HRM 222
Foundations in Human Resources Law
S1 Day 2015
Dept of Marketing and Management

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**General Information**

Unit convenor and teaching staff
Unit Convenor
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Contact via julie.zetler@mq.edu.au
E4A 510
Tuesday 10-11am

Yang Yang
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Credit points
3

Prerequisites
12cp

Corequisites

Co-badged status

Unit description
This unit provides a foundation for human resources law. The areas covered include: the Australian legal system, the development of human resources law, and the relationship of human resources law to other legal areas. Students will analyse the legal aspects of particular case studies relevant to human resources law and critically assess and make judgments on the merits of legal arguments. The unit provides students with a grounding in human resources law that will assist them in future management careers.

**Important Academic Dates**

Information about important academic dates including deadlines for withdrawing from units are available at [http://students.mq.edu.au/student_admin/enrolmentguide/academicdates/](http://students.mq.edu.au/student_admin/enrolmentguide/academicdates/)

**Learning Outcomes**

1. Understand how law are made and enforced in Australia
2. Appreciate the difference between Australian Legal systems
3. Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
4. Appreciate the legislation and case law that is relevant to HRL
5. Critically assess and make judgments on the merits of legal arguments

**Assessment Tasks**

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>In class quiz</td>
<td>15%</td>
<td>Week 4</td>
</tr>
<tr>
<td>Individual Essay</td>
<td>35%</td>
<td>Week 8</td>
</tr>
<tr>
<td>Class Participation</td>
<td>10%</td>
<td>Week 12</td>
</tr>
<tr>
<td>Final Examination</td>
<td>40%</td>
<td>University Examination period</td>
</tr>
</tbody>
</table>

**In class quiz**

Due: **Week 4**  
Weighting: **15%**

In class quiz consists of 8 short answer/multiple choice questions. The quiz is conducted in the first quarter of the tutorial time and will take 10 minutes to complete.

This Assessment Task relates to the following Learning Outcomes:
- Understand how law are made and enforced in Australia
- Appreciate the difference between Australian Legal systems
- Appreciate the legislation and case law that is relevant to HRL

**Individual Essay**

Due: **Week 8**  
Weighting: **35%**

This is an individual essay with a maximum of 1600 words (+/- 10%), excluding references. All finalised essays MUST be uploaded to the iLearn by the due date.

**All assignments submitted must adhere to the following standards:**

a) Cover page with full student details and exact word count

b) Presentation of essay should adhere to normal academic and professional standards of presentation, including: page numbers, double spacing, appropriate page margins (2.54cm default margin setting), Times New Roman font and 12 point should be used

c) Essays should be edited and free of typographical and grammatical errors

d) Legal referencing and citation required (this legal reference standard will be explained in your tutorial class; see also iLearn)

**Submission Procedure:**
Students are required to submit their electronic copy of the essay to Turnitin via the Internet as part of the submission process. Your essay will then be automatically compared to work of your classmates, previous students from Macquarie and other universities, with material available on the Internet, both freely available and subscription-based electronic journals.

**Late Submissions:**

NO extensions will be granted. Students who have not submitted the task prior to the deadline will be awarded a mark of '0' for the task, except for cases in which an application for Disruption of Studies is MADE and APPROVED.

Marking criteria and rubric can be viewed on iLearn

This Assessment Task relates to the following Learning Outcomes:

- Understand how law are made and enforced in Australia
- Appreciate the difference between Australian Legal systems
- Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
- Appreciate the legislation and case law that is relevant to HRL
- Critically assess and make judgments on the merits of legal arguments

**Class Participation**

*Due: Week 12*
*Weighting: 10%*

Class participation will be awarded by the tutor in week 12. Marking criteria for this assessment task is available on iLearn.

This Assessment Task relates to the following Learning Outcomes:

- Appreciate the legislation and case law that is relevant to HRL

**Final Examination**

*Due: University Examination period*
*Weighting: 40%*

The final examination, is a formal examination held in the university examination period, and is open book. This means that student's are able to take any material (excluding electronic equipment, tools) to the exam. See iLearn for further information about questions and format (closer to the task).

This Assessment Task relates to the following Learning Outcomes:

- Understand how law are made and enforced in Australia
- Appreciate the difference between Australian Legal systems
• Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
• Appreciate the legislation and case law that is relevant to HRL
• Critically assess and make judgments on the merits of legal arguments

Delivery and Resources

The subject is delivered in lecture and tutorial mode. The subject is 3 hours face-to-face teaching per week consisting of 1 X 2 hour lecture and 1 X 1 hour tutorial.

The timetable for classes can be found on the University web site at http://www.timetables.mq.edu.au It is advisable that students check the timetable web site immediately before scheduled classes because last minute changes to lecture and tutorial venue may be subject to change.

Attendance will be taken at the lectures and in the tutorials, please ensure that you sign the attendance sheet; if you miss the tutorial please send an email notifying your tutor and (if necessary) provide medical certificates at the next tutorial or to your tutor via email (preferred). Please note that lecture and tutorial attendance will count towards your class participation and attendance mark for this subject.

Please note that the tutorial classes commence in week 2 and students MUST attend the tutorial assigned to them by the Department.

Students need a minimum of 50% to pass the course, as well as attempt each assessment task

Required and Recommended Texts and/or Materials

There has been a text book change since the last offering (2014) of this subject. Consequently, the legal subject lecture and tutorial content has also been updated and will vary from the last offering. This subject should be viewed as a ‘work-in-progress’ because of the rapidity of political, economic, and social and global changes experience in Australia in the employment/human resource area.

Required

Stewart Andrew, Employment Law (The Federation Press, 5th ed, 2015) (please note the new edition is the 5th ed, 2015 - please do not use the 4th ed of this text book - it is out-of-date).

This text book is obtainable from Macquarie University Coop Bookshop. Students must have their own copy of this text. Some copies will be available on the library shelves and in library reserves (subject to delivery date). Lecture support can add to the textbook but cannot replace it.

Highly Recommended

CCH, Australian Master Human Resources Guide (CCH, 10th ed, 2013)
Unit Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Human Resources Law: An Introduction</td>
</tr>
<tr>
<td>Week 2</td>
<td>The Development and Coverage of Employment Laws in Australia</td>
</tr>
<tr>
<td>Week 3</td>
<td>Who is an Employee? / Special Types of Employment</td>
</tr>
<tr>
<td>Week 4</td>
<td>Creating an Employment Relationship/Terms of an Employment Contract</td>
</tr>
<tr>
<td>Week 5</td>
<td>Minimum Standards: The NES and Awards/Enterprise Agreements</td>
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</tbody>
</table>
### Week 6
Dispute Resolution and Enforcement of Employment Laws/Remuneration/Working Hours

### Week 7
Control, Performance Management and Discipline/Loyalty, Confidentiality and Privacy

### Week 8
Discrimination and Victimisation

### Week 9
Workplace Safety

### Week 10
Termination of Employment Contracts

### Week 11
Remedies for Wrongful or Unfair Termination

### Week 12
Industrial Action

### Week 13
Revision

(This unit schedule may be subject to modification. Any content changes will be noted on iLearn)

### Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](http://mq.edu.au/policy/docs). Students should be aware of the following policies in particular with regard to Learning and Teaching:


In addition, a number of other policies can be found in the [Learning and Teaching Category](http://mq.edu.au/policy/docs) of Policy Central.
Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

IT Help
For help with University computer systems and technology, visit http://informatics.mq.edu.au/help/.

When using the University's IT, you must adhere to the Acceptable Use Policy. The policy applies to all who connect to the MQ network including students.

**Graduate Capabilities**

**Creative and Innovative**
Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.
This graduate capability is supported by:

**Assessment task**
- Individual Essay

**Problem Solving and Research Capability**
Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

**Assessment tasks**
- Individual Essay
- Final Examination

**Effective Communication**
We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

**Assessment tasks**
- Individual Essay
- Class Participation
- Final Examination

**Engaged and Ethical Local and Global citizens**
As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

**Learning outcomes**
- Understand how law are made and enforced in Australia
• Appreciate the legislation and case law that is relevant to HRL
• Critically assess and make judgments on the merits of legal arguments

**Discipline Specific Knowledge and Skills**

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

**Learning outcomes**

• Understand how law are made and enforced in Australia
• Appreciate the difference between Australian Legal systems
• Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
• Appreciate the legislation and case law that is relevant to HRL
• Critically assess and make judgments on the merits of legal arguments

**Assessment tasks**

• In class quiz
• Individual Essay
• Final Examination

**Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

**Learning outcomes**

• Understand how law are made and enforced in Australia
• Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
• Appreciate the legislation and case law that is relevant to HRL
• Critically assess and make judgments on the merits of legal arguments
Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

• Appreciate the difference between Australian Legal systems
• Understand the legal principles that apply to human resources contracts, tortious actions and their application to different business entities
• Appreciate the legislation and case law that is relevant to HRL
• Critically assess and make judgments on the merits of legal arguments

Changes from Previous Offering

The required subject text book has been reviewed and upgraded in 2015 from the last subject offering in 2014. Consequently, the legal subject lecture and tutorial content has also been updated and may vary from the last offering (lectures and tutorial material). This subject should be seen as a 'work-in-progress' because of the ongoing rapid political, social, economic and global changes experienced in the employment/human resource area.

Research and Practice

This unit uses research by Julie Zetler:


Julie Zetler, 'Legal and Ethical Impact of Electronic Health Records on Privacy and Confidentiality' (Doctorate, Faculty of Law, University of Sydney, 2015)


Julie Zetler, "Baby Light my Fire: From Flirting to Predator: Misbehaving in the Workplace" (December 2010) Department of Business Seminar Paper, Faculty of Business and Economics.

This unit uses research from the following journals:

- Journal of Business Law
- Journal of Labour Law
- Journal of Human Resources

This unit gives you practice in applying research findings in your assignments.

This unit gives you opportunities to conduct your own research.