



## SCHOOL OF ACCOUNTING & COMMERCIAL LAW

Telephone 463 5383, Facsimile 495 5076. E-mail: [sacl@vuw.ac.nz](mailto:sacl@vuw.ac.nz)

### COML 302 LABOUR LAW

Trimester One 2006

### COURSE OUTLINE

#### Contact Details

##### Academic:

*Course Co-ordinator & Lecturer*

Trish Keeper

E-mail address: [Trish.Keeper@vuw.ac.nz](mailto:Trish.Keeper@vuw.ac.nz)

Office hours: Tuesday 1-3pm

*Room Phone*

RH 721 463-5203

*Lecturer*

Amanda Reilly

E-mail address: [Amanda.Reilly@vuw.ac.nz](mailto:Amanda.Reilly@vuw.ac.nz)

Office hours: Thursday 1-3pm

RH 720 463-6958

##### Administrative:

Marina Dobrovolskaya

E-mail address: [Marina.Dobrovolskaya@vuw.ac.nz](mailto:Marina.Dobrovolskaya@vuw.ac.nz)

RH 708 463-5775

#### Class Times and Room Numbers

##### Lecture times:

Monday, Wednesday, Thursday 11.30 – 12.20pm in RH LT 2

##### Tutorials:

To be advised on Blackboard

#### Lectures

Lectures are held from Monday 27 February – Thursday 1 June 2006

Mid-Trimester break: Monday 10 – Friday 21 April

Lectures resume: Monday 24 April

University examination period: Tuesday 6 June – Friday 23 June 2006

#### Tutorials

Tutorials will start in the week beginning 13 March.

##### Tutorial No

1 and 3

2 and 4

##### Weeks Beginning

March 13 and May 8

March 27 and May 29

##### Lecture Material By

Amanda Reilly

Trish Keeper

<b>Provisional Programme 2006</b>	<b>Lecture</b>	<b>Date</b>	<b>Lecturer</b>	<b>Topic</b>
<b>Week 1</b>		27 February 1 March 2 March	AR AR AR	Introduction & Overview History & Principles History & Principles
<b>Week 2</b>		6 March 8 March 9 March	AR AR AR	Duty of Good Faith Duty of Good Faith Duty of Good Faith
<b>Week 3</b> <i>(Tutorial 1)</i> <i>AR</i>		13 March 15 March 16 March	TK TK TK	Unions Unions Unions
<b>Week 4</b> <i>No Tutorial</i>		20 March 22 March 23 March	TK TK TK	Collective Bargain Collective Bargain Collective Bargain
<b>Week 5</b> <i>(Tutorial 2)</i> <i>TK</i>		27 March 29 March 30 March	TK TK TK	Strikes and lockouts Strikes and lockouts Strikes and lockouts
<b>Week 6</b>		3 April 5 April 6 April	TK Revision <b>TEST</b>	
<b>EASTER-MID TRIMESTER BREAK</b>				
<b>Week 7</b> <i>No Tutorial</i>		24 April 26 April 27 April	AR AR AR	The Contract of Employment  * Who is an employee
<b>Week 8</b> <i>No Tutorial</i>				* Implied Terms - common law - statutory
<b>Week 9</b> <i>(Tutorial 3)</i> <i>AR</i>		8 May 10 May 11 May	AR AR AR	The Contract of Employment * Restraint of Trade
<b>Week 10</b> <i>No Tutorial</i>		15 May 17 May 18 May	AR TK TK	* Restraint of Trade Personal Grievances Personal Grievances
		<b>5pm Friday 19 May</b>		<b>ASSIGNMENT DUE</b>
<b>Week 11</b> <i>No Tutorial</i>		22 May 24 May 25 May	TK TK TK	Personal Grievances Personal Grievances Personal Grievances
<b>Week 12</b> <i>(Tutorial 4)</i> <i>TK</i>		29 May 31 May 1 June	TK TK Revision	Personal Grievances Personal Grievances

## **Tutorial Sign-up**

Tutorial sign-up will be via **Blackboard** at **Course COML 302** and should be done during the first week of term. The instructions for signing up are attached as page 7 of this Course Outline and will also be posted on the Announcements section of **Course COML 302** on Blackboard.

The completed tutorial lists will be posted on the Commercial Law notice board on the Mezzanine Floor of Rutherford House.

Tutorial classes will meet approximately every 3 weeks, starting in the **third week** of the trimester. There are 4 tutorials in all.

An attendance register will be kept. If you find it necessary to miss a tutorial please try to notify the tutor or administrative coordinator (Marina) in advance, so arrangements can be made for you to attend another tutorial stream.

## **Course Content and Objectives**

Students successfully completing this course should be expected to have:

- an overall understanding of the social economic and political context of labour law and the nature of the factors affecting the development and possible future direction of the law;
- a broad understanding of the legal principles governing the employment relationship both at the individual and collective level
- a detailed knowledge of a selection of the more important areas of labour law; the ability to identify and analyse legal problems and issues that arise out of an employment relationship.

## **Readings**

- *Coml 302 Course Materials* (2006) purchased through Student Notes
- Employment Relations Act 2000 (incl amendments)

### *Strongly recommended:*

- R Rudman New Zealand Employment Law Guide, latest edition.

There is no charge for class handouts, and limited spare copies of these will be placed in the COML 302 pigeonholes on the 6 floor of Rutherford House by RH 623.

### *Research Materials*

The Law Library, located in the Old Government Building, contains additional resources that may be used for completing the Research Essay. The Law Library is a University resource and is open to students of all Faculties. Library staff will assist with reasonable research requests, however students should be prepared to find most of the materials they need without assistance. Note that the Law Library is a reference library only and no books may be removed from the premises. However, photocopying cards may be purchased.

Check the Bibliography on Blackboard for a list of useful sources.

### Materials permitted in Test and Examination

The Terms Test and Final Exam are both open book and you may bring whatever materials you like into the exam room.

### **Tutor Details**

These are yet to be finalised. Information about your Tutor for COML 302 will be put up on Blackboard in mid-February 2006.

### **Assessment Requirements**

Terms Test ( <i>open book</i> )	20%	Thursday 6 April, 11.30am to 12.30pm, RH LT 2
1500-word Assignment	25%	Due 12 noon, Friday 19 May
Final Exam ( <i>open book</i> )	55%	June (TBA)

### Terms Test

The terms test will examine topics covered in lectures in weeks three to six inclusive. The test will consist of two compulsory questions having equal marks. The terms test is open book.

### Assignment

The assignment is due by 12 noon on 19 May. Completed assignments should be placed in the COML 302 Assignment Box (on the Mezzanine Floor, Rutherford House).

Assignments should not exceed 1500 words including footnotes which should be limited to referencing and citations).

### **Mandatory Course Requirements**

**All** items of assessment are compulsory and necessary for terms.

You must complete both the Terms Test and Assignment and obtain at least a 40% grade in each. Attendance and satisfactory participation in at least 3 of the 4 tutorials, and regular attendance at lectures (and preparation), is also required. Please note that terms will be awarded on the last lecture day, and will be posted on Blackboard. It is your responsibility to check this.

Everyone is expected to prepare the assigned reading for each class and to prepare for tutorials irrespective of whether a question has been specifically allocated to them. Even a modest amount of preparation for class and tutorials will greatly assist you in mastering the materials.

### **Penalties**

Tests handed in after the deadline will be subject to an automatic 10 percent minimum penalty (and an additional 10 percent per day) unless prior permission has been granted or unless proof of exceptional circumstances can be produced.

## Communication of Additional Information

Notices will be posted on **Blackboard** to which all students have access. **Urgent notices** will be circulated by email.

**If you do not use your student email address as your normal email it is YOUR responsibility to ensure email sent to that address is forwarded to your usual account.** Your SCS email can be forwarded to any other email account. This is done within the SCS email system by choosing OPTIONS and then GENERAL. Put the new address in the "Forward all mail to the following address" field

## General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly those regarding assessment and course of study requirements, and formal academic grievance procedures.

## Student Conduct and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps can be taken if there is a complaint. For queries about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor. This Statute is available in the Faculty Student Administration Office or on the website at: [www.vuw.ac.nz/policy/StudentConduct](http://www.vuw.ac.nz/policy/StudentConduct).

The policy on Staff Conduct can be found on the VUW website at: [www.vuw.ac.nz/policy/StaffConduct](http://www.vuw.ac.nz/policy/StaffConduct).

## Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned or, if you are not satisfied with the result of that meeting, see the Head of School or the Associate Dean (Students) of your Faculty. Class representatives are available to assist you with this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievances Policy which is published on the VUW website: [www.vuw.ac.nz/policy/AcademicGrievances](http://www.vuw.ac.nz/policy/AcademicGrievances).

## Academic Integrity and Plagiarism

Academic integrity is about honesty – put simply it means **no cheating**. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. Plagiarism is **prohibited** at Victoria.

The University defines plagiarism as follows:

Plagiarism is presenting someone else's work as if it were your own, whether you mean to or not.

*'Someone else's work' means anything that is not your own idea, even if it is presented in your own style. It includes material from books, journals or any other printed source, the work of other students or staff, information from the Internet, software programmes and other electronic material, designs and ideas. It also includes the organization or structuring of any such material.*

***Plagiarism is not worth the risk.***

Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct ([www.vuw.ac.nz/policy/studentconduct](http://www.vuw.ac.nz/policy/studentconduct)) and may be penalized severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- suspension from class or university
- cancellation of your mark for an assessment or a fail grade for the course.

*Find out more about plagiarism and how to avoid it, on the University's website at: [www.vuw.ac.nz/home/studying/plagiarism.html](http://www.vuw.ac.nz/home/studying/plagiarism.html).*

**Students with Disabilities**

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities an equal opportunity with all other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, then please contact the Course Coordinator as early in the course as possible. Alternatively you may wish to approach a Student Adviser from Disability Support Services to confidentially discuss your individual needs and the options and support that are available. Disability Support Services are located on Level 1, Robert Stout Building, or phoning 463-6070, email: [disability@vuw.ac.nz](mailto:disability@vuw.ac.nz). The name of your School's Disability Liaison Person can be obtained from the Administrative Assistant or the School Prospectus.

**Student Support**

Staff at Victoria want students' learning experiences at the University to be positive. If your academic progress is causing you concern, please contact the relevant Course Co-ordinator, or Associate Dean who will either help you directly or put you in contact with someone who can.

The Student Services Group is also available to provide a variety of support and services. Find out more at [www.vuw.ac.nz/st\\_services/](http://www.vuw.ac.nz/st_services/) or email [student-services@vuw.ac.nz](mailto:student-services@vuw.ac.nz).

VUWSA employs two Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and faculty delegates. The Education Office is located on the ground floor, Student Union Building, phone 463 6983 or 463 6984, email [education@vuw.sa.org.nz](mailto:education@vuw.sa.org.nz)

## **Tutorial Sign-up Instructions**

To sign up for your COML 302 tutorial you need to carefully follow the instructions below. Please note that the [Blackboard](#) login procedure has changed. To login to [Blackboard](#) you must use your Victoria University student domain (SCS) user name and password.

1. To sign up select the **'Discussion Board'** button on the left hand side of the screen.
2. Click on **'Tutorial Sign-up'**, which will open a list of tutorial times. Click on the tutorial time of your choice. To register your name for this tutorial you must then click on the **'Reply'** button at the bottom of the page.
3. Place an **'x'** in the **message** box which is below **subject** and click on **'submit'** at the bottom of the page. You have now registered for this tutorial. Your name should appear under the tutorial of your choice. **Please remember only 16 students per tutorial are accepted.** Count the number of names under the tutorial to ensure that there are no more than 16 names.
4. If you need to change your tutorial group, please **remove** your name from the first tutorial you signed up for. To do this, follow steps 1-3. Select **'Tutorial Sign-up'** and double click on the tutorial time beside your name. Click the **'remove'** button, followed by **OK**. You can now choose a different tutorial time by following steps 3 and 4.
5. If a student signs up for more than one tutorial group, the Administration Assistant will select an available tutorial group at their discretion.
6. Any student who has signed up **after** a tutorial group has been filled will be placed into the next available tutorial group according to availability.