# Lec A

NZ has no written constitution

The constitution arrangements are found in:

* Legislation
* In decisions of the courts
* Treaty of Waitangi

Constitutional monarchy – head of state – queen

A parliamentary system of government

Democracy

What is law

A simple and practical definition: law is a set of rules made by the state and enforceable by prosecution or litigation

The corresponding definition of business

Employment relations legislation act

* Provides a framework for eh conduct of employment relations
  + Between employees, employers and unions
* Based on the understanding that employment is a human relationship involving issues of mutual trust, confidence and fair dealing and is not simply a contractual, economic exchange
* To build productive employment relationships through the promotion of good faith in all aspects of the employment environment

Focus (from a contract) to a relationship

* Focus on building productive employment relationships – on collective and individual basis

Good faith

* Parties consider each other’s proposals, respect each other’s choice of representatives and provide full information for bargaining

Mediation as a key to resolving conflict

Role of unions (reaffirmed)

* Promotion of unions as a legitimate party in bargaining process and renewed support for collective bargaining

Restructering

Redundancy

* Businesses need to adapt and sometimes restructure to ensure the right roles

# Lec B

Human rights and employment

Unlawful to use employment applications forms, or to make enquires of or about job applicants, which might indicate an intention to discriminate on any of the prohibited

Direct Discrimination

Occurs when under the same circumstances, you are disadvantaged to other

Indirect discrimination

Also exists where a condition is imposed which although the same for everyone, unfairly disadvantages some people

* A test that is suited to specific people

Discrimination pertains to relatives or associated people

Discrimination in employment

* Refuse to employ the applicant on that work – close to retirement

Exceptions

* Qualifications
* Hearing impeachment, on the phone all day as job
* No wheelchair access