phenomenon of sustainability in the context of organisational change
8. Recognise the pivotal role of managing diversity, ethics and sustainability in contemporary organisations

GRADUATE CAPABILITIES

In addition to the discipline-based objectives, all academic programs at Macquarie seek to develop students' generic skills in a range of areas. Human Resources Law will help students develop the following skills:

1 Communication skills – written and oral, by:-

- Participation in class discussions;
- Expressing relevant views and opinions;
- Communicating with people from various background/countries/cultures
- Writing one assignment and exam questions

2 Self-awareness – through:-

- Self discipline and time management skills;
- Identifying and setting targets;
- Actively participating in class discussions and debate;
- Reading current journal, newspapers and magazine articles;
- Listening to diverse opinions and views by other class members

3 Critical analysis skills – through:-

- Participating in class discussion and debate;
- Reading current media reports and reporting back to class;
- Researching in preparation for written assessment assignment;
- Analyzing legal case studies in class and via the exam process.

4 Problem solving and Research Capability – through:-

- Application of legal principles to solve factual human resource law problems;
- Researching in preparation for written assessment assignment.

5 Commitment to Continuous Learning – through:-

- Self discipline and time management skills;
- Identifying and setting targets;
- Actively participating in class discussion and debate;
- Contributing to a broad range of original and personal insights by other class members.

6 Creative and Innovative – through:-

- Creative thinking skills in determining and evaluating strategies and policies to improve the effectiveness and operation of present human resources law.

TEACHING AND LEARNING STRATEGY

- The unit is taught by lecture and tutorial discussion/ problem-solving. The lecture runs for 2 hours and the tutorial an hour.
- What is expected from students? Attend tutorials; read in advance; prepare case studies and questions for tutorials; follow current developments in the media; be able to apply concepts in tutorial exercises; respond to questions raised during lectures; demonstrate enthusiasm for the subject. Work effectively individually and in small groups.
- Students please note: The readings, study and assessment for this subject will require approximately 6 hours per week above the 3 hours allocated for formal lecture and tutorial times.

The topics to be covered each week are as follows:

Session 1: *week commencing 21 February*

Introduction to Australian Legal System – Common Law and Statutory Provisions:

- ✓ Read: Chapters 1 and 2 - Nickolas James
- ✓ Tutorial questions to be discussed

Session 2: *week commencing 28 February*

Sources and Development of Human Resources Law:

- ✓ Read: Chapter 1 - Andrew Stewart and pp545-555 - James
- ✓ Group finalisation (in tutorials)
- ✓ Question 1 Revision questions p39-40 James – 1.33-1.51.

Session 3: *week commencing 7 March*

Introduction to Criminal Law:

- ✓ Read: Chapter 4 (on criminal liability) – James
- ✓ Human Resources Law revision questions – p561, James – 11.29, 11.30, 11.31, 11.32, 11.35, 11.36, 11.38, 11.39, 11.42.

Session 4: *week commencing 14 March*

Introduction to Tort Law:

- ✓ Read: Chapters 4 – James
- ✓ Tutorial criminal law scenario discussion – ‘Johnny and Ash’, p144 – James, also p150 James – revision questions 4.1-4.6. p161 James – 4.7-4.12.

Session 5: week commencing 21 March

Tort Law (cont):

- ✓ Read: Chapter 4 – James
- ✓ Exercise pp 197-198, James – 4.1, 4.2 and 4.3
- ✓ Revision questions p189 James – 4.76-4.82.

Session 6: week commencing 26 March

Industrial Action, Creating an Employment Relationship:

- ✓ Read Chapter 5 of Stewart
- ✓ Read Chapter 18 of Stewart
- ✓ Read Chapter 5 of James
- ✓ Tutorial questions will be available on Blackboard.

*****MID-TERM QUIZ** (in lecture)

Session 7: week commencing 4 April

The terms of an Employment Contract, The Fair Work Act, Dispute Resolution and Enforcement of Employment Law.

- ✓ Read: Chapter 6 and 9 Stewart
- ✓ Chapter 5 of James.
- ✓ Revision questions from James 5.4 – 5.14, p213
- ✓ Tutorial questions will be available on Blackboard.

----- **RECESS** -----

Session 8: week commencing 25 April

□ Note: There are no classes this week because of Labour Day

Session 9: week commencing 2 May

Minimum Standards: The NES and Awards, Enterprise Agreements, Remuneration

- ✓ Read Chapter 7, 8 and 10 Stewart
- ✓ Chapter 11 (pp548-562) James (Employee Entitlements)
- ✓ Tutorial questions will be available on Blackboard

Session 10: week commencing 9 May

Control, Performance Management and Discipline, Termination of an Employment Contract

- ✓ Read Chapter 12 and 16 Stewart.
- ✓ Tutorial questions will be available on Blackboard

Session 11: week commencing 16 May

Loyalty, Confidentiality and Privacy, Discrimination and Vicimisation

- ✓ Read Chapter 13 and 14 Stewart.
- ✓ Revision question James p565, exercise 11.8.
- ✓ Tutorial questions will be available on Blackboard

Session 12: week commencing 23 May

Workplace Safety, Remedies for Wrongful or Unfair Termination:

- ✓
- ✓ Read Chapter 15 and 17 Stewart
- ✓ Revision questions James, p410 8.60-8.73
- ✓ Tutorial questions will be available on Blackboard

Session 13: week commencing 30 May

- Review and revise for final examination
- ✓ Student generated revision questions

RESEARCH AND PRACTICE

- This unit uses research by Julie Zetler:
 - ❖ Julie Zetler, Rod Bonello (in press), *Essential Law, Ethics and Professional Issues in CAM* (to be published 2011, Federation Press.)
 - ❖ Julie Zetler, Verity Greenwood, 'Lost in Space: Impact of Sessional and Contract Employment on Academia' (February, 2010) *East Asian Law Conference*, Hong Kong.
 - ❖ Julie Zetler, Verity Greenwood, 'Trapped in a Time Warp: Managing the Effects of Academic Workplace Changes' (July, 2010) *Australasian Law Teachers Association (ALTA)*, Auckland New Zealand.
 - ❖ Professor Robin Woellner, Professor Stephen Graw, Julie Zetler, 'Attitudes of University Taxation Studies to Ethical Issues (2009-2011) Research Project.
 - ❖ Julie Zetler, 'E-Health: The Impact of Electronic Patient Records on Privacy and Confidentiality' (ongoing SJD), Faculty of Law, Sydney University
 - ❖ Julie Zetler, 'Baby Light my Fire: From Flirting to Predator: Misbehaving in the Workplace (December 2010) Department of Business Seminar Paper, Faculty of Business and Economics.

- This unit uses research from the following journals:
 - ❖ Journal of Business Law
 - ❖ Journal of Labour Law
 - ❖ Journal of Human Resources

- This unit gives you practice in applying research findings in your assignments
- This unit gives you opportunities to conduct your own research.

RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES

The assessment of the course has the following components:

| | Mid-Semester Assignment (30) | Mid-term quiz (10%) | Final exam (60%) | Total |
|------------------------------|--|--|---|--------------|
| Description | Each student will be required and answer a research question relating to Human Resources Law. The word limit is 1200 | This quiz is 20 minutes held during the lecture 20 multiple choice questions (10%) based on all material covered in session 1 to 5. Closed book examination. | The duration of the exam is 3 hour plus 10 minutes held during the exam period. 20 multiple choice questions (20%), plus 2 essay style questions (40%). Each essay worth 20 marks for a total of 40 marks This is a closed-book examination. | |
| Due date | The completed written assignment is due to be handed into BESS on 2 nd May, 2011 | Session 6 lecture. The quiz will commence at 8.15am. Please be at the lecture 5 minutes before the quiz commences | Please check the exam timetable for location and time. | |
| Marking criteria/standards & | Students are expected to (1) | This is an early-warning test to | n/a | |

| | Mid-Semester Assignment (30) | Mid-term quiz (10%) | Final exam (60%) | Total |
|--|---|--|-------------------------|--------------|
| expectations | answer the question set for the assignment; (2) conduct appropriate research See a document called "Assessment criteria" on unit website for more details. | see if you have been studying. | | |
| Submission method | BESS | In lecture time | n/a | |
| Feedback | Written feedback for the assignment will be given at completion of marking | Feedback will be given after the mid-session break in tutorials. | n/a | |
| Estimated student workload (hours) | 30 hours | 10 hours | 40 hours | 80 hours |
| | | | | |
| Learning outcomes assessed: | | | | |
| 1. Understand how law (common and statutory laws) are made and enforced in Australia | ✓ | ✓ | ✓ | 20% |
| 2. Appreciate the differences between legal system around the world | | ✓ | ✓ | 5% |
| 3. Understand the principal rules that will apply to human | ✓ | ✓ | ✓ | 50% |

| | Mid-Semester Assignment (30) | Mid-term quiz (10%) | Final exam (60%) | Total |
|--|-------------------------------------|----------------------------|-------------------------|--------------|
| resources contracts, tortious actions and their application to different types of businesses | | | | |
| 4. Appreciate the legislation and case law that is relevant to Human Resources Law | ✓ | | | |
| 5. Critically assess and make judgments on the merit of legal arguments | ✓ | | | |
| | | | | |
| Graduate capabilities assessed: | | | | |
| 1. Problem Solving & research capability | ✓ | ✓ | ✓ | 5% |
| 2. Creative and innovative | ✓ | ✓ | | 10% |
| 3. Effective communications | ✓ | ✓ | | 10% |
| Total | 5% | 15% | 50% | 100% |

- Students must attend at least 10 of the 12 tutorials – failure to do so will lead to major deduction of individual work contribution.
- Students may only sit for the test once in your enrolled tutorial class. Failure to sit for this test will result in a zero grade. Students will only be given special consideration for non-attendance under exceptional circumstances, supported by documentary proof (e.g., medical certificates).
- Students who failed their mid-term quiz will be counselled as an early warning that they have to work harder.
- Late submissions (up to 24 hours) will be penalised at 50% of the grade.

Examinations

A final examination is included as an assessment task for this unit to provide assurance that:

- i) the product belongs to the student and
- ii) the student has attained the knowledge and skills tested in the exam.

A 3-hour final examination for this unit will be held during the University Examination period.

Successful completion of the unit is conditional on a satisfactory assessment in the final exam.

The University Examination period in First Half Year 2011 is from 6 to 24 June.

You are expected to present yourself for examination at the time and place designated in the University Examination Timetable. The timetable will be available in Draft form approximately eight weeks before the commencement of the examinations and in Final form approximately four weeks before the commencement of the examinations <http://www.timetables.mq.edu.au/exam>

The only exception to not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for Special Consideration. Information about unavoidable disruption and the special consideration process is available at <http://www.reg.mq.edu.au/Forms/APSCon.pdf>

If a Supplementary Examination is granted as a result of the Special Consideration process the examination will be scheduled after the conclusion of the official examination period. (Individual Divisions may wish to signal when the Division's Supplementaries are normally scheduled.)

The Macquarie university examination policy details the principles and conduct of examinations at the University. The policy is available at:
<http://www.mq.edu.au/policy/docs/examination/policy.htm>

ACADEMIC HONESTY

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at
http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

GRADES

Macquarie University uses the following grades in coursework units of study:

HD - High Distinction
D - Distinction
CR - Credit
P - Pass
F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:
<http://www.mq.edu.au/policy/docs/grading/policy.html>

GRADING APPEALS AND FINAL EXAMINATION SCRIPT VIEWING

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

http://www.businessandconomics.mq.edu.au/for/new_and_current_students/undergraduate/admin_central/grade_appeals.

SPECIAL CONSIDERATION

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. The policy is available at: http://www.mq.edu.au/policy/docs/special_consideration/procedure.html

STUDENT SUPPORT SERVICES

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at <http://www.student.mq.edu.au>.

IT CONDITIONS OF USE

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorised coursework for approved units. Student ID cards must be displayed in the locations provided at all times.

Students are expected to act responsibly when utilising University IT facilities. The following regulations apply to the use of computing facilities and online services:

- Accessing inappropriate web sites or downloading inappropriate material is not permitted. Material that is not related to coursework for approved unit is deemed inappropriate.
- Downloading copyright material without permission from the copyright owner is illegal, and strictly prohibited. Students detected undertaking such activities will face disciplinary action, which may result in criminal proceedings.

Non-compliance with these conditions may result in disciplinary action without further notice.

Students must use their Macquarie University email addresses to communicate with staff as it is University policy that the University issued email account is used for official University communication.