

LWA214 EMPLOYMENT LAW

Credit points:	10	Mode:	Internal / External
Assumed knowledge:	N/A	Location:	Casuarina Campus / External
Pre-requisite(s):	(Must have passed 2 units in LWZ100A and LWZ100B OR Must have passed 1 units in LWZ001	Learning method:	Online Resources
Year:	2012		
Semester:	Semester 1	Unit coordinator / Lecturer:	Shaune Williams
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Unit Description

Topics covered in this unit are: the development of employment laws in Australia, both under statute and through the common law (judge-made law), the distinction between contracts of service and contracts for services, types of employment, the formation of employment contracts, terms of employment contracts, the statutory framework for the regulation industrial relations in Australia, discrimination in the workplace and termination of employment.

Learning Outcomes

On completion of this unit a student should be able to:

1. Describe the Australian industrial law system and discuss the interrelationship of Federal and Territory laws regulating employment
2. Analyse the common law contract of employment and discuss its significance in and relationship with employment law.
3. Identify the sources of contractual terms and duties of employers and employees
4. Evaluate the means of terminating an employment relationship, and remedies for breach of wrongful termination.

Teaching and Learning Strategies

- This unit is taught primarily in the online mode through the weekly delivery of pre-recorded audio-visual presentations, written materials (Study Guides and supplementary materials), and face-to-face and online tutorial sessions.
- All unit materials will be made available on the unit Learnline site for all students..
- Information pertaining to administration of the unit content and its delivery will be

disseminated to students through the Learnline site 'Announcements' facility and via the student email facility.

- Effective organisation of time and study techniques is critical to the attainment of the Learning Outcomes described above. Student's are encouraged to seek clarification and help when needed.
- It will be assumed that students will have read the prescribed material prior to the topics being covered in the lectures. This reading is most important, as it will enable students to comprehend the issues covered in the audio-visual presentations and written study materials.
- All students **must** attempt set exercises/problems **before** the relevant tutorial session.

Participation

Students must be prepared to devote at least 8-10 hours study per week to study in this unit in order to attain the Learning Outcomes described above.

To successfully complete this unit students are required to attend / engage with / participate in the following:

- One or more weekly online audio-visual presentations (up to 2 hours)
- **Internal** students: 1 x 1 hour tutorial per week.
- **External** students: 1 x 1.5 hour online tutorial per week.

Students will note that there are no tutorials in the first week Semester. Please check the University Timetable for further details.

Tutorials will consist of one or more of the following:-

- Problem based hypothetical scenarios whereby students are required to provide advice to hypothetical clients in relation to issues arising in the context of employment law disputes. Students will be required to adopt the IRAC methodology in completing these exercises
- Mini-moots whereby students are required to prepare and deliver oral argument in support of their hypothetical client's case, by reference to relevant legal principles and authority (both statute and case-law).
- Round-table discussions whereby student groups will be asked to research a particular issue commonly arising in the context of employment law disputes and deliver their results to their peers for critical discussion and debate.
- CLE Lesson Plan Tutorials, whereby students are required to work collaboratively in designing and developing a CLE ('Community Legal Education') lesson plan.

Students are encouraged to participate in meaningful exchanges of ideas, learning strategies, substantive information pertaining to family law issues and general discussion

via the Learnline Blog forum. The Blog forum will be closely monitored by the lecturer with feedback provided as necessary and as appropriate from time to time.

Specific details of individual class times can be obtained by accessing the class timetable at: <http://skua.cdu.edu.au/swsodd/>

Overview of Assessment

Item	Description/Focus	Value	Relates to learning outcomes
1.	CLE Lesson Plan Tutorials	10%	LO 1
2.	CLE Lesson Plan Assignment	20%	LO 1, 2, 3, 4
3.	Moot Skills Critique & Legal Analysis	20%	LO 2, 3
4.	Final Open Book Exam	50%	LO 3, 4

Prescribed textbook(s)

- Andrew Steward, *Stewart's Guide to Employment Law* (3rd ed, 2011), Federation Press. ISBN: 9781862878204

Recommended textbook(s)

- Sappideen, C, O'Grady, P and Warburton, G, *Macken's Law of Employment* (7th ed, 2011) Lawbook Co.

Prescribed and recommend textbooks can be ordered from the CDU Bookshop through their website at www.cdu.edu.au/bookshop

Learnline (Online Learning System)

Learnline is Charles Darwin University's on-line learning system.

In this unit, Learnline will be used to:

- provide important announcements about the unit
- distribute audio-visual content, powerpoint slides, and other study materials including assessment information and materials
- complete online assessments
- access feedback from tasks and grades for assessable work
- provide a communication point where you contribute to discussions as part of your assessment, and to interact with other students in the unit

You will need to connect to the Internet to access it, at <http://learnline.cdu.edu.au/>

Access to Learnline may not be available until Day 1 of Semester.

If this is your first time using Learnline, click on 'Student Support' in the left-hand navigation panel BEFORE logging in.

It is recommended that all students have access to regular and reliable broadband access to complete unit requirements.

e-Reserve

e-Reserve allows electronic copies of journal articles, book chapters and lecturer notes that have been recommended by a lecturer as part of their course reading requirements. You can access e-Reserve at <http://ereserve.cdu.edu.au.ezproxy.cdu.edu.au/cgi-bin/library>

This site is password protected. Your CDU student login will provide you access. You can then search for items by Lecturer, Unit Code, Title, Author, keyword, Year or Date if you have that information.

Learning Schedule

Duration / Module	Topics	Required readings or student learning activities to be completed
Week 1	1. Development & Coverage of Employment Laws in Australia	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 1 and 2
Week 2	2. Employees and Types of Employment	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 3 and 4
Week 3	3. Employment Contracts	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 5 and 6
Weeks 4	4. Employee and Employer Duties	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 12 and 13
Week 5	5. The NES and Modern Awards	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapter 7
Week 6	6. Remuneration, Work Hours and Leave	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 10 and 11
Week 7	7. Discrimination in the Workplace	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapter 14
Week 8	8. Termination of Employment Contracts & Wrongful Dismissal	Stewart, A, Stewart's Guide to Employment Law 3 rd Ed, Chapters 16 & 17
Week 9 - 11	9. CLE in Employment Law	

NOTE: The Chapters referred to in the Stewart text are many, but relatively short. Accordingly, the actual reading load is not as burdensome as it might first appear.

Assessment Item 1

Description/Focus: CLE Lesson Plan Tutorials

Value: 10 %

Due date: Weeks 10 and 11 of semester

Task: Students are required to attend and participate in two CLE lesson plan tutorial sessions in weeks 10 and 11 of semester, respectively. 5 marks will be awarded for each tutorial a student attends and participates in, to a maximum of 10 marks. The CLE tutorials will be conducted as workshops designed to teach students the skills necessary to design a community legal education lesson plan in an area of employment law.

Assessment Item 2

Description/Focus: CLE Lesson Plan Assignment

Value: 20 %

Due date: End of week 12 of semester

Task: Students will be required to work as individuals or in groups to design and develop two community legal education (CLE) lesson plans on a topic relating to employment law. A CLE lesson plan is a framework / manual for the delivery of a public legal education seminar.

Students will need to draw on their knowledge of employment law acquired in weeks 1-8 of semester, and on the skills and knowledge acquired in weeks 9-11 of semester, in determining the content, and the method of delivery, of the lesson plans.

Students are required to work in groups, and will be required to submit both written lesson plans for assessment.

Where possible, students will be invited to deliver their CLE lesson plan to a public / class audience. This activity will not, however, be assessable.

Assessment Item 3

Description/Focus: Moot Skills Critique & Legal Analysis

Value: 20 %

Due date: The Online Test associated with this assessment task will be made available for students to complete online between 48 hours following the date of the moot and 11:59pm CST on Friday of Week 12 of

semester.

Task: Students will be required to participate / attend / engage in a mooting exercise in relation to the materials covered in one or more of weeks 1-4 of semester. The mooting exercise will be conducted in the Moot Court and will be accessible to students via the live virtual classroom facility. The mooting exercise will be video-recorded and made available for students to access online. Students are required to study the mooting video and answer a series of short questions via an online test facility.

Assessment Item 4

Description/Focus: Open Book Invigilated Final Exam

Value: 50 %

Due date: University Central Exams period – TBA

Task: Students will be required to undertake a final open book invigilated exam in relation to the material covered in the entire unit.

CDU Graduate attributes

CDU graduate attributes refer to those skills, qualities and understandings that should be acquired by students during their time at the University regardless of their discipline of study. (See <http://www.cdu.edu.au/teachingandlearning/gradattributes.html>).

In this unit, the following graduate attributes are developed:

Attribute	Description	Learning outcomes
Acquisition	Can identify, retrieve, evaluate and use relevant information and current technologies to advance learning and execute work tasks.	LO 1, 2, 3 and 4
Application	Is an efficient and innovative project planner and problem solver, capable of applying logical and critical thinking to problems across a range of disciplinary settings and has self-management skills that contribute to personal satisfaction and growth.	LO 3, 4
Creativity	Can conceive of imaginative and innovative responses to future orientated challenges and research.	LO 1 and 2
Knowledge base	Has an understanding of the broad theoretical and technical concepts related to their discipline area, with relevant connections to industry and professional knowledge.	LO 1 and 2
Communication	Demonstrates oral, written, and effective listening skills in a cross generational environment.	LO 1, 2, 3 and 4