

School of Management

MMBA 562: Managing Employment Relations

Trimester One 2012

COURSE OUTLINE

CONTACT DETAILS

COURSE COORDINATOR/LECTURER

Dr Stephen Blumenfeld

Room: RH1010, Rutherford House

Phone: 463 5706

Email: stephen.blumenfeld@vuw.ac.nz

Website: www.vuw.ac.nz/vms

PROGRAMME ADMINISTRATOR

Linda Walker

Room: RH 1004, Rutherford House

Phone: 463 5367

Email: linda.walker@vuw.ac.nz

TEACHING PERIOD: MONDAY 5 MARCH – FRIDAY 8 JUNE

CLASS TIMES AND ROOM NUMBER

Lectures: *Mondays: 17:40–19:30 (RH G02)*

This course also has an 8-hour contract negotiation workshop, scheduled for Saturday, 05 May 2012.

There is no examination scheduled for this course.

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.

COURSE DELIVERY

This course consists of 11 two-hour weekly lectures and an 8-hour workshop.

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 primarily for post-experience students currently pursuing or seeking a career in human resource management and/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 10 hours per week, including both scheduled contact time (i.e., lectures) and outside class (e.g., workshop). Students will note that required readings amount to an average of approximately 30-40 pages per week.

ASSESSMENT REQUIREMENTS

Assessment for this course consists of four items of assessment—an individual essay (see below) and a personal grievance/rights dispute case (to be distributed in class), each worth 40% of the total assessment, and a group report to be submitted at the end of the collective bargaining workshop and a class participation mark, each worth 10 percent of the total assessment.

Assignment	Title	% of Marks Available	Due Date
<i>1</i>	<i>Essay Draft</i>	<i>None</i>	<i>26 March 2012</i>
<i>2</i>	<i>Individual Essay</i>	<i>40</i>	<i>30 April 2012</i>
<i>2</i>	<i>Bargaining Group Report</i>	<i>10</i>	<i>05 May 2012</i>
<i>3</i>	<i>Individual PG/Rights Case</i>	<i>40</i>	<i>08 June 2012</i>
<i>4</i>	<i>Class Participation</i>	<i>10</i>	<i>Throughout the term</i>
	<i>TOTAL</i>	<i>100</i>	

Regular attendance in lectures and, in particular, during the contract negotiation exercise is required of all students.

REQUIRED READING

Richard Rudman, *Employment Law Guide, 2012* Auckland: CCH New Zealand, 2012 (Henceforth referred to as *Rudman*).

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

Erling Rasmussen, *Employment Relations in New Zealand, Second Edition* Auckland: Pearson Education New Zealand, 2009.

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

MMBA 562 Lecture Schedule—1st Trimester 2012

Date	Lecture Topics & Additional Materials	Required Reading
05 March 2012	What is Employment Relations?	
12 March 2012	Labour Market Regulation, Deregulation & Re-regulation	<i>Rudman</i> —Chapter 1
19 March 2012	Employment as a Contractual Relationship	<i>Rudman</i> —Chapters 2 & 3
Essay Draft Due Monday 26 March 2012, at the start of lecture		
26 March 2012	Individualisation, Labour Market Flexibility & Productivity	<i>Rudman</i> —Chapter 5
02 April 2012	The Institutional Framework	<i>Rudman</i> —Chapter 4
06 April – 22 April 2012— Mid-trimester Break		
23 April 2012	Unions, Collective Bargaining, Strikes & Lockouts	<i>Rudman</i> —Chapter 6
Individual Essay Due Monday 30 April 2012, at the start of lecture		
30 April 2012	Terms & Conditions of Employment	<i>Rudman</i> —Chapters 7 & 8
Saturday 05 May 2012 (9am to 5pm)—Workshop: Moot Collective Bargaining Exercise		
Team Collective Bargaining Report Due Saturday, 05 May 2012, at the end of the Workshop		
07 May 2012	Personal Grievances & Rights Disputes	<i>Rudman</i> —Chapter 10
14 May 2012	Discrimination, Equity and Privacy in Employment	<i>Rudman</i> —Chapters 12 & 13
21 May 2012	Occupational Health & Safety and Training & Development	<i>Rudman</i> —Chapters 11 & 14
28 May 2012	Ending the Employment Relationship	<i>Rudman</i> —Chapter 9
NO LECTURE ON MONDAY, JUNE 4 th , DUE TO QUEEN'S BIRTHDAY HOLIDAY		
Personal Grievance / Rights Dispute Case Due Friday 08 June 2012, no later than 5:00pm		

MANDATORY COURSE REQUIREMENTS

To meet Mandatory Course Requirements, students are required to:

- a. submit a draft essay assignment no later than 7 days after its due date;
- b. submit an electronic copy of the two graded individual assignments (i.e., the essay and the case decision) no later than 7 days after the due date;
- c. attend the Saturday collective bargaining workshop; and
- d. submit, along with other members of the team, a hardcopy of the team bargaining report at the end of the bargaining workshop attended.

INDIVIDUAL ESSAY ASSIGNMENT

Value: 40% of the final grade

Length: 4,000 words maximum

Due: 30 April 2012, 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, employees 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.

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."

A number of changes to the *Employment Relations Act 2000* were passed by Parliament late last year. The *Employment Relations Amendment Act 2010* introduced a wide range of legislative amendments, including extending trial periods to all employers. That change, which effectively repeals Section 67A(4) of the *Employment Relations Act 2000*, came into effect on 01 April 2011.

It's important to note in this regard 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', whereby an employee can be dismissed for a good reason, a bad reason, or no reason at all.

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 – for instance, in terms of flexibility and productivity, on the one hand, versus employment rights and security, on the other hand – of such a policy? Discuss and support your arguments with evidence derived from your researching of this topic.

PG/RIGHTS DISPUTE CASE ASSIGNMENT

To be posted on Blackboard for MMBA 562 following the mid-trimester break.

BARGAINING REPORT

To be assigned in class session prior to the Saturday collective bargaining workshops.

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

The time commitment required of each student in group work beyond the scheduled class time is roughly 8 hours. Students are assessed on a bargaining team report following conclusion of the collective bargaining workshop the student attends. Students are expected to participate on their bargaining team in the moot bargaining exercise and writing of the bargaining team report submitted for assessment at the end of the workshop. All members of the bargaining team will be assessed the same grade, which is worth 10% of the overall grade in this course. The assessment criteria for this report will be based on a valuation and costing of the outcomes negotiated by each team in the collective bargaining workshop, not on the individual contributions from students.

In addition, while the course has a tradition of study group collaboration, there are important elements in the assessment process that are strictly individual. Students are encouraged to work in groups on in-term cases and individual items of assessment; however, individually assessed items must be individual submissions. Collaboration on individual assignments is not allowed beyond general discussion as to how one might interpret the nature of the assignment question.

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.

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 A) 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.

VICTORIA MBA GRADING STANDARDS ARE AS FOLLOWS:

Excellent Category

A- (75 – 79%) to A (80 – 85%) to A+ (85% and above): 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 Course 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 Course 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**.

WITHDRAWAL FROM COURSES

1. Your fees will be refunded if you withdraw from this course on or before Friday 16 March 2012.
2. The standard last date for withdrawal from this course is Friday 18 May 2012. 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.

GENERAL UNIVERSITY POLICIES AND STATUTES

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar or go to <http://www.victoria.ac.nz/home/about/policy>.

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.

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. The University defines plagiarism as follows:

The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other students or staff.

It is still plagiarism even if you re-structure the material or present it in your own style or words.

Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalized severely. Consequences of being found guilty of plagiarism can include:

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

Find out more about plagiarism, and how to avoid it, on the University's website: <http://www.victoria.ac.nz/home/study/plagiarism.aspx>.

MANAAKI PIHIPIHINGA PROGRAMME

Manaaki Pihipihinga is an academic mentoring programme for undergraduate Māori and Pacific students in the Faculties of Commerce and Administration, and Humanities and Social Sciences. Sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14 Kelburn Parade (back courtyard), Room 109D, and Room 210, Level 2, Railway West Wing. There is also a Pacific Support Coordinator who assists Pacific students by linking them to the services and support they need while studying at Victoria. Another feature of the programme is a support network for Postgraduate students with links to Postgraduate workshops and activities around Campus.

For further information or to register with the Manaaki Pihipihinga Programme, go to http://www.victoria.ac.nz/st_services/mentoring/

FACULTY OF COMMERCE AND ADMINISTRATION (FCA) OFFICES

Student enquiries should initially be directed to the counter located on the Ground Floor of Rutherford House at the Pipitea Campus. An office for the Faculties of Commerce and Administration, Education, and Law, dealing with administration for students taking courses taught at the Kelburn campus, is located on the Ground Floor of the Easterfield Building on Kelburn Parade. Opening hours are listed at <http://www.victoria.ac.nz/fca/studenthelp/counter.aspx>.

For information on the following topics, go to the FCA Student and Academic Services website at <http://www.victoria.ac.nz/fca/studenthelp/>:

- Course Advice
- Academic Transcripts
- Change of Course
- Examination Rules
- Degree Audits
- Transfer of Credits
- Certificate of Proficiency Enrolment (COP)
- Thesis Enrolment and Examination
- PhD Registration
- Conferment of Qualifications
- General Enquiries

ANNEX A

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