Course prescription

The success of business depends on the maintaining of a productive relationship with employees. Employment law covers the legal principles governing the employment relationship. Specific topics include: bargaining, personal grievances, enforcement of employment contracts, strikes and lockouts, the rules regarding holidays, and health and safety obligations.

Course advice

Before enrolling in this course you must complete these courses:

Prerequisites: COMLAW 201 or 203; or COMLAW 101 and MGMT 223 or COMLAW 191 and MGMT 292 or 293 or BUSINESS 292 or 293

You cannot enrol in this course if you have taken or intend to take the following courses:

Restrictions: COMLAW 204

Goals of the course

The aim of the course is to develop the ability of students to identify, apply and critically analyse the law relating to the employment relationship in New Zealand. It is intended both for those who seek to specialise in management or employment relations, and also for those specialising in other areas of business wanting to better understand the rights of employees and legal obligations of employers. The course aims to develop the abilities of students to seek solutions to employment relations problems, and analyse and communicate the impact of the legal and regulatory framework on the employment relationship.

Learning outcomes (LO)

By the end of the course, it is expected that students will be able to:

<table>
<thead>
<tr>
<th>#</th>
<th>Learning outcome</th>
<th>Graduate profile capability*</th>
</tr>
</thead>
</table>
| LO1| Identify and analyse legal issues that may arise in the context of employment and how such duties and obligations arise | 1. Disciplinary knowledge and practice  
                               |                                                                  | 2. Critical thinking                                               |
| LO2| Evaluate the duties and obligations affecting the parties to an employment relationship and apply these to seek solutions to problems | 1. Disciplinary knowledge and practice  
<pre><code>                           |                                                                  | 3. Solution seeking                                                |
</code></pre>
<table>
<thead>
<tr>
<th>#</th>
<th>Learning outcome</th>
<th>Graduate profile capability*</th>
</tr>
</thead>
<tbody>
<tr>
<td>LO3</td>
<td>Conduct legal research and apply legal problem solving skills to employment law problems</td>
<td>2. Critical thinking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Solution seeking</td>
</tr>
<tr>
<td>LO4</td>
<td>Communicate legal analysis clearly and accurately</td>
<td>4b. Communication (Written)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Critical thinking</td>
</tr>
<tr>
<td>LO5</td>
<td>Identify and analyse legal issues that may arise in the areas of health and safety, privacy, discrimination, information disclosure, and holidays</td>
<td>2. Critical thinking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Disciplinary knowledge and practice</td>
</tr>
<tr>
<td>LO6</td>
<td>Identify and analyse legal issues that arise in relation to the distinction between employees and contractors</td>
<td>2. Critical thinking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Disciplinary knowledge and practice</td>
</tr>
</tbody>
</table>

* See the graduate profile this course belongs to at the end of this course outline.

**Content outline**

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Relevant learning resources/activities</th>
<th>Assessment due this period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction to Employment Law Employment Institutions</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Employee/Contractor Distinction</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Duties and Obligations</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Individual Employment Agreements Holidays and Leave</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Unions</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Collective Employment Agreements and Bargaining</td>
<td>Lectures and readings</td>
<td>Term Test</td>
</tr>
<tr>
<td>7</td>
<td>Termination, Personal Grievances and Redundancy</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Confidentiality and Restraint of Trade</td>
<td>Lectures and readings</td>
<td>Assignment</td>
</tr>
<tr>
<td>10</td>
<td>Discrimination</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Health and Safety</td>
<td>Lectures and readings</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Information and Privacy</td>
<td>Lectures and readings</td>
<td></td>
</tr>
</tbody>
</table>
Learning and teaching
The course is taught through lectures with assessments being the primary mechanism for application of skills learned.

The course involves 150 hours of learning over a single semester including:

- 36 contact hours
- 24 hours preparatory reading
- 90 hours of self-study

There are three lecture hours per week: one 1-hour lecture and one 2-hour lecture. There are no tutorials for this course. Office hours will be advised during lectures and times also posted on Canvas.

Teaching staff
Dr Alan Toy (Course Coordinator)
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Learning resources
Set Text

It is strongly recommended that students purchase a copy of the set text. The exam will be open book.

It is recommended that students purchase a copy of the relevant legislation covered in the course or download it from www.legislation.govt.nz, principally the:

- Employment Relations Act 2000
- Holidays Act 2003
- Health and Safety at Work Act 2015
- Privacy Act 1993
- Human Rights Act 1993

Assessment information

<table>
<thead>
<tr>
<th>Assessment task</th>
<th>Weight %</th>
<th>Group and/or individual</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-class test</td>
<td>30%</td>
<td>Individual</td>
<td>In class</td>
</tr>
<tr>
<td>Assignment</td>
<td>20%</td>
<td>Individual</td>
<td>Within Canvas</td>
</tr>
<tr>
<td>Final exam</td>
<td>50%</td>
<td>Individual</td>
<td>Exam venue</td>
</tr>
</tbody>
</table>

Pass requirements
The exam and test will be open book. There is also an assignment. There is no plussage in this course. Students must achieve an overall mark of at least 50% to pass.
Description of assessment tasks

<table>
<thead>
<tr>
<th>Assessment task</th>
<th>Learning outcome to be assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In-class test:</strong> The In-class test will consist of problem and/or essay questions. In addition to assessing the way you apply and critique legal rules and principles, the test will also assess your academic writing skills and your ability to structure legal arguments.</td>
<td>1,2,4,6</td>
</tr>
<tr>
<td><strong>Assignment:</strong> The assignment will be in the format of a written report, including correct referencing of sources. The assignment will assess your ability to carry out legal research and to apply legal rules and principles to a novel fact situation to suggest a well-reasoned solution.</td>
<td>1,2,3,4</td>
</tr>
<tr>
<td><strong>Final exam:</strong> The final exam will consist of problem and/or essay questions. In addition to assessing the way you apply and critique legal rules and principles, the exam will also assess your academic writing skills and your ability to structure legal arguments.</td>
<td>1,2,4,5</td>
</tr>
</tbody>
</table>

Inclusive learning

Students are urged to discuss privately any impairment-related requirements face-to-face and/or in written form with the courses convenor/lecturer and/or tutor.

Academic integrity

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student’s own work, reflecting his or her learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the worldwide web. A student’s assessed work may be reviewed against electronic source material using computerised detection to provide an electronic version of their work for computerised review.

Student feedback

We regularly seek feedback from students in order to shape and improve this and all courses on the programme. Students will be asked to complete course and teaching evaluations at the end of the course. In addition, each course will seek volunteers to serve as class reps.

In the event of an unexpected disruption

We undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions, the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. In the event of a disruption, the University and your course coordinators will make every effort to provide you with up to date information via Canvas and the University website.

Graduate profile for BCom

The following six themes represent the capabilities that the Business School seeks to foster in all of its graduates. The development of these capabilities does not come all at once, but rather is expected to build from year to year. Each course is not expected to contribute to all capabilities, but each course will have its own goals and learning outcomes that relate to the overall development of this profile.
<table>
<thead>
<tr>
<th>Graduate Profile</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disciplinary knowledge and practice</strong></td>
</tr>
<tr>
<td>Graduates will be able to demonstrate and apply a breadth of knowledge across disciplines, as well as specialist knowledge within one or more of them, while recognising the relevancy of this knowledge within a global context.</td>
</tr>
<tr>
<td><strong>Critical thinking</strong></td>
</tr>
<tr>
<td>Graduates will be able to analyse and critique theory and practice to develop well-reasoned arguments.</td>
</tr>
<tr>
<td><strong>Solution seeking</strong></td>
</tr>
<tr>
<td>Graduates will be able to identify and frame problems using analytical skills to create and evaluate innovative solutions.</td>
</tr>
<tr>
<td><strong>Communication and engagement</strong></td>
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<tr>
<td>Graduates will be able to collaborate and communicate effectively in diverse contexts using multiple formats.</td>
</tr>
<tr>
<td><strong>Independence and integrity</strong></td>
</tr>
<tr>
<td>Graduates will be able to respond professionally and ethically, demonstrating a capacity for independent thought and learning.</td>
</tr>
<tr>
<td><strong>Social and environmental responsibility</strong></td>
</tr>
<tr>
<td>Graduates will recognise the significance of the principles underpinning the Treaty of Waitangi and consider their obligations in relation to sustainability, whilst displaying constructive approaches to diversity.</td>
</tr>
</tbody>
</table>

Note that if you are enrolled in a conjoint degree, you should also engage with the Graduate Profile for your other degree programme.