HRM 222
Foundations in HR Law
Semester 1, 2012

Department of Marketing & Management
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 Employment and Labour Law. The areas that will be covered in the subject include: the Australian legal system, development of Human Resources law, public sector law, Fair Work Act, Criminal law, Tort law, Contract law, workplace Privacy, Confidentiality, Surveillance law, Restraint of Trade clauses, anti-discrimination, equity and diversity and unfair dismissal. At the end of this unit students will be able to explain how laws are made and enforced, describe the differences between the various legal systems, explain the principle rules that apply to employment contracts and tortious actions, and their application to different types of business entities. The unit provides students with a grounding in employment law that will assist them in their future management, employer and employee roles.

- This unit is worth 3 credit points

**TEACHING STAFF**

- Convenor and Lecturer: Julie Zetler ([julie.zetler@mq.edu.au](mailto:julie.zetler@mq.edu.au)) E4A room 528, telephone: 9850 ext7994.
- Tutors/Lecturers: Prasan Ulluwishewa ([prasan.ulluwishewa@mq.edu.au](mailto:prasan.ulluwishewa@mq.edu.au)), Vera Babicheva ([vera.babicheva@mq.edu.au](mailto:vera.babicheva@mq.edu.au)), Consultation Room E4B room 104.
- The lecturer and tutors are qualified lawyers in this area.

**CONSULTATION TIMES**

- Consultation time with Julie Tuesday 1-2pm E4A room 528.
- Prasan Ulluwishewa, Monday by appointment E4B 104.
- Vera Babicheva, Tuesday by appointment E4B 104.
• 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.

• In order to gain access to staff located at levels 1, 2 and 3 of building E4A during their consultation hours please ring the staff member from the phone available in the lobby

• 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.
• Lecture Friday 9am E7B T2 Theatre (please confirm day and location closer to teaching time)
• There is no iLecture.

• The timetable for classes can be found on the University web site at: [http://www.timetables.mq.edu.au/](http://www.timetables.mq.edu.au/)

• Once the tutorial groups are formed, students cannot change their classes.

• **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.

• 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, unless students are using the laptop to write class notes.

• 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:
  • The prescribed book is essential for this subject and can be purchased at the University Co-op Bookshop.
  • The text book is available in the library.
  • Please note that the text book from 2011 is no longer being prescribed, you must have Sappideen, et al, *Macken’s Law of Employment* text book.

References:
• McCallum R, *McCallum’s Top Workplace Relations Cases* (2008, CCH)
• 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 iLearn.
UNIT WEB PAGE

The web page for this unit can be found at: iLearn http://ilearn.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 Australian legal systems
3. Understand the principal rules that will apply to Human Resources contracts, tortious actions and their application to different types of business activities
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;
• Analysing 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 Commitments 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:

**Week 1: week commencing 27 February**
Introduction to Australian Employment Law – Common Law and Statutory Provisions:
✓ Read: Chapter 1 of text book
✓ No tutorial

**Week 2: week commencing 5 March**
Introduction to Private and Public Sector Law:
✓ Read chapter 1 of text book, Administrative Law reading will be available on iLearn

**Week 3: week commencing 12 March**
Introduction to Criminal Law, Privacy, Confidentiality and Surveillance Workplace Law:
✓ Readings will be available on iLearn

**Week 4: week commencing 19 March**
The Relationship of Employer and Employee/Vicarious Employment
✓ Read: chapters 2 and 3, text book

**Week 5: week commencing 26 March**
Formation of Contract of Employment, Performance of Contract of Employment
✓ Read: chapters 4 and 5 text book

**Week 6: week commencing 2 April**
Employment Relationship and Statutory Constraints, Suspension and Stand Down
✓ Read: chapters 6 and 7 text book

6-20 April------Easter Long Weekend and Semester Break--------

**Week 7: week commencing 23 April**
Employer’s Right to Terminate the Contract of Employment, Other Modes of Termination of an Employment Contract
✓ Read: chapters 8 and 9 text book

ANZAC Day 25 April

**Week 8: week commencing 30 April**
Legal Remedies: Injunctions and Declarations, Statutory Remedies
✓ Read: chapters 10, 11, and 12 text book.

Assignment due - Monday 7th May

**Week 9: week commencing 7 May**
The Contract of Employment and Third Parties
✓ Read: chapter 13 text book

**Week 10: week commencing 14 May**
Industrial Torts
✓ Read chapter 14 text book

**Week 11: week commencing 21 May**
Unfair Work Contracts
✓ Read chapter 15 text book

**Week 12: week commencing 21 May**
Anti-discrimination Law, Equity and Diversity
✓ Read chapter 16 text book.
**Week 13: week commencing 4 June**

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

**TUTORIAL TIMES AND TUTORIAL QUESTIONS:**

Please note: that tutorial questions are posted on iLearn under each tutorial week/date and students are expected to prepare an answer before their tutorial session. There are **NO tutorial** classes in week 1 of semester. The tutorials start in week 2 and students must attend the tutorial class that they have been enrolled in.

**RESEARCH AND PRACTICE**

- This unit uses research by Julie Zetler:
  - Julie Zetler, ‘Legal and Ethical Impact of Electronic Health Records on Privacy and Confidentiality’ (Doctorate, Faculty of Law, University of Sydney, submit 2012)
  - 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.
The assessment of the course has the following components:

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<tr>
<th>Assessment Task 1: Essay (35%)</th>
<th>Assessment Task 2: Presentation (15%)</th>
<th>Assessment Task 3: Final Examination (50%)</th>
<th>Total</th>
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<tr>
<td>Description</td>
<td>Students will form a group (no more than 3) and pick a tutorial question to answer. If the questions are short than the group will answer 2 short questions and if the question is long than only 1 answer is required (your tutor will determine the number of questions). The group will present the answer followed by a presentation on their answer.</td>
<td>The duration of the exam is 3 hour plus 10 minutes held during the exam period. There are two scenario problem-solving questions worth 25 marks each for a total of 50 marks. All lecture areas are relevant. This is an open book exam.</td>
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<td>Each student will be required and answer a research question relating to Human Resources Law. The word limit is 1,200 (the word limit excludes footnotes) Assignment topic will be available to be downloaded in week 1 from unit iLearn website.</td>
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<tr>
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<td>by discussion to the tutorial class. The group will also hand in a 200-300 word answer to the question at the time of presentation.</td>
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<td>Due date</td>
<td>The completed written assignment is due to be handed into BESS on 7th May, 2012.</td>
<td>From tutorial 2-12. The tutor will allocate groups and questions.</td>
<td>Please check the exam timetable for location and time.</td>
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<tr>
<td>Marking criteria/standards &amp; expectations</td>
<td>Marking criteria will be available on iLearn for this assignment for students to download. Students are expected to (1) answer the question set for the assignment; (2) conduct appropriate research and use appropriate reference for your work.</td>
<td>Marking criteria will be available to each group and will be posted on iLearn under the assessment icon for students to download. Students will be expected to reference answers appropriately.</td>
<td>n/a</td>
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<tr>
<td>Assessment Task 1: Essay (35%)</td>
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<td>Assessment Task 3: Final Examination (50%)</td>
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<tr>
<td>Submission method</td>
<td>BESS</td>
<td>In lecture time</td>
<td>n/a</td>
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<tr>
<td>Feedback</td>
<td>Written feedback for the assignment will be given at completion of marking</td>
<td>Feedback will be given after the mid-session break in tutorials.</td>
<td>n/a</td>
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<td>Estimated student workload (hours)</td>
<td>30 hours</td>
<td>10 hours</td>
<td>40 hours</td>
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**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 resources contracts, tortious actions and their application to different types of businesses [✓] [✓] 50%

4. Appreciate the
<table>
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<th>Graduate capabilities assessed:</th>
<th>Assessment Task 1: Essay (35%)</th>
<th>Assessment Task 2: Presentation (15%)</th>
<th>Assessment Task 3: Final Examination (50%)</th>
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<td>legislation and case law that is relevant to Human Resources Law</td>
<td>✓</td>
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<td>5. Critically assess and make judgments on the merit of legal arguments</td>
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<td>1. Problem Solving &amp; research capability</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>2. Creative and innovative</td>
<td>✓</td>
<td>✓</td>
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<td>10%</td>
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<td>3. Effective communications</td>
<td>✓</td>
<td>✓</td>
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<td>10%</td>
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<td><strong>Total</strong></td>
<td>5%</td>
<td>15%</td>
<td>50%</td>
<td>100%</td>
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</table>
• 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 2012 is from 12 to 29 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://exams.mq.edu.au/

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.mq.edu.au/policy/docs/special_consideration/procedure.html
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.


**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](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](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.