

School of Management

MMBA 562: Managing Employment Relations

Trimester One 2015

COURSE OUTLINE

CONTACT DETAILS

COURSE COORDINATOR/LECTURER

Dr Stephen Blumenfeld

Room: RH1010, Rutherford House

Phone: 463 5706

Email: stephen.blumenfeld@vuw.ac.nz

Website: <http://www.victoria.ac.nz/som/about/staff/stephen-blumenfeld>

PROGRAMME ADMINISTRATOR

Nicky McInnes

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TEACHING PERIOD: MONDAY 2ND MARCH – FRIDAY 5TH JUNE 2015

WITHDRAWAL FROM COURSE

1. Your fees will be refunded if you withdraw from this course on or before Friday 13th March 2015.
2. The standard last date for withdrawal from this course is Friday 15th 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 NUMBER

Lectures: Mondays: 17:40–19:30 (GB G04)

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—with a 1-hour break for lunch at 12:30pm—on Saturday, May 2nd and Saturday, May 9th. Students must attend only one of these workshops.

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.

PRESCRIPTION

The theory and practice of entering into, managing, and ending the employment relationship, including economic, political, social and technological contexts. The range of employment-related law and policy, the rights and duties of employers and employees, the roles of trade unions and employer groups.

COURSE DELIVERY

This course consists of 10 two-hour weekly lectures and a 7-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, social, political and ethical contexts.

COURSE-RELATED STUDENT LEARNING OBJECTIVES

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

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

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
1	<i>Essay Draft</i>	<i>None</i>	<i>23 March 2015</i>
2	<i>Individual Essay</i>	<i>40</i>	<i>20 April 2015</i>
3	<i>Bargaining Group Report</i>	<i>10</i>	<i>End of Sat. workshop attended</i>
4	<i>Individual PG/Rights Case</i>	<i>40</i>	<i>05 June 2015</i>
5	<i>Class Participation</i>	<i>10</i>	<i>Throughout the term</i>
	TOTAL	100	

Regular attendance in lectures and, in particular, during the Saturday contract negotiation exercise workshop attended by the student is required of all students.

REQUIRED READING

Richard Rudman, *Employment Law Guide, 2015* Auckland: CCH New Zealand, 2015 (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>.

A schedule of lectures and assigned readings follows.

MMBA 562 Lecture Schedule—1st Trimester 2015

Date	Lecture Topics & Additional Materials	Required Reading
2 March 2015	What is Employment Relations?	
9 March 2015	Labour Market Regulation, Deregulation & Re-regulation	<i>Rudman—Chapter 1</i>
16 March 2015	Employment as a Contractual Relationship	<i>Rudman—Chapters 2 & 3</i>
Essay Draft Due Monday 23 March 2015, at the start of lecture		
23 March 2015	Individualisation & Labour Market Flexibility	<i>Rudman—Chapter 5</i>
30 March 2015	The Institutional Framework	<i>Rudman—Chapter 4</i>
6 – 19 April 2015—Mid-trimester Break		
Individual Essay Due Monday 20 April 2015, at the start of lecture		
20 April 2015	Unions, Collective Bargaining, Strikes & Lockouts	<i>Rudman—Chapter 6</i>
No class session on Monday, 27 April 2015—ANZAC Day Observed		

Saturday 02 May 2015 (9am to 4pm)—Collective Bargaining Workshop I* Team Collective Bargaining Report Due at the End of the Workshop		
04 May 2015	Terms & Conditions of Employment	<i>Rudman</i> —Chapters 7 & 8
Saturday 09 May 2015 (9am to 4pm)—Collective Bargaining Workshop II* Team Collective Bargaining Report Due at the End of the Workshop		
11 May 2015	Personal Grievances & Rights Disputes	<i>Rudman</i> —Chapter 10
18 May 2015	Discrimination & Equity in Employment	<i>Rudman</i> —Chapters 12 & 13
25 May 2015	Ending the Employment Relationship	<i>Rudman</i> —Chapter 9
No class session on Monday, 01 June 2015—Queen’s Birthday Holiday		
Personal Grievance / Rights Dispute Case Due Friday 05 June 2015, no later than 5:00pm		
*Participation by each student in <u>one</u> of the two collective bargaining workshops and submission by each team of a bargaining report at the completion of that workshop are course requirements.		

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.

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 one of the two Saturday collective bargaining workshops; 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: 3,000 words maximum

Due: 20 April 2015, at the start of lecture

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.

BARGAINING REPORT

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

PG/RIGHTS DISPUTE CASE ASSIGNMENT

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

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:

<i>Pass/Fail</i>	<i>Grade</i>	<i>Normal Range</i>	<i>Indicative Characterisation</i>
Pass	A+	90%-100%	Outstanding performance
	A	85%-89%	Excellent performance
	A-	80%-84%	Excellent performance in most respects
	B+	75%-79%	Very good performance
	B	70%-74%	Good performance
	B-	65%-69%	Good performance overall, but some weaknesses
	C+	60%-64%	Satisfactory to good performance
	C	55%-59%	Satisfactory performance
Fail	C-	50%-54%	Adequate evidence of learning
	D	40%-49%	Poor performance overall, some evidence of learning
	E	0-39%	Well below the standard required

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.**

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>.

Student feedback

Student feedback on University courses may be found at:

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.

ANNEX A

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



School of Management

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	<i>Phone</i> _____ <i>Email</i> _____

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