

Victoria Management School

HRIR 302
MANAGING EMPLOYMENT AGREEMENTS

Trimester 1 2006

COURSE OUTLINE

Contact Details

Course Coordinator

Dr Stephen Blumenfeld

Room: RH 1010, Rutherford House

Phone: 463-5706

Email: stephen.blumenfeld@vuw.ac.nz

Website: www.vuw.ac.nz/vms

Administration Assistant

TBA (A notice will be placed on Blackboard when appointment is confirmed.)

Room: RH 1022, Rutherford House

Phone: 463-5358

Class Times and Room Numbers

Monday 9.30 – 10.20 RHLT2

Tuesday 9.30 – 11.20 RHLT2

Course Objectives

To provide an understanding of the ways in which the processes of employment relations are conducted in New Zealand. HRIR 302 provides advanced study for persons seeking a career in human resource management or industrial relations or proceeding to honours level. It focuses on practical issues in employment in the private and public sectors. Material covered includes negotiating employment agreements; processing personal grievances and disputes; and critical analysis of issues of contemporary relevance to labour markets and employment in New Zealand.

Course Content

HRIR 302 comprises a study of New Zealand's system of employment relations, examining topical themes as well as historical developments. It focuses on practical issues in employment in the private and public sectors. Material covered includes negotiating employment agreements; processing personal grievances and disputes; and critical analysis of issues of contemporary relevance to employment in New Zealand. A full schedule of lectures and topics follows

HRIR 302 Lecture Schedule—1st Trimester 2006

Week of	Lecture Topics & Additional Materials
27 February 2006	Course Introduction and Overview Video: “In A Land of Plenty” (112 minutes)
6 March 2006	Labour Market Deregulation in New Zealand Employment as a Contractual Relationship
13 March 2006	The Employment Relations Act 2000 Employment Institutions in New Zealand
20 March 2006	Freedom of Association & Trade Unions Video: “All In Good Faith” (22 minutes)
27 March 2006	Negotiating Employment Agreements Video: “The Negotiator” (51 minutes)
Essay Assignment Due Friday 31 March 2006 no later than 4.30pm	
Saturday 1 April 2006 — Workshop: Employment Contract Negotiation Exercise	
3 April 2006	Strikes & Lockouts Video: “Shattered Dreams” (47 minutes)
10-23 April 2006 — Mid Trimester Break	
24 April 2006	Personal Grievances & Rights Disputes
Tuesday 25 April 2006 — ANZAC Day Holiday	
01 May 2006	The Individual Employment Relationship Non-Standard & Contingent Employment
Rights Dispute Case Due Friday 05 May 2006 no later than 4.30pm	
08 May 2006	Human Rights & Equity in Employment Video: “Managing Diversity” (25 minutes)
15 May 2006	Occupational Health & Safety in New Zealand Discipline & Dismissal
22 May 2006	Video: “Employee Assistance” (21 minutes) Redundancy & Restructuring
29 May 2006	Course Review & End-of-Term Test
Tuesday 30 May 2006 — End-of-term Test — 9:30am-11:20am	
Personal Grievance Case Due Friday 02 June 2006 no later than 4.30pm	

Readings

Students will note that required readings listed under each topic below amount to an average of approximately fifty (50) pages per week. Also note that the amount of assigned reading diminishes considerably as the trimester draws to a close.

◇ Denotes reading included in *Employment Relationships: New Zealand's Employment Relations Act* / edited by Erling Rasmussen, which students are asked to purchase. See "TEXTS" above.

© Denotes required reading included in course readings ("course notes").

Labour Market Deregulation in New Zealand

© Philip S. Morrison, "Deregulation of the New Zealand Labour Market," *GeoJournal* Vol. 59, No. 2 (2003):127-136.

◇ Barbara Burton, "The Employment Relations Act According to Business New Zealand," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 134-144.

◇ Erling Rasmussen and Colin Ross, "The Employment Relations Act Through the Eyes of the Media," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 21-38.

Employment as a Contractual Relationship

© Penelope Brook, "A Contractual Approach to Labour Market Regulation," in *Freedom at Work: The Case for Reforming Labour Law in New Zealand* (Auckland: University of Auckland Press, 1990), pp. 94-128.

The Employment Relations Act 2000

◇ Margaret Wilson, "The Employment Relations Act: A Framework for a Fairer Way," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 9-20.

◇ Tony Waldegrave, "Employee Experience of Employment Relationships Under the Employment Relations Act 2000," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 145-158.

Employment Institutions in New Zealand

◇ Ian McAndrew, Julie Morton and Alan Geare, "The Employment Institutions," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 98-118.

© John Hughes, "The Employment Court after the Industrial Relations Package," *New Zealand Journal of Industrial Relation* Vol. 24, No. 1 (February 1999):21-45.

© Charles Chauvel, "On Why the Employment Court Should Be Abolished," *Employment Law Bulletin* (September 2002):89-91.

Freedom of Association & Trade Unions

- © Pat Walsh and Raymond Harbridge, “Re-regulation of Bargaining in New Zealand: The Employment Relations Act 2000,” *Australian Bulletin of Labour* Vol. 27, No. 1 (March 2001):43-60.
- © Paul Roth, “International Labour Organisation Conventions 87 and 98 and the Employment Relations Act” *New Zealand Journal of Industrial Relations* Vol. 26, No. 2 (June 2001):145-69.
- ◇ Robin May, “Trade Unions and the Employment Relations Act,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 159-172.
- ◇ Ross Wilson, “The Employment Relations Act: A CTU Perspective,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 173-189.

Negotiating Employment Agreements

- ◇ Glen Thickett, Pat Walsh, Raymond Harbridge and, “Collective Bargaining Under the Employment Relations Act,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 39-58.
- ◇ John Hughes, “Good Faith Bargaining Under the Employment Relations Act: The Original Scheme,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 77-97.
- ◇ Tony Waldegrave, “Employment Relationship Management Under the Employment Relations Act 2000,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 119-133.

Strikes & Lockouts

- © Gordon Anderson, “New Zealand” in R. Blanpain and R. Ben-Israel (eds.), *Strikes and Lock-outs in Industrialized Market Economies* (Boston: Kluwer Law and Taxation Publishers, 1994), pp. 123-145.
- © Jon Henning, “The Employment Contracts Act and Work Stoppages,” *New Zealand Journal of Industrial Relations* Vol. 20, No. 1 (April 1995):77-92.
- © Andrew Wilson, “But what does it mean?,” *New Zealand Management* Vol. 48, No. 2 (March 2001):55.

Personal Grievances & Rights Disputes

- ◇ Andrew Caisley, “The Law Moves in Mysterious Ways,” in Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 59- 76.
- © John Hughes, “Personal Grievances,” in Raymond Harbridge (Editor), *Employment Contracts: New Zealand Experiences* (Wellington, New Zealand: Victoria University Press, 1993), pp. 89-133.

- © Gordon Anderson, "The Personal Grievance Provisions," *Employment Law Bulletin* (April 2000):63-64.
- © "Schedule 2: Information about Resolving an Employee's Employment Relationship Problem," *Employment Relations Bill, Section, s 116(2)*.

The Individual Employment Relationship

- © Gordon Anderson, "The Individual and the Employment Relations Act," *New Zealand Journal of Industrial Relations* Vol. 26, No. 1 (February 2001):103-118.
- © John Hughes, "Good Faith Bargaining and Individual Employment Agreements," *Employment Law Bulletin* No. 8 (2004):95+.

Non-Standard and Contingent Employment

- © Paul Spoonley, "Is Non-Standard Work Becoming Standard? Trends and Issues," *New Zealand Journal of Employment Relations* Vol. 29, No. 3 (October 2004):3-24.
- © Cameron Allan, Peter Brosnan, and Pat Walsh, "Non-Standard Working-Time Arrangements in Australia and New Zealand," *International Journal of Manpower* Vol. 19, No. 4 (June 1998):234-249.
- © David Guest, "Employment Contracts, the Psychological Contract and Employee Outcomes: An Analysis and Review of the Evidence," *Management Centre Research Paper 19* (London: King's College), June 2003, pp. 1-32.
- © "Employee or Independent Contractor?," *IRD Tax Information Bulletin* Vol. 11, No. 2 (February 1999):5-8.

Human Rights & Equity in Employment

- ◇ Nigel Haworth, "Beyond the Employment Relations Act: The Wider Agenda for Employment Relations and Social Equity," in Erling Rasmussen (Editor), *Employment Relationships: New Zealand's Employment Relations Act* (Auckland: Auckland University Press, 2004), pp. 190-203.
- © Maria Humphries and Shayne Grice, "Equal Employment Opportunity and the Management of Diversity," in Peter Boxall (Editor), *The Challenge of Human Resource Management: Directions and Debates in New Zealand* (Auckland, New Zealand: Longman Paul Ltd., 1995), pp. 205-230.
- © Julie Kemp, "The Human Rights Act in the Workplace," *New Zealand Law Journal* (April 1997):133-136.
- © Peter Kiely, "Discrimination and Human Rights: An Overview of Remedies," *New Zealand Journal of Industrial Relations* Vol. 18, No. 3 (1993):362-375.

Occupational Health & Safety in New Zealand

- © Hopkins, Andrew. 1993. "Approaches to Safeguarding the Worker." In Quinlan, Michael (ed.) *Work and Health: The Origins, Management and Regulation of Occupational Illness*, South Melbourne: MacMillan Education, pp. 170-190.

- © Richard Gaskins, *New Dynamics of Risk and Responsibility: Expanding the Vision for Accident Compensation*, *Victoria University of Wellington Law Review* Vol. 35, No. 4 (December 2004):951-968.

Discipline & Dismissal

- © Louise Freyer, “Unjustifiable Dismissal: Procedural Fairness and the Employer,” *New Zealand Journal of Industrial Relations* Vol. 22, No. 2 (August 1997):143-156.
- © Sean Woodward, “The Effect of Employee Conduct on Personal Grievance Remedies,” *New Zealand Journal of Industrial Relations* Vol. 20, No. 2 (August 1995):183-193.
- © John Hughes, “The Evolving Law of Operational Suspension,” *New Zealand Journal of Industrial Relations* Vol. 28, No. 3 (October 2003):290-313.
- © Alan Knowsley, “Employers’ Guide to the Disciplinary Process,” *New Zealand Business* (April 2005):8.

Redundancy & Restructuring

- © A.J. Geare, “Full Circle? The Continuing Saga of Redundancy Legislation,” *New Zealand Journal of Industrial Relations* Vol. 24, No. 1 (February 1999):75-82.
- © Raymond Harbridge and Aaron Crawford, “Redundancy: The Rise and Rise of Judicial Activism,” *Proceedings of the 13th Association of Industrial Relations Academics of Australia and New Zealand Conference*, Volume 1 (Adelaide, South Australia, Australia, 4-6 February 1999), pp. 47-56.
- © Christopher Hogg, “Reversal of ‘Fortune’,” *Employment Today* (June 1998):23-25.
- © Peter Kiely, “Redundancy and Good Faith,” *The Employment Agreement* (May 2001):7-8.
- © Jim Roberts, “Process is Power,” *Employment Today* (October/November 2002):34.

Materials and Equipment

- Students are expected to purchase and have in their possession a copy of the Erling Rasmussen (Editor), *Employment Relationships: New Zealand’s Employment Relations Act* (Auckland: Auckland University Press, 2004).
- Students are also expected to have and use their own copy of the *Employment Relations Act 2000* (Reprint as at 16 September 2005). The ERA, along with other relevant New Zealand legislation, is available at <http://rangi.knowledge-basket.co.nz/gpacts/actlists.html>.
- In addition, students are expected to read and become familiar with the readings found in the course readings, which will be supplied to students in the first class session of the trimester, and any additional readings and cases supplied in class.
- Please note that students will not be allowed to use books, notes or machines, such as computers or electronic calculators in the end-of-term test.

Assessment Requirements

Assessment for this course consists of three assignments—an essay and personal grievance case and a rights dispute case, each worth 25% of the total assessment, an end-of-term test, which is worth 25% of the total assessment and will take place during the time allotted for the last class session of the trimester. Although no marks are allocated for this, regular attendance in lectures and, in particular, during the contract negotiation exercise is required of all students.

Completed HRIR 302 assignments are to be submitted no later than 4.30pm (NZ time) on the due date through BlackBoard and will be automatically checked for academic integrity by the electronic search engine www.turnitin.com. Turnitin is an online plagiarism prevention tool, which identifies material that may have been copied from other sources including the internet, books, journals, periodicals or other students. Turnitin is used to assist your lecturer in detecting misreferencing, misquotation, and the inclusion of unattributed material, which may be forms of cheating or plagiarism. The decision about whether any copying is plagiarism will be made in the first instance by the lecturer based on the information supplied by Turnitin. You are strongly advised to check with your lecturer if you are uncertain about how to use and cite material from other sources. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, access to the full text of submissions will not be made available to any third party.

Extensions, penalties and tutorial terms requirements will be decided only by the Course Administrator. Extensions will require a satisfactory, documented explanation. Late assignments will be penalized five percent (5%) of the total possible marks for the assignment per day.

❖ Essay	Due Friday 31 March 2006	25%
Contract Negotiation Exercise	Saturday 01 April 2006	Mandatory Terms Requirement
Rights Dispute Case	Due Friday 05 May 2006	25%
End-of-Term Test	Tuesday 30 May 2006	25%
Personal Grievance Case	Due Friday 02 June 2006	25%

❖ Essay Assignment

Value: 25% of the final grade

Length: Around 1,500 words (give or take 10%)

Topic: As Governor of New Zealand’s Reserve Bank, Don Brash argued that employers should have the right to hire and fire employees at will and complained that decisions by the Employment Court make it difficult, time-consuming and expensive to dismiss staff. More recently, as National Party leader, Dr. Brash has advocated employing new workers for a probationary period, at the end of which non-continuance of employment would not be grounds for an unjustified dismissal claim. What do you think? Should employers have the right to hire and fire employees at will? Do the advantages of employment-at-will outweigh any disadvantages? Are there some situations in which employment-at-will is more acceptable than others? Should the Employment Relations Authority and the Employment Court have jurisdiction to decide whether or not an employer had just cause for dismissing an employee? State your own opinion ensuring that you address the arguments for and against such a position. Use examples and references to support your hypotheses.

Penalties

In fairness to other students, work submitted after the deadline will be subject to a penalty of 5% of the total marks available per day of lateness. Assignments more than one week late will not be accepted. A “zero” mark will be applied. In the event of unusual, unforeseen circumstances (e.g., serious illness, family bereavement), students should discuss waiver of the penalty with the course controller prior to the deadline date.

Mandatory Course Requirements

To fulfil mandatory course requirements in HRIR 302 students are expected to participate in the contract negotiation exercise, submit each of the three assignments (i.e., the essay and personal grievance case and a rights dispute case), and sit the an end-of-term test. In order to pass this course, students are required to obtain at least fifty percent of the overall course marks available.

Communication of Additional Information

Additional information and information on any changes will be conveyed to students via class announcements and in written form on the university BlackBoard server for HRIR 302.

Referencing

There are many different styles of referencing and the Faculty of Commerce & Administration at VUW has decided to make APA (American Psychological Association) referencing style the common standard across the Faculty. The Commerce and Central Libraries hold the APA Style Guide. You can also access the information from the online VUW library site (<http://www.vuw.ac.nz/library/resources/virtualref.shtml#style>).

Faculty of Commerce and Administration Offices

Railway West Wing (RWW) - FCA Student Administration Office

The Student Administration Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications. To check for opening hours call the office on (04) 463 5376.

Easterfield (EA) - FCA/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce & Administration and Law is situated in the Easterfield Building - it includes the ground floor reception desk (EA005) and offices 125a to 131 (Level 1). The office is available for the following:

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- FCA Student Administration forms (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

Check with the Student Administration Office for opening times (04) 463 5376.

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. The policy on Staff Conduct can be found on the VUW website at: 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.

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) 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.

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. 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/ or email 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@vuwsa.org.nz.

Manaaki Pihipihinga Maori and Pacific Mentoring programme (Faculties of Humanities and Social sciences and Commerce and Administration).

- **What:** Academic Mentoring for Maori and Pacific students studying at all levels in the above faculties. Weekly sessions for an hour with a mentor to go over assignments and any questions from tutorials or lectures. Registered students can use the faculty's study rooms and computer suite at any time at Kelburn and Pipitea.
- Mature student and Post grad network

If you would like to register as a mentor or mentee please contact the coordinator.

Where:

Melissa Dunlop
Programme Coordinator
Room 109 D
14 Kelburn Parade: back courtyard
Ph: (04) 463 6015
Email: Maori-Pacific-Mentoring@vuw.ac.nz

Please Note: A mentoring room will also be running at Pipitea Campus starting January. Please contact the Programme Coordinator for details.