



Course Outline

Code: LAW417

Title: Employment Law

Faculty: Arts, Business and Law
School: USC Law School
Teaching Session: Semester 1
Year: 2018

Course Coordinator: Alex McKean
Office No: JG.13
Phone No: +61 7 5456 3476
Email: amckean@usc.edu.au

Course Moderator: Dr Susan Douglas
Email: sdouglas@usc.edu.au

Please go to the USC website for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?

1.1 Course description

This course deals with the law concerning employment. You will consider the very broad range of laws which, together with the awards and agreements made under those laws, provide the terms and conditions under which people engage in paid work for others. You will examine both the law that governs individual employment relationships as well as the complex system of industry awards and enterprise agreements which apply to many people. You will also consider occupational health and safety law, workers compensation, unfair work practices and termination of employment.

1.2 Course content

- Sources of employment law and the evolution of Australian employment law
- Types of employment relationships
- Conditions of employment
- Awards and collective agreements
- Performance of the contract of employment
- Employment rights, obligations and unfair practices
- Termination of employment
- Remedies for wrongful termination of employment
- Legal regulation of industrial action
- Queensland employment legislation

2. Unit value

12 units

3. How does this course contribute to my learning?

Specific Learning Outcomes On successful completion of this course you should be able to:	Assessment Tasks You will be assessed on the learning outcome in task/s:	Graduate Qualities Completing these tasks successfully will contribute to you becoming:
Research, evaluate and synthesise relevant factual, legal and policy matters.	1, 2, 3a and 3b	Empowered. Knowledgeable.
Apply critical thinking and judgment to generate appropriate responses to legal issues.	1, 2, 3a and 3b	Knowledgeable. Creative and critical thinkers.
Communicate effectively to different audiences in a required format.	1, 2, 3a and 3b	Knowledgeable. Empowered.
Evaluate and critique the law with reference to broader perspectives.	1 and 2	Creative and critical thinkers.

4. Am I eligible to enrol in this course?

Refer to the **Coursework Programs and Awards - Academic Policy** for definitions of “pre-requisites, co-requisites and anti-requisites”

4.1 Enrolment restrictions

Enrolled in any Law program

4.2 Pre-requisites

LAW202 and LAW204

4.3 Co-requisites

Nil

4.4 Anti-requisites

LAW306

4.5 Specific assumed prior knowledge and skills

Nil

5. How am I going to be assessed?

5.1 Grading scale

Standard – High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL)

Course Outline: LAW417 Employment Law

5.2 Assessment tasks

Task No.	Assessment Tasks	Individual or Group	Weighting %	What is the duration / length?	When should I submit?	Where should I submit it?
1	Debate Appearance	Individual	15%	10 minutes	Week 3	In class
2	Memorandum of advice	Individual	30%	1,500 words	Friday week 8, 5.00pm	Blackboard (SafeAssign)
3a	Written submission to a mock tribunal or court	Individual	25%	1,250 words	Friday week 12, 5.00pm	Blackboard (SafeAssign)
3b	Oral submission to a mock tribunal or court	Individual	30%	10 minutes	Week 13	In class
			100%			

Assessment Task 1: Debate Appearance

Goal:	To apply your legal research skills to demonstrate your understanding of a key topic in employment law and your ability to analyse and critique the relationship between the law and wider social issues.
Product:	An oral presentation.
Format:	An oral presentation of argument in relation to a current socially relevant issue in employment law provided in class.
Criteria	Research, evaluation and synthesis; application of critical thinking and judgment to generate appropriate responses to legal issues; effective communication and presentation in the required format. Evaluate and critique the law with reference to broader perspectives.
Generic skill assessed	Skill assessment level
Communication	Graduate
Problem solving	Graduate

Assessment Task 2: Memorandum of Advice

Goal:	To apply your legal research and writing skills to demonstrate your understanding of a key topic in employment law and your ability to analyse and critique the law utilising a range of primary and secondary sources.
Product:	A memorandum of advice
Format:	Memorandum of advice of 1,500 words (not counting footnotes and bibliography) referenced according to the <i>Australian Guide to Legal Citation</i> .
Criteria	Research, evaluation and synthesis; application of critical thinking and judgment to generate appropriate responses to legal issues; effective written communication and presentation in the required format. Evaluate and critique the law with reference to broader perspectives.
Generic skill assessed	Skill assessment level
Problem solving	Graduate
Communication	Graduate
Information Literacy	Graduate

Course Outline: LAW417 Employment Law

Assessment Task 3(a): Written Submission

Goal:	To apply your legal research and writing skills to demonstrate your understanding of a key topic in employment law and your ability to analyse and critique the law utilising a range of primary and secondary sources.	
Product:	A written submission to a mock tribunal or court.	
Format:	Written submission of 1,250 words (not counting footnotes) referenced according to the <i>Australian Guide to Legal Citation</i> .	
Criteria	Evaluation and synthesis of relevant legal, factual and policy matters; application of critical thinking and judgment to generate appropriate responses to legal and ethical issues; effective written communication and presentation in the required format.	
Generic skill assessed	Skill assessment level	
Communication	Graduate	
Information literacy	Graduate	
Problem solving	Graduate	

Assessment Task 3(b): Oral Submission

Goal:	To apply your legal research and writing skills to demonstrate your understanding of a key topic in employment law and your ability to analyse and critique the law utilising a range of primary and secondary sources.	
Product:	An oral submission to a mock tribunal or court.	
Format:	An oral submission of no more than 10 minutes, to be recorded for the purposes of grading.	
Criteria	Evaluation and synthesis of relevant legal, factual and policy matters; application of critical thinking and judgment to generate appropriate responses to legal and ethical issues; effective written communication and presentation in the required format.	
Generic skill assessed	Skill assessment level	
Communication	Graduate	
Information literacy	Graduate	
Problem solving	Graduate	

5.3 Additional assessment requirements**Plagiarism**

In order to minimise incidents of plagiarism and collusion, this course may require that some of its assessment tasks, when submitted to Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

- a) The final mark is in the percentage range 47% to 49.4%
- b) The course is graded using the Standard Grading scale
- c) You have not failed an assessment task in the course due to academic misconduct

Course Outline: LAW417 Employment Law

5.4 Submission penalties

Late submission of assessment tasks will be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.
- 10% (of the assessment task's identified value) for the third day
- 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.
- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task.

Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

6. How is the course offered?**6.1 Directed study hours**

On campus seminar: 3 hours per week (Week 1-13)

6.2 Teaching semester/session(s) offered

Semester 1 in 2018 - later years according to demand

6.3 Course activities

Teaching Week / Module	What key concepts/content will I learn?	What activities will I engage in to learn the concepts/content?	
		Directed Study Activities	Independent Study Activities
1	Sources of employment law and the evolution of Australian employment law	Seminar	Stewart Chs 1 and 2
2	Types of employment relationships	Seminar	Stewart Chs 3 and 4
3	Conditions of employment	Seminar	Stewart Chs 5, 6 and 7
4	Awards and Collective Agreements	Seminar	Stewart Chs 7 and 8
*5	Performance of the contract of employment (A)	Seminar	Stewart Chs 9 and 10
Mid Semester Break			
6	Performance of the contract of employment (B)	Seminar	Stewart Chs 11-13
7	Performance of the contract of employment (C)	Seminar	Stewart Chs 13 and 14
*8	Employment rights, obligations and unfair practices	Seminar	Stewart Chs 14 and 15
9	Termination of employment	Seminar	Stewart Ch 16
*10	Remedies for wrongful termination of employment	Seminar	Stewart Ch 17
11	Legal regulation of industrial action	Seminar	Stewart Ch 18
12	Queensland employment legislation	Seminar	Materials on Blackboard
13	Revision	Seminar	tba
Study Period			
Central Examination Period			
End of Semester Break			

Please note that the course activities may be subject to variation.

***Public Holidays**

Good Friday - Friday 30th March 2018 (Week 5)

Anzac Day - Wednesday 25th April 2018 (Week 8)

Labour Day - Monday 7th May 2018 (Week 10)

7. What resources do I need to undertake this course?**7.1 Prescribed text(s)**

Please note that you need to have regular access to the resource(s) listed below:

Author	Year	Title	Publisher
A Stewart	2015, 5 th ed	<i>Stewart's Guide to Employment Law</i>	Federation Press

7.2 Required and recommended readings

Lists of required and recommended readings may be found for this course on its Blackboard site. These materials/readings will assist you in preparing for tutorials and assignments, and will provide further information regarding particular aspects of your course.

7.3 Specific requirements

Nil

7.4 Risk management

There is minimal health and safety risk in this course. It is your responsibility to familiarise yourself with the Health and Safety policies and procedures applicable within campus areas.

8. How can I obtain help with my studies?

In the first instance, you should contact your tutor, then the Course Coordinator. Additional assistance is provided to all students through Academic Skills Advisers. To book an appointment or find a drop-in session go to Student Hub. Contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au

9. Links to relevant University policies and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

<http://www.usc.edu.au/university/governance-and-executive/policies-and-procedures#academic-learning-and-teaching>

10. General enquiries

In person:

- **Sippy Downs** - Student Central, Ground Floor, Building C
- **USC SouthBank** - Student Central, Building B, Ground floor (level 1)
- **USC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **USC Fraser Coast** - Student Central, Building A
- **USC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au