

School of Accounting and Commercial Law

COML 404: CURRENT ISSUES IN LABOUR AND EMPLOYMENT LAW

Trimester Two 2011

COURSE OUTLINE

Names and Contact Details	Office	Telephone
<i>Course Coordinator & Lecturer:</i> Dr Amanda Reilly Amanda.Reilly@vuw.ac.nz Office hours: Available by appointment	RH720	463-6958
<i>Course Administrator</i> Ms Rebekah Sage Rebekah.Sage@vuw.ac.nz Office hours: Monday-Friday 8.30am-5pm Office is closed: 10.30-10.45am and 3.30-3.45pm	RH 728	463-7465

Trimester Dates

Monday 11 July – Friday 14 October

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before 22 July 2011.
2. The standard last date for withdrawal from this course is Friday 23 September. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an 'Application for Associate Dean's Permission to Withdraw Late' including supporting documentation.

The application form is available from either of the Faculty's Student Customer Service Desks.

Class Times and Room Numbers

Thursday 12.40-3.30 RWW129

Course Content

Labour and employment law as a subject area has important implications. It is relevant to everybody who participates in the labour market whether as an employer, manager or employee. It is also a key part of the legal framework, with attendant obligations and potential liabilities, which organisations must operate within. The course will focus on topical current issues in labour and employment law. There will be some flexibility as to topics covered depending on student interests.

Course Learning Objectives

Students completing the course should be able to:

1. Explain the conceptual foundations for labour and employment laws.
2. State the legal principles governing the employment relationship both at the individual and the collective levels.
3. Research and write a seminar (in essay form) on a selected aspect of labour and employment law and present this material to other students.
4. Comment critically but constructively on the ideas and arguments put forward by others.
5. Undertake independent study incorporating critical analysis of a chosen topic and
 - a. Present a summary of finding and conclusion to the class and defend them in class discussion
 - b. Produce a well-constructed, well-reasoned research essay.

Course Delivery

There will be some flexibility surrounding the topics and the timing of their presentation depending on student preferences however broadly the course will be delivered as follows:

Week 1,2, 3 will be led by the lecturer and will include advice on research methods

Week 4,5,6 selected topical issues will be outlined and reviewed through a series of student-led seminars. For each topic it will be necessary to review legislation, case authorities (where relevant) and relevant literature. The lecturer will provide guidance on materials for each selected topic but students will also be expected to undertake independent research for their essay and presentation. This seminar will provide feedback for the first piece of formal assessment, the short essay.

Week 7 During the break and week 7 students will work on their major research essays and will be able to consult with the lecturer by appointment or during scheduled lecture hours.

Weeks 8, 9 and 10 These classes will be led by students who will present on the topic of their research essay and obtain feedback from the class and lecturer.

Week 11 will consist of a revision session

Week 12 there will be an in-class test.

Potential Topics

1. The definition of employee and the problem of non standard workers
 - The Film Workers amendment act
 - Triangular employment
2. The role of ILO, key ILO Conventions and other international human rights instruments and institutions
 - Transnational enforcement of labour standards
 - Consideration of the implications of particular standards in New Zealand. Eg.
 - Elimination of forced labour
 - Abolition of child labour

3. Personal grievances and unjustified dismissal
 - The test for unjustified dismissal
 - 90 day probation
4. The interface between care-work/paid work/law
 - Flexibility at work
 - Family status discrimination
 - Pay equity issues for women
5. Freedom of Association and unions in New Zealand and The Right to Strike
 - The monopoly rights of unions
 - The implications of the Commerce Act for the ability of non-employees bargaining collectively
6. The duty of good faith
7. The rights of workers in case of redundancy

Expected Workload

The expected workload for the course is 150 hours, spread over the 12 teaching weeks, mid-trimester break and study week.

Readings

The Lexis Nexus employment guide (edited by Gordon Anderson and others) provides good text book coverage of the subject area as does the CCH New Zealand Employment Law Guide (author Richard Rudman). Copies of both of these have been placed on course reserve for COML404 students

The following websites contain a lot of useful information.

The International Labour Organisation <http://www.ilo.org/global/lang--en/index.htm>

New Zealand Department of Labour <http://www.dol.govt.nz/>

Further readings will be given out in class but students are also expected to search for suitable articles and cases. The Law Library, located in the Old Government Building, contains some resources students might use 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.

Materials and Equipment

The in-class test will be open book. All materials will be permissible apart from cell phones and computers.

Assessment Requirements

- | | |
|---|-----|
| • 2500-word research essay and questions and seminar presentation | 20% |
| • 5000-word research essay and seminar presentation.
(final submission date Monday 10 October) | 40% |
| • Participation in other students' seminars and presentations | 10% |
| • Two hour in class test 13 October | 30% |

1. Short essay and seminar presentation

Students will present and lead discussion based on a short (2, 500 word) essay and related questions, to be prepared in advance. This should be distributed to other members of the class and to the lecturer on or before the Friday immediately preceding the relevant class.

The short essay is to be handed in for assessment one week after the seminar presentation (this will allow time for incorporation of suggestions and comments made by the lecturer and other students at the seminar presentation).

Essays should be no longer than 2,500 words **including questions for class discussion (not including footnotes, which should be limited to referencing and citations)**. Please provide adequate page margins for comments. Each essay should be typed with 1.5 line spacing and appropriately formatted. Students should ensure that each page of their essay is numbered and that it is carefully proofread before final submission. It may be helpful to enlist the help of a flatmate or family member to undertake proof reading

The essay presentations are scheduled to take place in week 4, 5 and week 6 of the course. Some readings will be provided by the course lecturer, but students will also be expected to undertake independent research for their essay and presentation.

2. Research Essay

Each student is required to complete a 5000-word research essay. This is a major project, focusing on some area of topical interest in labour law (a draft list of suggested topics is set out above, but students may choose another topic with the approval of the lecturer). The essay should no longer than 5000 words, excluding footnotes and headings. Please provide adequate page margins for comments. Each essay should be typed with 1.5 line spacing and appropriately formatted. Students should ensure that each page of their essay is numbered and that it is carefully proofread before final submission. Please provide adequate page margins for comments.

3. Students should choose their Research Essay topic on or before Thursday 18 August.

Students will present a draft of their research essay to the class, along with relevant questions for discussion. This should be distributed to other members of the class and to the lecturer on or before the Friday immediately preceding the relevant class. These presentations will take in the latter part of the course, approximately weeks 8, 9 and 10 of the trimester. The due date for the final (completed) essay is at the beginning of Week 12 Monday, 10 October.

4. The Test

The test will give students the opportunity to demonstrate their knowledge of legal principles and the conceptual underpinnings of labour and employment law and will reflect the topics focused on over the course as a whole. It will be open book and two hours long and will be on Thursday 13 October.

Quality Assurance Note

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Examinations

There will be no final exam

Penalties

Any extension on essay due dates must be approved by the lecturer. In the absence of such approval 5% per day may be deducted from the essay grade. Also note that if research essays exceed the word limit by more than 10% the excess will not be marked.

Group Work

There is no group work requirement.

Mandatory Course Requirements

Students must complete all three items of assessment and participate satisfactorily in other students' seminars and presentations.

Class Representative

A class representative will be elected in the first class, and that person's name and contact details made available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

Communication of Additional Information

Additional information may be communicated by email. Please provide your preferred email address to Amanda Reilly.

Use of Turnitin

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

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

Find key dates, explanations of grades and other useful information at

www.victoria.ac.nz/home/study

Find out about academic progress and restricted enrolment at

<http://www.victoria.ac.nz/home/study/academic-progress.aspx>

The University's statutes and policies are available at www.victoria.ac.nz/home/about/policy,

except qualification statutes, which are available via the Calendar webpage at

<http://www.victoria.ac.nz/home/study/calendar.aspx> (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at

www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx

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/>

Te Pūtahi Atawhai

Maori and Pacific Mentoring Programme

http://www.victoria.ac.nz/st_services/tpa/index.aspx