

MACQUARIE
UNIVERSITY



FACULTY OF
BUSINESS AND ECONOMICS

BUSL333
INTERNATIONAL HUMAN
RESOURCES LAW

Semester 2, 2011

Department of Marketing & Management

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

Year and Semester: 2011 Semester 2

Unit convenor: Julie Zetler

Prerequisites: 24cp

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 an understanding of the fundamental principles of International Human Resources Law. The unit is designed to emphasis international issues that emerge in human resource law. As human labour becomes more mobile, the implementation and jurisdictional rights of national laws regulating human resources law is challenged. Climate change, migration and expansion of capitalism into countries such as China, Saudi Arabia, South Pacific Islands and India has had an impact on current labour law practices. Corporations and businesses now have the technology and freedom to hire their workforce from many different countries. This is problematic because there is often a disparity between the development of labour law protection, cultural sensitivity and human rights in some of these countries. An example of this is the laws regulating child labour and workplace safety standards, these practices can vary enormously between different countries. This unit is designed to provide an international perspective about many legal and ethical issues emerging in labour law and its impact on our society.
- This unit is worth 3 credit points

TEACHING STAFF

- Convenor and Lecturer: Julie Zetler (julie.zetler@mq.edu.au) E4A room 528, telephone: 9850 7994.
- Lecturer/Tutor: Vera Babicheva (vera.babicheva@mq.edu.au)

CONSULTATION TIMES

- Consultation time with Vera TBA.
- Consultation time with Julie Monday 11-1pm W3A room 434 (or by appointment).

- 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 may lead to overall failure of the subject.
- 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: Custom Publication (Rosemary Owens, Joellen Riley, Jill Murray), *The Law of Work 2nd edition Custom Publication*, Oxford University Press, 2011.
- References:
 - Briscoe, D. Schuler, R. L. Claus., *International Human Resource Management*, 3rd ed Routledge, 2009.
 - Castle, S. Miller, M., *The Age of Migration 4th ed*, Guildford Press, 2009.
 - Fenwick, C. Novitz, T., *Human Rights at Work*, Hart Publishing, 2010
 - Klang, M. Murray, A., *Human Rights in the Digital Age*, Routledge, 2006.
 - Cassese, A., *International Law*, Oxford University Press, 3rd ed, 2005.
 - Haas, M. *International Human Rights*, Routledge Publishers, 2010.
 - Harris, H. Brewster, C. Sparrow, P., *International Human Resource Management*, CIPD, 2004.
 - Mendenhall, M. Oddou, G., *Readings and Cases in International Human Resources Management*, South-Western College Publishing, 3rd ed, 2000.
 - Ronald, C. *Discrimination Law and Practice*, 3rd ed Federation Press, 2008
 - Sappideen. C, O'Grady, P. Riley, J. Smith, B., *Macken's Law of Employment*, Lawbook Co, 7th ed 2011.
 - Stewart, A. *Employment Law*, Federation Press, 3rd ed 2011.
- Internet:
 - Australasian Legal Information Institute at <http://www.austlii.edu.au>
- 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.
- ilecture available for this subject

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 to develop an understanding about:

- (1) The role of labour law in Australia and globally
- (2) How human resources law is developed and enforced both locally and internationally
- (3) The role of international legal obligations for Australia
- (4) The role of international treaties and charters on labour law
- (5) The ethical debate surrounding this area
- (6) The role of 'human rights' within the labour community
- (7) The role of State sovereignty in human resources law

GRADUATE CAPABILITIES

In addition to the discipline-based learning objectives above, all academic programs at Macquarie University seek to develop the following 8 generic capabilities in our graduates in order to address the challenges, and to be effective, engaged participants in their world. The International Human Resources Law unit contributes to this learning by helping student develop the following generic skills.

1. Critical, Analytical and Integrative Thinking

- Critical analysis through exploring legal issues and factual problems in a range of topics related to the course
- Participating in class discussion and debate;
- Critical analysis and discussion in class on current media reports on labour law issues;
- Analysing legal case studies in class and via the exam process.

2. Problem Solving and Research Capability

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

3. Creative and Innovative

- Creative thinking skills in determining and evaluating strategies and policies to improve the effectiveness and operation of the present labour laws

4. Effective Communication

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

5. Engaged and Ethical Local and Global citizens

- Understand that law requires the highest of ethical standards at all times

6. Socially and Environmentally Active and Responsible

- Relevant practical examples applied to enrich the discussion and critique of labour law problems
- Reading current journal, newspapers and magazine articles;

7. Capable of Professional and Personal Judgement and Initiative

- Approach labour law with the ability to make excellent judgments of the situations presented via problems considered in the course.

8. Commitment to Continuous Learning

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

TEACHING AND LEARNING STRATEGY

- The unit is taught in lecture/tutorial format
- 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 the formal seminar time.

The topics to be covered each week are as follows:

Session 1: *week commencing 1 August*

Introduction: The Law of Work in the Global Era: ILO - Introduction to Course

Read: Chapters 1 and 2 Owens (Chapter 1 – BB)

- ✓ Discussion of course assessments, requirements, group structure and seminar questions to be discussed.
- ✓ No tutorial

Session 2: *week commencing 8 August*

Introduction to International Law

- ✓ Read: Part 1, Chapter 1 – Cassese, Part 2 – Chapter 6 – Cassese (BB)
- ✓ Group finalisation (in tutorials)
- ✓ Session 2 tutorial – Critique and discuss article- available on BB

Session 3: *week commencing 15 August*

International Human Resources Management – Cultural and Ethical Considerations

- ✓ Read: Chapter 4 Briscoe (available on Blackboard (BB)), Chapter 1 Harris (BB)
- ✓ Read and critique article for session 3 available on BB

Session 4: *week commencing 22 August*

Collective Bargaining International Law

- ✓ Read: TBA
- ✓ Read and critique article for session 4 available on BB

.....**Contract and Proposal Due (in tutorial)**.....

Session 5: *week commencing 29 August*

Standards and Rights – Human Rights Law, Freedom of Association

- ✓ Read: Chapter 10, Owens, Chapters 1 and 2 Haas (BB)
- ✓ Presentations

Session 6: *week commencing 6 September*

Equal Opportunity and Anti-discrimination

- ✓ Read: Chapter 8, Owens, Chapter 4 Ronald (BB)
- ✓ Presentations

Session 7: *week commencing 12 September*

Security at Work, Human Rights in the Digital Age (Privacy, Social Media, Surveillance, Biometrics)

- ✓ Read Chapter 9, Owens, Chapter
- ✓ Presentations

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

Session 8: *week commencing 3 October*

- Note: There are no classes on Monday 2 October this week because of Public Holidays

Session 9: *week commencing 10 October*

Workplace Conduct (including criminal conduct)

- ✓ Readings available on Blackboard
- ✓ Presentations

Session 10: *week commencing 17 October*

Child Labour, the Dispossessed and Slavery

- ✓ Readings available on Blackboard
- ✓ Presentations

Session 11: *week commencing 24 October*

Climate, Change, Migration and Movement

- ✓ Readings available on Blackboard,
- ✓ Read Chapter 1 and 2 Castle and Miller
- ✓ Presentations

Session 12: *week commencing 31 October*

Workplace Safety

- ✓ Readings available on Blackboard
- ✓ Presentations

Session 13: *week commencing 7 November*

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

Tutorial Readings - (N.B.This reading list may be subject to change and additions)

Session 2: The Global Economy, ILO

- Colin Fenwick, Tonia Novitz 'Forward', in Human Rights at Work (2010) Onati International Series in Law and Society pp vii-xv.

Session 3: to be finalised

Session 4: Collective Bargaining and International Law

- ❑ Joe Isaacs 'Reforming Australian Industrial Relations? The 21st Foenander Lecture, 28 August 2006 (2007) 49 (3) Journal of Industrial Relations 410-435.
- ❑ Ronald McCallum 'International Standards in Industrial Relations and Their Application in Australia (1995) 2(2) Judicial Review 163-187

Session 5: Standards and Rights-Human Rights Law, Freedom of Association

- ❑ Jill Murray 'Australia in the Dock: The ILO's Decision on the Waterfront Dispute' (2000) 13 (2) Australian Journal of Labour Law 167-170.

Session 6: Equal Opportunity and Anti-discrimination

- ❑ Hilary Charlesworth and Sara Charlesworth 'The Sex Discrimination Act and International Law' (2004) 10 (2) University of New South Wales Law Journal Forum 21-25.
- ❑ Ronald Wilson 'The Domestic Impact of International Human Rights Law' (1992) 24 (3 and 4) Australian Journal of Forensic Sciences 57-64.

Session 7: Security at Work, Human Rights in the Digital Age (Privacy, Social Media, Surveillance, Biometrics)

- ❑ Suzanne Cusack 'Employee Privacy in the Modern Workplace' (2010) 7 (3) Privacy Law Bulletin 38-42
- ❑ Paul Roth 'The International Labour Office Code of Practice on the Protection of Workers' Personal Data (1998) 5 (1) Privacy Law and Public Policy Reported 5-8.
- ❑ Macken's Law of Employment – pp219-220

Session 9: Workplace Conduct (Including Criminal Conduct)

- ❑ Marilyn Pittard 'Crimes at Work: The Consequences for Employment' (2007) 13 (8) Employment Law Bulletin 88-94.
- ❑ Mary-Jane Ierodiaconou 'After-hour Conduct' (2004) 78 (4) Law Institute Journal 42-45.

Session 10: Child Labour, the Dispossessed and Slavery

- ❑ Jessica Selby 'Ending Abusive and Exploitative Child Labour Through International Law and Practical Action (2008) 15 Australian International Law Journal 165-180.
- ❑ Zehra Arafat 'Analyzing Child Labour as a Human Rights Issue: Its Causes, Aggravating Policies and Alternative Proposals (2002) 24 Human Rights Quarterly 177-204.
- ❑ Joellen Riley 'Employing Minors in New South Wales: The Industrial Relations (Child Employment) Act 2006 (NSW)' (2007) 20 (3) Australian Journal of Labour Law 295-301.
- ❑ Jean Allain 'R v Tang: Clarifying the Definition of 'Slavery' in International Law' (2009) 10 (1) Melbourne Journal of International Law 246-257.

Session 11: Climate, Change, Migration and Movement

- ❑ Mark Dunphy, Jaannaha Schillaci 'Guidance in Recruiting Foreign Employees: The 457 Visa' (2011) 14 (5) In-house Counsel 54-58.
- ❑ Geogrey Maslen 'Skills at a Premium' (2007) (30) About the House 30-35
- ❑ Louise Chau 'Pacific Dreams: The Politics of Labour Migration in Australia (2006) 15 (2) Polemic 26-32.

Session 12: Workplace Safety

- ❑ Peter Forlin 'The Integration of International Health and Safety Legislation Systems into Australian Law' (1997) 17 (8) Proctor 24-27.
- ❑ Assefa Bequella 'The Costs and Benefits of protecting and Saving Lives: Some Issues' (1984) 123 (1) International Labour Review 1-16.

SUGGESTED PRESENTATION TOPIC AREAS:

N.B. groups may also choose a relevant topic area that is not on this list. However, all proposals must be finalised with tutor:

- ✓ International Ethics
- ✓ Poverty
- ✓ Profession migration (nurses, doctors, engineers, etc)
- ✓ Famine
- ✓ Disease
- ✓ Ageing Population
- ✓ Multicultural employers
- ✓ IT and its impact on employment
- ✓ Impact of Religion on employment
- ✓ Impact of Terrorism on employment
- ✓ National Security
- ✓ Migration
- ✓ Feminism
- ✓ Capitalism
- ✓ Social Capital
- ✓ Freedom of the Media
- ✓ Labour shortages
- ✓ Diversity
- ✓ Justice and Equity

RESEARCH AND PRACTICE

- This unit uses research by Julie Zetler:
 - ❖ 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.
 - ❖ Julie Zetler, 'E-Health: The Legal and Ethical Implications of Electronic Patient Records on Confidentiality and Privacy in Health' (ongoing Doctorate), Faculty of Law, Sydney University.

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

- 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 Presentation (30%)	Proposal and Contract (10%)	Final exam (60%)	Total
Description	<p>Each student will be required to (with another colleague) research and present to the tutorial class a question relating to International Human Resources Law.</p> <p>Each verbal presentation will take about 20 minutes (20 marks). A group written summary report (10 marks) of the presentation will also be required to be handed in at the same time as the verbal report is given. This report should be no longer than 500 words</p>	<p>There are 2 components to this assessment. It requires students to form a group (no more than 3 members), negotiate with other members of the group about a research topic for class presentation. Each group will be required to negotiate with each other and hand in a written contract (agreement) of workload expectations (5 marks). By session 4 each group will need to prepare and hand in a written research proposal</p>	<p>The duration of the exam is 3 hour plus 10 minutes held during the exam period.</p> <p>2 essay style questions. Each essay worth 30 marks for a total of 60 marks</p> <p>This is a closed book examination.</p>	<p>30%</p> <p>10%</p> <p>60%</p>

	Mid-Semester Presentation (30%)	Proposal and Contract (10%)	Final exam (60%)	Total
		(5 marks) relating to their presentation topic area of up to 500 words. This assessment must be properly referenced if appropriate		
Due date	To be completed in the tutorial time allocated to your group by the tutor	Session 4 tutorial.	Please check the exam timetable for location and time.	
Marking criteria/standards & expectations	Students are expected to conduct the appropriate research, organise their presentation, work together as a group, and use appropriate methods to present their work. All work must be appropriately referenced.	5% of the marks will be awarded to the written agreement between group members. This agreement must be handed in during session 4	n/a	
Submission method	In Tutorial Time	In Seminar time	n/a	
Feedback	Verbal and written feedback for the	Written feedback will be given in	n/a	

	Mid-Semester Presentation (30%)	Proposal and Contract (10%)	Final exam (60%)	Total
	presentation will be given one week after the completion of your presentation	Session 4 by your tutor		
Estimated student workload (hours)	30 hours	10 hours	40 hours	80 hours
Learning outcomes assessed:				
1. Understand legal principles applicable to marketing of goods and services in Australia	✓	✓	✓	20%
2. Appreciate the effect of laws on manufacture, packaging, labelling, promotion, distribution and retailing of goods and services	✓	✓	✓	5%
3. Understand the principal rules that emphasise a need for compliance and impose controls on marketing activities	✓	✓	✓	

	Mid-Semester Presentation (30%)	Proposal and Contract (10%)	Final exam (60%)	Total
4. Appreciate the legislation and case law that is relevant to Marketing & Management Law	✓	✓	✓	50%
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	30%	10%	60%	100%

- Students must attend at least 10 of the 12 tutorials – failure to do so may result in a fail mark.
- Students will only be given special consideration for non-attendance under exceptional circumstances, supported by documentary proof (e.g., medical certificates).
- Students are encouraged to seek help with this subject early if required.
- Late submissions (up to 24 hours) will be penalised at 50% of the grade.
- All work must be properly referenced, if work is not adequately acknowledged than the student will be penalised.
- There is no excuse in relation to not adequately referencing your work!! This is a unit 3 subject and students need to be familiar with the rules about plagiarism and referencing

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 Second Half Year 2011 is from 14 November to 2nd December.

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 Supplementary 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