HRM 222
Foundations in Human Resources Law
S1 Day 2016
Dept of Marketing and Management

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**General Information**

Unit convenor and teaching staff

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E4A 510
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Tutor
Robin Woellner
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Troy Sarina
[mailto:troy.sarina@mq.edu.au](mailto:troy.sarina@mq.edu.au)

Credit points
3

Prerequisites
12cp

Corequisites

Co-badged status

Unit description
This unit provides a foundation for human resources law. The unit provides students with grounding in human resources law that will assist them in future management careers. 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.

**Important Academic Dates**

Information about important academic dates including deadlines for withdrawing from units are available at [https://www.mq.edu.au/study/calendar-of-dates](https://www.mq.edu.au/study/calendar-of-dates)
Learning Outcomes
On successful completion of this unit, you will be able to:

- 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

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>In class quiz (1)</td>
<td>10%</td>
<td>Week 5 (29 March)</td>
</tr>
<tr>
<td>Individual Essay</td>
<td>35%</td>
<td>Week 9 (9 May)</td>
</tr>
<tr>
<td>In class quiz (2)</td>
<td>15%</td>
<td>Week 11 (24 May)</td>
</tr>
<tr>
<td>Final Examination</td>
<td>40%</td>
<td>University Examination period</td>
</tr>
</tbody>
</table>

In class quiz (1)
Due: **Week 5 (29 March)**
Weighting: **10%**

In class quiz consists of 5-7 short answer/multiple choice questions. The quiz is conducted in the first quarter of the tutorial time and will take 10 minutes to complete and will relate to the first three chapters of the text book.

**Non-Attendance:**

No alternative quiz will be granted. Students that do not attend the class quiz time will be awarded a mark of '0' for the task, except for cases in which an application for 'special consideration' is Made and approved.

On successful completion you will be able to:

- 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 9 (9 May)**
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 ('turnitin') by the due date, which is 9 May by 12 mm.

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)

e) No bibliography required (as long as 'footnotes' are properly executed)

f) Please note: Students are required to 'individually' research and write their response to the essay question (it is not a collaborative exercise and must be the sole work of the student)

g) Students may be required to discuss submitted essay topic content with their tutor to ensure student authorship.

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. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission - 20% penalty). This penalty does not apply for cases in which an application for disruption of studies is made and APPROVED. No submission can be accepted after solutions/feedback have been discussed.

Marking criteria and rubric can be viewed on iLearn

On successful completion you will be able to:

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Critically assess and make judgments on the merits of legal arguments

In class quiz (2)
Due: Week 11 (24 May)
Weighting: 15%

The second in-class quiz consists of 6-8 short answer/multiple choice questions based on week 4-8 of the course. The quiz is conducted in the tutorial time (at the beginning) and will take approximately 10 minutes to complete.

Non-Attendance:
No alternative quiz will be granted. Students that do not attend the class quiz time will be awarded a mark of '0' for the task, except for cases in which an application for 'special consideration' is made and APPROVED.

On successful completion you will be able to:
- Appreciate the legislation and case law that is relevant to HRL

Final Examination
Due: University Examination period
Weighting: 40%

The examination is an 'open-book' exam worth 40% of your overall marks. 'Open-book' exam means that you are able to take any printed (written) material (e.g. lecture notes, student summaries, text book, etc.) into the exam room. However, you cannot take any electronic devices/recordings into the exam such as, for example, computers, calculators, electronic dictionaries, iPhones, iPads, iWatchers or other 'smart' devices', etc (see iLearn for specific details).

- Examination format and other relevant information will be posted on iLearn closer to the exam periods

The examination is three (3) hours and you are expected to present yourself for examination at the time and place designated in the University Examination Timetable. This timetable is available in 'draft' form approximately eight weeks before the commencement of the examination and in final form approximately four weeks before the commencement of the examination - http://mq.edu.au/exam/

The only exception for not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you are expected to consider applying for Disruption to Studies. Information about unavoidable disruption and disruption of studies is available at - http://mq.edu.au/policy/docs/disruption_studies/policy.html

If a Supplementary Examination is granted as a result of the Disruption of Studies process the examination is scheduled after the conclusion of the official examination period

The Macquarie University Examination Policy details and conduct of examinations at the
On successful completion you will be able to:

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**Delivery and Resources**

Number and length of classes: 1 x 2 hour lecture (Tuesday 8-10am W5A Price Theatre) and 1 x 1 hour tutorial per week. The subject is 3 hours face-to-face teaching per week.

**Please note:** The above information may be subject to timetable change - students must check final timetable before classes commence for confirmation of lecture/tutorial locations. The timetable for classes can be found on the University web site at - http://www.timetables.mq.edu.au.

Students must attend their assigned tutorial class. Tutorials start in week 2 of the semester

**Please note:** The Unit Convenor/Lecturer/Tutors *cannot change your tutorial times*, any tutorial changes must be negotiated and processed through formal Department online processes.

It is expected that you come to tutorial classes prepared. This means doing the necessary readings and answering tutorial problems before the tutorial class

Lectures are recorded for the purpose of student revision - not as a substitute for ‘face-to-face’ lectures. This is not an ‘online’ subject, therefore students are expected to turn up for lectures. No student lecture attendance roll is taken.

Attendance will be taken at each tutorial session (not lectures). Please ensure that you sign the attendance sheet. If you miss a tutorial please send an email notifying your tutor (not the Unit Convenor) and (if necessary) provide appropriate documentation (e.g. medical certificate) at the next tutorial or to your tutor via email (preferred). In special circumstances, if your tutorial absence is going to be longer than two weeks (continuing) you may need to notify the Unit Convenor.

Students must attend at least 10 out of 12 tutorials - failure to do this may affect your final mark.

Students are expected to arrive at class on time, and not leave until class ends. Mobil phones must be turned OFF and not simply set to silent. Computers and other electronic devices must ONLY be used for class purposes and not for social media updates or internet entertainment. Students who disrupt the lecture/tutorial will be asked to leave.

Students who have any queries or problems with the course must discuss this with their tutor

You need a minimum of 50% to pass the course, as well as attempt each assessment task.
Students are not required to gain a pass mark in the examination to pass the subject. However, where a student fails the examination the Unit Convenor has the right, where applicable, to moderate the final grade result of the student subject to the University Grading Policy.

REQUIRED AND RECOMMENDED TEXTS AND MATERIALS

**Required:**


The text book is available from the Coop bookshop. Students are required to have their own copy of this text and bring it to tutorials. There are some copies available in the library (on the shelves and in closed reserve). While lecture materials on iLearn are important and available to students - it is stressed that these materials alone cannot replace the text book.

**Highly Recommended:**


**Journals:**

Apart from text books and lecture slides, students will find it valuable to access and read relevant articles in journals. There are a number of journals that deal with this subject area. It is suggested that you research the University library system in order to locate and access relevant journal articles.

Students are also encouraged to read a good daily newspaper such as the Sydney Morning Herald, The Australian and the Australian Financial Review in order to keep up to date with changes in this area.

**Resources:**

Students in this subject will require access to a computer in order to access iLearn and complete/submit their essay.

**TECHNOLOGY USED AND REQUIRED**

Students are required to use information technology in this unit.

Students will need to use:

- Library databases to source materials for the research of essay, which is accessed electronically for conducting research for assignments;
- Electronic (internet) access to iLearn to download unit learning resources and upload assignments or other materials required for class activities and assignments;
- Microsoft and PowerPoint (where applicable) for access and research to unit lecture and tutorial materials.
Unit Schedule

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
</tr>
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<tbody>
<tr>
<td>Week 1 (29 Feb)</td>
<td>Human Resources Law: An Introduction</td>
</tr>
<tr>
<td>Week 2 (7 March)</td>
<td>The Development and Coverage of Employment Laws in Australia. Tutorials begin</td>
</tr>
<tr>
<td>Week 3 (14 March)</td>
<td>Who is an Employee? / Special Types of Employment</td>
</tr>
<tr>
<td>Week 4 (21 March)</td>
<td>Creating an Employment Relationship/Terms of an Employment Contract</td>
</tr>
<tr>
<td>Week 5 (29 March)</td>
<td>Minimum Standards: The NES and Awards/Enterprise Agreements</td>
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<tr>
<td></td>
<td>QUIZ (1)</td>
</tr>
<tr>
<td></td>
<td>UNIVERSITY BREAK (11-22 April)</td>
</tr>
<tr>
<td>Week 6 (4 April)</td>
<td>Dispute Resolution and Enforcement of Employment Laws/Renumeration/ Working Hours</td>
</tr>
<tr>
<td>Week 7 (26 April)</td>
<td>Control, Performance Management and Discipline/ Loyalty, Confidentiality and Privacy</td>
</tr>
<tr>
<td>Week 8 (2 May)</td>
<td>Discrimination and Victimisation</td>
</tr>
<tr>
<td>Week 9 (9 May)</td>
<td>Workplace Safety</td>
</tr>
<tr>
<td></td>
<td>Essay Due</td>
</tr>
<tr>
<td>Week 10 (16 May)</td>
<td>Termination of Employment Contracts</td>
</tr>
<tr>
<td>Week 11 (23 May)</td>
<td>Remedies for Wrongful or Unfair Termination</td>
</tr>
<tr>
<td></td>
<td>QUIZ (2)</td>
</tr>
<tr>
<td>Week 12 (1 June)</td>
<td>Industrial Action</td>
</tr>
<tr>
<td>Week 13 (6 June)</td>
<td>Revision</td>
</tr>
</tbody>
</table>

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

TUTORIAL ATTENDANCE, QUESTIONS AND EXPECTATION:

Tutorials start in week 2, students must attend the tutorial that they are assigned by the timetable. Any changes must be formally negotiated and processed with the Department/Faculty. This policy is based on room size, student numbers, equity issues, and Occupational Health and
Safety legal requirements.

The tutorial questions are available on iLearn and it is expected that students will read and prepare their answers to the problem questions BEFORE the tutorial.

Please note: The tutorial session is an interactive communication process and must not be seen as providing a second catch-up lecture on the topic area. It is the responsibility of students to adequately prepare for tutorial sessions.

**Policies and Procedures**

Macquarie University policies and procedures are accessible from Policy Central. 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 of Policy Central.

**Student Code of Conduct**

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student_conduct/](https://students.mq.edu.au/support/student_conduct/)

**Results**

Results shown in iLearn, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

**Student Support**

Macquarie University provides a range of support services for students. For details, visit [http://students.mq.edu.au/support/](http://students.mq.edu.au/support/).
Graduate Capabilities

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
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
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Assessment tasks

- In class quiz (1)
- Individual Essay
- In class quiz (2)
- 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
- 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

- Individual Essay
- Final Examination

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

Changes from Previous Offering

The legal information and its application to human resources practice has been updated since 2015. 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. Extra material will be made available on iLearn that deal with recent developments and case law that comes from the Fair Work Commission (FWC).

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.