

Victoria Management School

MMBA 562: MANAGING EMPLOYMENT RELATIONS

Trimester One 2010

COURSE OUTLINE

CONTACT DETAILS

COURSE COORDINATOR/LECTURER

Dr Stephen Blumenfeld

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Phone: 463 5706

Email: stephen.blumenfeld@vuw.ac.nz

Website: www.vuw.ac.nz/vms

PROGRAMME ADMINISTRATOR

Linda Walker

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Teaching Period: Monday 1st March – Friday 4th June 2010

Study Period: Monday 7th June – Thursday 10th June 2010

Examination Period: Friday 11th June – Wednesday 30th June 2010 (inclusive)

Withdrawal from Courses:

Information available via

Withdrawal dates: Late withdrawals with Associate Dean (Students) permission

(See Section 8: Withdrawals - from the Personal Courses of Study Statute)

<http://policy.vuw.ac.nz/Amphora!~~policy.vuw.ac.nz~POLICY~000000001743.pdf>

Withdrawal dates: refunds:

<http://www.victoria.ac.nz/home/admisenrol/payments/withdrawalsrefunds.aspx>

CLASS TIMES AND ROOM NUMBER

Lectures: *Thursdays: 17:40–19:30 (RHG01)*

This course has a 6-hour contract negotiation workshop, scheduled for Saturday, 22 May 2010. There is no examination scheduled for this course.

COURSE CONTENT

The term ‘employment relations’ refers to a multidisciplinary field of study that considers all aspects of the relationship between employers and employees in the public and private sectors.

This course provides advanced study of the regulation (or governance) of employment relations in New Zealand. It is intended for postgraduate students seeking a career in human resource management or industrial relations. Material covered in this course pertains to the negotiation and administration of employment agreements, the institutions and processes set up in New Zealand for resolving employment relations problems, the role of trade unions in those processes, and critical analysis of issues of contemporary relevance to employment and employment relations in New Zealand.

OVERALL COURSE OBJECTIVES

The course has three principal aims:

- to provide an understanding of the ways in which the processes of employment relations are conducted in New Zealand;
- to explore the practical aspects of negotiation and operating under employment agreements in unionised and non-unionised organisations; and
- to place employment relations in its wider legal, economic, and political environments.

COURSE-RELATED STUDENT LEARNING OBJECTIVES

On successful completion of the course, students should be able:

- to demonstrate an understanding of the major theoretical frameworks and concepts relevant to the study of employment relations;
- to use such frameworks to describe and critically evaluate employment relations practices in the New Zealand context; and
- to offer a reasoned assessment and analysis of changes in the management of employment relationships.

EXPECTED WORKLOAD

Students can expect the workload to be approximately 12 hours per week, including both scheduled contact time (i.e., lectures) and outside class. Students will note that required readings 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.

REQUIRED READING

Erling Rasmussen, *Employment Relations in New Zealand, Second Edition* Auckland: Pearson Education New Zealand, 2009 (Henceforth referred to as *Rasmussen*.)

Students are also expected to have and use their own copy of the *Employment Relations Act 2000*, copies of which are available at the Victoria University Book Centre on the Ground Floor of Rutherford House. The *Employment Relations Act (ERA) 2000*, along with other relevant New Zealand legislation, is also available on the Internet at <http://rangi.knowledge-basket.co.nz/gpacts/actlists.html>.

RECOMMENDED READING

Peter Haynes, Yvonne Oldfield, and Glenda Fryer, *New Zealand Employment Relations, Third Edition* Auckland: Pearson Education, 2006 (Henceforth referred to as *Rasmussen*.)

Richard Rudman, *Employment Law Guide, 2009* Auckland: CCH New Zealand, 2009 (Henceforth referred to as *Rudman*.)

A schedule of lectures and assigned and specific recommended readings follows.

MMBA 562 Lecture Schedule—1st Trimester 2010

Date	Lecture Topics & Additional Materials	Required Reading	Suggested Reading
04 March 2010	Course Introduction & Overview What is Employment Relations?		<i>Rasmussen</i> —Chapters 1&2
11 March 2010	Labour Market Regulation in New Zealand	<i>Rasmussen</i> —Chapters 3&4	<i>HO&F</i> —Chapters 1&2 <i>Rudman</i> —Chapter 1
18 March 2010	Employment as a Contractual Relationship	<i>Rasmussen</i> —Chapter 13	<i>HO&F</i> —Chapter 3 <i>Rudman</i> —Chapters 3&4
Essay Draft Due Thursday 18 March 2010, at the start of lecture			
26 March 2010	Labour Market Flexibility & Productivity	<i>Rasmussen</i> —pp. 423-431; 438-456	<i>Rudman</i> —Chapter 5
01 April 2010	Employment Institutions in New Zealand	<i>Rasmussen</i> —Chapter 5; pp. 154-166	<i>HO&F</i> —pp. 88-89 <i>Rudman</i> —Chapter 2
Completed Essay Assignment Due Thursday 01 April 2010 at the start of lecture			
5-18 April 2010—Mid Trimester Break			
22 April 2010	Freedom of Association & Trade Unions	<i>Rasmussen</i> —Chapter 12; pp. 136-146; pp. 431-438	<i>HO&F</i> —Chapter 4 <i>Rudman</i> —pp. 89-117
29 April 2010	Personal Grievances & Disputes Case: Forbidden Nuptials	<i>Rasmussen</i> —pp. 415-422	<i>HO&F</i> —pp. 72-87 <i>Rudman</i> —Chapter 9
06 May 2010	Human Rights & Equity in Employment Case: Gross Safety Violation	<i>Rasmussen</i> —Chapter 8	<i>HO&F</i> —pp. 96-107 <i>Rudman</i> —Chapter 12
Rights Dispute Case Due Thursday 13 May 2010, at the start of lecture			
13 May 2010	Negotiating Employment Agreements	<i>Rasmussen</i> —pp. 128-134; pp. 383-412	<i>Rudman</i> —Chapters 7&8
20 May 2010	Strikes & Lockouts Occupational Health & Safety	<i>Rasmussen</i> —pp.134-135; pp. 412-415; Chapter 7	<i>Rudman</i> —pp. 117-122 & Chapter 11
Saturday 22 May 2010—Workshop: Employment Contract Negotiation Exercise			
27 May 2010	Redundancy & Restructuring		<i>Rudman</i> —Chapter 10
Thursday 03 June 2010—No class in lieu of Saturday 22 May Workshop			
Personal Grievance Case Due Friday 04 June 2010, no later than 4.30pm			

ASSESSMENT REQUIREMENTS

Assessment for this course consists of three assignments—an essay (see below) worth 40% and a personal grievance case (to be distributed in class) and a rights dispute case (to be distributed in class), each worth 30% of the total assessment. Although no marks are allocated for this, *regular attendance in lectures and, in particular, during the contract negotiation exercise is required of all students.*

Assignment	Title	% of Marks Available	Due Date
1	<i>Essay Draft</i>	<i>None</i>	<i>18 March 2010</i>
2	<i>Completed Essay Assignment</i>	<i>40</i>	<i>01 April 2010</i>
2	<i>Rights Dispute Case</i>	<i>30</i>	<i>13 May 2010</i>
3	<i>Personal Grievance Case</i>	<i>30</i>	<i>04 June 2010</i>
	TOTAL	100	

ESSAY ASSIGNMENT

Value: 40% of the final grade

Length: Around 4,000 words (give or take 10%)

Due: 01 April 2010, at the start of lecture

Topic: Shortly after New Zealand's general election in November 2008, the newly-elected Government amended the *Employment Relations Act 2000* to implement the National Party's policy on trial employment periods for new employees of businesses with fewer than 20 employees. Under this legislation, which came into effect on March 1st 2009, workers of small and medium sized employers in New Zealand can, within 90 days of starting their jobs, be dismissed without written notice and without the employer having to provide any reason for the dismissal. The trial period is voluntary, and must be agreed to in writing and in good faith as part of the employment agreement, however an employer and employee may agree to a trial period only if the employee has not previously been employed by that employer. If the trial employee is given notice of dismissal before the end of a trial period, he or she *cannot* raise a personal grievance on the grounds of unjustified dismissal. The employee may, however, raise a personal grievance on other grounds, such as discrimination or harassment or unjustified action by the employer that disadvantages the employee.

Following enactment of this amendment, Minister of Labour Kate Wilkinson said the Government was open to extending coverage of the legislation to all employers, irrespective of size. To that end, a 9-page explanatory note attached to the bill as tabled in Parliament late in 2008 stipulated: "Extending the (90-day trial period) initiative to all employers would have a positive effect on labour market efficiency. Consideration could be given to evaluating the outcomes of this legislative change with a view to extending it to cover all employers in future." Moreover, it is important to note that the aim of the 'grievance-free' period is to allow employers to take a chance on employing someone who will help grow their business and afford new job opportunities to people looking for work. Given that the majority of workers in New Zealand ultimately find work with larger employers, it seems this objective of the legislation could be better met by extending the coverage of this act to all (potential) employers. This, though, must be weighed against the potential negative consequences of what is effectively a form of 'employment-at-will'.

What do you think? Should (all, some, or no) employers (in New Zealand or elsewhere) have the right to hire new workers on a probationary basis without the threat of having to defend against an unjust dismissal claim should they decide to discontinue that employment

relationship prior to at the end of that trial period? Why or why not? What are the tradeoffs of such a policy? Discuss and support your arguments with evidence derived from your researching of this topic.

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/research/reference/referencingguides.aspx>).

GROUP WORK

While the course has a tradition of study group collaboration, there are important elements in the assessment process that are strictly individual. Collaboration on individual assignments is not allowed beyond general discussion as to how one might interpret the nature of the assignment question. Please do not work together to formulate a response and do not loan out your completed assignments.

SUBMITTING ASSIGNMENTS

Completed MMBA 562 assignments are to be submitted no later than specified time on the due date **to the course coordinator** in hard copy **and electronically via email** (stephen.blumenfeld@vuw.ac.nz). Submitted assignments 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.

All hard copies (not electronic copies) of completed essay assignments must have a cover sheet. The cover sheet is in Annex A of this course outline. Students must also keep an electronic copy of their work archived in case the original assignment goes missing. Failure to do so will jeopardise any claim by you that your work was submitted in the rare cases where your work goes astray.

POLICY ON REMARKING

Every attempt is made to ensure that the marking is consistent and fair to students. Students may ask for their written work to be remarked. A different academic staff member will do the remarking and provide comments. The original marking sheet is removed to ensure the process is independent. If the mark differs by 10% or less the two marks are averaged. If it exceeds 10% then it is independently marked by a third marker and the average of the two closest marks is taken. Experience from previous years is that almost all remarks are within 10% and where there is a change in mark, half the assignments go up and half go down. Occasionally there is a significant shift in the mark.

Application for remarks must be made within 5 days after the marks are available. To apply for a remark, complete the request for re-examination of assessed work form (Annex B) stating which sections (criteria listed in the mark sheet) you wish re-examined. Write on why you think the mark does not, in your view, fairly reflect the quality of your work. Hand this

with your assignment at Reception Level 10. Allow for up to 5 days for remarks to be completed.

MANDATORY COURSE REQUIREMENTS

To meet Mandatory Course Requirements, students are required to:

- a. attend the Saturday collective bargaining workshop;
- b. submit a draft essay assignment;
- c. submit a hardcopy of each the three graded assignments no later than 7 days after the due date; and
- d. submit an electronic copy of each the three graded assignments via email no later than 7 days after the due date

VICTORIA MBA GRADING STANDARDS ARE AS FOLLOWS:

Excellent Category

A- (75 – 79%) to A (80 – 85%) to A+ (above 85%): The learning is demonstrated to a very high level of proficiency, i.e. it is at a standard that makes it exceptional at Master's level.

Very Good Category

B+ (70 – 74%): The learning is demonstrated at a high standard. Students have reached a level that clearly exceeds "competency".

Good Category

B (65 – 69%): The learning is clearly demonstrated without being exceptional in any way. Students can be thought of as fully competent.

Satisfactory Category

B- (60 – 64%): The learning is demonstrated without being exceptional in any way. Students can be thought of as competent.

Marginal Category

C (50 – 54%) to C+ (55 – 59%): The learning is demonstrated to a minimally acceptable level. There may be flaws but these are not serious enough to "fail" the student.

Unsatisfactory / Failure Category

E (0 – 39%) to D (40 – 49%): The learning is absent or performed to a very low level, or the performance is seriously flawed.

PENALTIES- FOR LATENESS & EXCESSIVE LENGTH OF ASSIGNMENTS

- (i) In fairness to other students, work submitted after any deadline will incur a penalty for lateness. **The penalty is 5 percent of the marks available** for an assignment submitted after the due time on the due date **for each part day or day late. Saturdays, Sundays and public holidays** will be included when counting the number of days late. Assignments received **more than 7 days after the due date** will not be accepted and the student will **automatically fail the Mandatory Requirements**.
- (ii) Course Outlines provide a signal to student of forthcoming workload, dates of submission etc, and thus student study plans should take account of course requirements across all courses. Consequently, workload issues related to other courses and employment will not be accepted as reason for dispensation from mandatory requirements or waiver of penalties. **Extensions** to submission deadlines for any assigned work will only be granted in **exceptional circumstances**.
- (iii) Students who are unable to comply with any of the mandatory requirements should make a written application for an extension to the due date for submission of assigned work or for waiver of a penalty, **in advance**, to the Tutorial Coordinator, providing documentary evidence of the reasons of their circumstances. All such

applications must be made **before** the deadline and be accompanied by documentary evidence, eg a medical certificate, or counsellor's report that indicates the degree of impairment, and for how long the student has been impaired. Please be sure to ask at the time of consultation for the degree of impairment to be stated in any certificate you provide to support your case.

- (iv) In the event of unusual or unforeseeable circumstances (e.g. serious illness, family bereavement), that precludes an application in advance, students should make contact with the Tutorial Coordinator as soon as possible, and make application for waiver of a penalty as soon as practicable.
- (v) Word limits should be adhered to, especially so when they provide a guide to limiting the student's coverage of a topic. For example the penalty will be proportional to the percentage over the limit - **X% of the grade for an assignment which is X% over the word limit.**

COMMUNICATION

Information on course-related matters will be announced at class and posted on the **Blackboard** website at <http://blackboard.vuw.ac.nz/>. It will be crucial for you to regularly check Blackboard for messages, announcements and materials.

EMAIL CONTACT

Students wishing to contact staff by email should adhere to the following instructions:

Include the **Course Code**, your **Name**, your **Student ID** and the **Topic** in the subject area of the email,

e.g., MBA562_Smith_Pauline_3000223344_Ass1 Query

All students must use their VUW SCS email account and ID. Otherwise, email will be classified as Spam and will be dumped without being read. All emails with attachments will be dumped, unless requested by staff.

For the following important information follow the links provided:

Academic Integrity and Plagiarism

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

General University Policies and Statutes

<http://www.victoria.ac.nz/home/about/policy>

AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support

http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx

Faculty of Commerce and Administration Offices

<http://www.victoria.ac.nz/fca/studenthelp/>

Manaaki Pihipihinga Programme

http://www.victoria.ac.nz/st_services/mentoring/

ANNEX A

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui



Victoria Management School

MMBA 562 Individual Assignment Cover Sheet

Name: _____ Student ID: _____

Course Coordinator's Name: _____

Date Due: _____

Date Submitted: _____

*I have read and understood the university policy on Academic Integrity and Plagiarism.
I declare this assignment is free from plagiarism.*

Signed: _____

Extension of the due date (*if applicable*)

Please attach a copy of the note authorising your extension.

Date extension applied for: _____

Extension granted until: _____

Extension granted by: _____

ANNEX B

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui



Victoria Management School

MMBA 562

Request for re-examination of assessed work

	Assessment affected <i>e.g. Individual Assignment, In-class Test</i>
Student ID	Name <i>As it appears in your enrolment</i>
Contact Details	Phone _____ Email _____

Specify which section (criteria specified in the mark sheet) you wish to be re-examined

Note: requests to re-examine "all" criteria will not be considered.

Clearly state why you believe each of these sections should be re-examined:

Note: "I think it is worth more," is insufficient.

In requesting a re-examination of my submitted work, I understand that the result may be an increase OR decrease in the mark obtained.

.....
Signature

.....
Date