

School of Management

## **HRIR 302 MANAGING EMPLOYMENT AGREEMENTS**

Trimester 1, 2015

### **COURSE OUTLINE**

#### **Names and Contact Details**

##### **COURSE COORDINATOR/LECTURER**

**Dr Stephen Blumenfeld**

Room: RH1010, Rutherford House

Phone: 463 5706

Email: [stephen.blumenfeld@vuw.ac.nz](mailto:stephen.blumenfeld@vuw.ac.nz)

Website: [www.vuw.ac.nz/vms](http://www.vuw.ac.nz/vms)

##### **COURSE TUTOR**

**Amie Parker**

Phone: 021 770 629

Email: [amiejcp@gmail.com](mailto:amiejcp@gmail.com)

##### **ADMINISTRATOR**

**Ina Yoo**

Room: RH 1022, Rutherford House

Phone: 463 5358

Email: [ina.yoo@vuw.ac.nz](mailto:ina.yoo@vuw.ac.nz)

##### **UNDERGRADUATE PROGRAMME MANAGER**

**Garry Tansley**

Room: RH 915, Rutherford House

Phone: 463 6968

Email: [garry.tansley@vuw.ac.nz](mailto:garry.tansley@vuw.ac.nz)

#### **Trimester Dates**

Teaching Period: Monday 2nd March – Friday 5<sup>th</sup> June

Study Period: Monday 8<sup>th</sup> June – Thursday 11<sup>th</sup> June

Examination Period: Friday 12<sup>th</sup> June – Wednesday 1st July (inclusive)

#### **Withdrawal from Course**

1. Your fees will be refunded if you withdraw from this course on or before Friday 13<sup>th</sup> March 2015.
2. The standard last date for withdrawal from this course is Friday 15<sup>th</sup> May. 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 or [online](#).

#### **Class Times and Room Numbers**

*Lectures:* Begin the week of March 2<sup>nd</sup>  
*Thursdays* 10:30 – 12:20 (RHLT2)

*Tutorials:* Meet the weeks of March 23<sup>rd</sup>, April 20<sup>th</sup>, May 4<sup>th</sup>, and May 18<sup>th</sup>

*Times and opening of tutorial signups to be announced in the week prior to the first class session.*

See **TUTORIAL & WORKSHOP SIGNUP** below.

Tutorials will take place in weeks 4, 6, 8 and 10. This course also has a 7-hour bargaining workshop, attendance at which is a course requirement. Workshops are scheduled to take place from 9am to 4pm on Saturday, May 2<sup>nd</sup> and Saturday, May 9<sup>th</sup>. Students must attend only one of these workshops. Please sign-up to a tutorial group and to a 7-hour bargaining workshop through S-cube. If you have been unable to sign up for either a tutorial group or a bargaining workshop contact the Tutorial Coordinator (Garry Tansley). Students must attend the tutorial section and bargaining workshop in which they are enrolled.

This course also has a 3-hour final examination, to be scheduled during the exam period, which runs from Friday 12th June through Wednesday 1st July 2015.

### **Course Delivery**

This course consists of 12 two-hour weekly lectures, 4 tutorial sessions, and a 7-hour Saturday bargaining workshop, in which student participation is required.

### **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 bargaining in the collective bargaining workshop which the student attends. Students are expected to participate on their bargaining team in the moot bargaining exercise and in writing of the bargaining team report to be submitted for assessment following the conclusion of bargaining. 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.

### **Tutorial & Workshop Signup**

HRIR 302 tutorials start in the week of 23 March 2015.

Tutorial sign up will be done via S-CUBED Tutorial Signup System at <https://signups.victoria.ac.nz/>. Students will be sent an email advising them when and how to sign up. Note that this system is only signing up for tutorials and workshops and not for enrolling into courses. Placement into a tutorial will be strictly on a first-come-first-served basis. If you have not been able to sign yourself into a tutorial by the time signups close, please contact the Tutorial Coordinator by email ASAP. Confirmation of your tutorial group will be posted on Blackboard prior to the 1<sup>st</sup> tutorials.

### **Expected Workload**

One point should equate to 10 hours of work, which means a total of 150 hours for a 15-point course, which will typically be spread over a 15-week period (the 12 teaching weeks, mid-trimester break, study week and the examination period). Note, however, that time spent on work outside class has to be an estimate for an average student. Therefore, students can expect the workload to be approximately 10 hours per week, including both scheduled contact time

(i.e., lectures and tutorials) and outside class. Students will note that required readings amount to an average of approximately fifty (50) printed pages per week.

### **Prescription**

Advanced study of employment relations in New Zealand, considering the roles of unions, employment agreements, and institutions established for resolving employment relations problems.

### **Course Learning Objectives**

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

- demonstrate an applicable understanding of the major theoretical frameworks and concepts relevant to the study of employment relations; (*assessed by essay, case analysis, group activity; debate & examination*)
- apply such frameworks to describe and critically evaluate employment relations practices in the New Zealand context; (*assessed by essay, case analysis, & examination*) and
- present a reasoned assessment and analysis of changes in the management of employment relationships (*assessed by essay, case analysis & examination*).

### **Course Content**

This course provides advanced study of the regulation (or governance) of employment relations in New Zealand. It is intended for students seeking a career in human resource management or industrial relations or proceeding to honours level. 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.

### **Readings**

Students are expected to have and use their own copy of Erling Rasmussen, *Employment Relations in New Zealand*, 2nd Edition (Auckland: Pearson, 2009) and the *Employment Relations Act 2000*. Both are available at the Victoria University Book Centre on the Ground Level of Rutherford House. The *Employment Relations Act (ERA) 2000*, along with other relevant New Zealand legislation, is also available on the Internet at <http://legislation.knowledge-basket.co.nz/gpacts/actlists.html>

### **Assessment**

The Assessment Handbook will apply to all VUW courses: see <http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

Assessment for this course consists of four (4) items—an essay and a personal grievance/rights dispute case, each worth 25% of the total assessment, a group bargaining report (10%), and a two-hour final examination, which is worth 40% of the total assessment and will take place during the examination period following the end of the trimester. Although no marks are allocated for this, regular attendance in lectures and tutorials is expected of all students, and attendance during the collective bargaining workshop is required of all students.

Assignment	Title	% of Marks Available	Due Date
1	Essay	25	02 April 2015, no later than midday
2	Team Bargaining Report	10	End of respective bargaining workshop
3	PG/Rights Dispute Case	25	29 May 2015, no later than midday
4	Examination	40	During Exam Period 12 June – 1 July
	<b>TOTAL</b>	<b>100</b>	

## ESSAY ASSIGNMENT

*Value:* 25% of the final grade

*Length:* 2,500-3,000 words

*Topic:* Section 238 of the Employment Relations Act provides that: “The provisions of this Act have effect despite any provision to the contrary in any contract or agreement.” This means that the provisions of the Employment Relations Act over-ride or prevail over anything that the parties may agree to the contrary in their employment agreement.

Further to this, Section 103 of the Act contains a provision against employees being unjustifiably dismissed. Former Chief Judge of the Employment Court Tom Goddard once described the concept of “unjustified dismissal” as being a dismissal which is in breach of contract and/or unfair or unreasonable. Dismissals in breach of contract are those where the employer has failed to comply with the express terms of the employment agreement. For example, if the employment agreement provides for termination on two weeks’ notice but the employer only gives one week, or the employment agreement provides for some process to be followed which the employer fails to follow.

Yet, as Chief Judge Goddard pointed out, dismissals may comply fully with the terms of the employment agreement but nevertheless be “unjustified” because they are unfair or unreasonable. Since Chief Judge Goddard gave his description of “unjustified dismissal” the concept has further developed and there is now a statutory definition test in the Employment Relations Act. To this effect, Section 103A provides that unjustified dismissal must be determined “on an objective basis” by asking “whether the employer’s actions, and how the employer acted, were what a fair and reasonable employer could have done in all the circumstances at the time the dismissal or action occurred.” This test embraces Chief Judge Goddard’s earlier description of “unjustified dismissal” being a dismissal which is in breach of contract and/or unfair or unreasonable.

Employers frequently ask, though, why New Zealand should have the concept of “unjustified dismissal” at all. In family law, we have moved away from “divorce for cause” to “no fault divorce”, so why not have “no fault dismissal”? In other words, so long as an employer gives proper notice of termination or pays wages in lieu as provided for in the employment agreement, then why should that not be an end to the matter?

*What do you think? Should – all or some – employers in New Zealand have the right to hire and fire – all or some – workers without the threat of having to defend against an unjust dismissal claim should they decide to discontinue that employment relationship? Why or why not? What are the trade-offs for New Zealanders (e.g., in terms of employment rights and management flexibility) of such a policy? Discuss and support your arguments with evidence derived from your researching (i.e., not simply by regurgitating lecture notes) of this topic.*

## **PG/RIGHTS DISPUTE CASE ASSIGNMENT**

To be posted on Blackboard for HRIR 302 and discussed in tutorial the week of 04 May 2015.

## **BARGAINING REPORT**

To be assigned at commencement of the bargaining workshop.

## **SUBMITTING ASSIGNMENTS FOR ASSESSMENT**

Completed *individual* HRIR 302 assignments (i.e., both essay and case assignments) are to be submitted no later than midday/noon (NZ time) on the due date **to the HRIR 302 Box (#12)** on the Mezzanine Floor of Rutherford House **in hard copy**. Essay assignments (i.e., not case assignments) must also be submitted **electronically through Blackboard** within 48 hours of the due date and time.

Submitted essay assignments will be automatically checked for academic integrity by the electronic search engine [www.turnitin.com](http://www.turnitin.com). Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. In addition, 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

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. Students are strongly advised to check with their lecturer if 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-copy** (i.e., not electronic or 'soft' copy) **submissions of assignment 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.

*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 VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.*

## **Penalties**

In fairness to other students, work submitted after any deadline will incur a penalty for lateness. **The penalty is 10% 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**.

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**.

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 **Undergraduate Programme Manager**, providing documentary evidence of the reasons of their circumstances.

All such applications must be made **before** the deadline and be accompanied by documentary evidence, e.g., 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.

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 **Undergraduate Programme Manager** as soon as possible, and make application for waiver of a penalty as soon as practicable.

Word limits should be adhered to, especially so when they provide a guide to limiting the student's coverage of a topic and the intended assignment work load. You are strongly advised to adhere to the word limit so as to keep your workload at a manageable level. Any material that is above the word limit may not be taken into account by the marker. Your marker will simply stop at the maximum words for the assignment and you will receive the appropriate grade.

### **Policy on Remarking**

Every attempt is made to ensure that the marking is consistent across tutors and fair to students.

Students may ask for their written work to be remarked. A different tutor will do the remarking and provide comments.

For marks: 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.

For grades: If the grade differs by one grade then the highest grade is taken. If the grade differs by more than one grade then the assignment is marked by a third marker and the average grade is taken. Experience from previous years is that almost all remarks are within 10% or one grade. Occasionally there is a significant shift in the mark or grade. Application for remarks must be made within 14 days after the assignments or marks are made 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. You must provide academic reasons on why you think the mark does not, in your view, fairly reflect the quality of your work. Your assignment will only be reconsidered on the points you raised. Complete remarks will not be undertaken. Hand this with your assignment into the following place:

- Pipitea Campus – the Reception Desk on Level 10 Rutherford House where your assignment will have the **time, date and signature** noted on the front cover by the person receiving it.

Allow a minimum of 5 days for remarks to be completed.

## **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 submitted to Turnitin. A copy of submitted materials will be retained 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.

## **Examinations**

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period. The final examination for this course will be scheduled at some time during the following period:

Friday 12<sup>th</sup> June – Wednesday 1st July (inclusive)

## **Mandatory Course Requirements**

In addition to obtaining an overall course mark of 50 or better, students are required to:

- a. attend at least 3 of 4 tutorials;
- b. submit a hardcopy of the two graded *individual* assignments (i.e., the essay and the case decision assignment) no later than 7 days after the due date;
- c. submit an electronic copy of the one essay assignment (not the case decision assignment) through Blackboard no later than 7 days after the due date;
- d. attend all prearranged group meetings as part of the collective bargaining workshop;
- e. submit, along with other members of the team, a hardcopy of the team bargaining report no later than 7 days after the due date; and
- f. obtain at least 40 percent (16 marks) of the total (40 marks) available on the examination.

If you cannot complete an assignment or sit a test or examination, refer to [www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat](http://www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat)

## **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**

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., *HRIR 302\_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.

## **Student feedback**

Student feedback on University courses may be found at [www.cad.vuw.ac.nz/feedback/feedback\\_display.php](http://www.cad.vuw.ac.nz/feedback/feedback_display.php)

## **Link to general information**

For general information about course-related matters, go to <http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

## **Note to Students**

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 academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.



**HRIR 302 LECTURE SCHEDULE—1<sup>ST</sup> TRIMESTER 2015**

<b>Date</b>	<b>Lecture Topics &amp; Additional Materials</b>	<b>Assigned Reading</b>
05 March 2015	What is Employment Relations?	<i>(Rasmussen—Chapters 1 &amp; 2)</i>
12 March 2015	Regulation (and Deregulation) of New Zealand's Labour Market	<i>Rasmussen—Chapter 3; pp. 314-323</i>
19 March 2015	Employment as a Contractual Relationship	<i>Rasmussen—pp. 75-91; pp. 102-106; pp. 358-371</i>
26 March 2015	Individualisation, Labour Market Flexibility and Productivity	<i>Rasmussen—pp. 123-128; pp. 232-248; pp. 438-456</i>
<b>Completed Essay Assignment Due Thursday 02 April 2015, no later than midday</b>		
02 April 2015	Freedom of Association and Trade Unions	<i>Rasmussen— Chapter 12; pp. 91-101; pp. 107-115; pp. 136-139; pp. 431-438</i>
<b>03 April – 19 April 2015—Mid-trimester Break</b>		
23 April 2015	Negotiating Employment Agreements	<i>Rasmussen—pp.128-136; pp. 139-154; pp. 376-412</i>
30 April 2015	Strikes and Lockouts	<i>Rasmussen—pp. 116-117; pp. 412-422</i>
<b>Saturday 02 May 2015 (9am to 4pm)—Collective Bargaining Workshop I* Team Collective Bargaining Report Due at the End of the Workshop</b>		
07 May 2015	Employment Institutions and Workplace Disputes	<i>Rasmussen—pp. 96-101; pp. 117-122; pp. 154-167</i>
<b>Saturday 09 May 2015 (9am to 4pm)—Collective Bargaining Workshop II* Team Collective Bargaining Report Due at the End of the Workshop</b>		
14 May 2015	Human Rights and Equity	<i>Rasmussen—Chapter 8</i>
21 May 2015	Discipline, Dismissal, Redundancy and Restructuring	<i>Rasmussen—pp. 371-376</i>
28 May 2015	Occupational Health and Safety	<i>Rasmussen—Chapter 7</i>
<b>Personal Grievance / Rights Dispute Case Due Friday 29 May 2015, no later than midday</b>		
04 June 2015	Training and Development	<i>Rasmussen—pp. 248-263</i>
<b>Final Examination During Exam Period, 12 June –1 July 2015</b>		
<b>*Participation by each student in one of the two collective bargaining workshops and submission by each team of a bargaining report at the completion of that workshop are course requirements.</b>		

ANNEX A

TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI



**VICTORIA**  
UNIVERSITY OF WELLINGTON

School of Management

**HRIR 302 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

TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI



School of Management

HRIR 302

Request for re-examination of assessed work

<b>Assessment affected:</b> <i>e.g. Assignment</i>		
<b>Student ID:</b> _____	<b>Name as it appears in your enrolment</b> _____	<b>Tutorial No:</b> _____ <b>Tutor's Name:</b> _____ <b>Tutorial Day and Time:</b> _____
<b>Contact Details:</b>	<b>Phone:</b> _____ <b>Email:</b> _____	

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.

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

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

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Office Use Only (To be completed by Course Coordinator)

<b>Original Grade</b>		<b>New Grade</b>		<b>Date of Grade Change</b>	
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Reason:

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Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_