

Course Outline 2017
COMLAW 314: EMPLOYMENT LAW (15 POINTS)
Semester 2 (1175)

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.

Programme and Course Advice

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

Restriction: COMLAW 204

Goals of the Course

The aim of the course is to provide students with a general understanding of the law relating to the employment relationship in New Zealand. It is intended for those who intend to specialise in management or employment relations, and who therefore need a substantial knowledge of the legal and regulatory framework underlying the employer – employee relationship.

Learning Outcomes

By the end of this course it is expected that the student will be able to:

1. Recognise the key provisions of, and institutions created by, the Employment Relations Act 2000 and their historical and contemporary context;
2. Distinguish between employees and contractors;
3. Identify, and evaluate the application of, the main duties and obligations affecting employees and employers and how such duties and obligations arise;
4. Identify and analyse issues that arise in bargaining and the role played by unions in collective bargaining;
5. Identify and analyse legal issues that may arise in the context of termination, unjustified dismissal and redundancy;
6. Identify the Holidays Act entitlements of employees and obligations of employers;
7. Identify and analyse legal issues that may arise in the areas of health and safety, privacy, discrimination, and information disclosure;
8. Demonstrate the ability to conduct legal research and apply legal problem solving skills to employment law problems and be able to communicate such legal analysis clearly and accurately.

Content Outline

Week 1	Introduction to Employment Law Employment Institutions
Week 2	Employee/Contractor Distinction
Week 3	Duties and Obligations and Minimum Entitlements
Week 4 – 5	Unions, Forming Employment Agreements and Bargaining
Week 6 – 8	Termination, Personal Grievances and Redundancy
Week 8	Confidentiality and Restraint of Trade
Week 9	Discrimination
Week 10	Health and Safety
Week 11	Information and Privacy
Week 12	Holidays and Leave

Learning and Teaching

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

Rudman, Richard *New Zealand Employment Law Guide* (2017 ed, CCH, Auckland, 2017).

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

Assessment in this course consists of the following:

- 1 in-class test: 30%
- 1 take home legal problem (written assignment): 20%
- 1 final exam (2 hours): 50%

The exam and test will be open book. There is no plussage in this course.

Learning Outcome	Test	Assignment	Exam
1	X	X	X
2	X	X	
3	X	X	
4	X		X
5			X
6			X
7			X
8	X	X	X

Inclusive Learning

Students are urged to discuss privately any impairment-related requirements face-to-face and/or in written form with the course co-ordinator (Alan Toy).

Student Feedback

The course was well received by students in 2016. 100% of students surveyed agreed with the statement that "overall, I was satisfied with the quality of the course".

We are constantly looking at ways to respond to student feedback to incrementally improve the course and welcome any feedback you may provide.

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 web site.