



**UNSW**

## UNSW Course Outline

# PLTX1240 Employment and Industrial Relations Practice - 2024

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## General Course Information

**Course Code :** PLTX1240

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** Faculty of Law and Justice

**Delivery Mode :** Online

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 3

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Employment and Industrial Relations Practice focuses on legal issues pertaining to employers and employees.

The course covers the relevant skills, values and competencies for the optional practice area of Employment and Industrial Relations Practice as prescribed by the Legal Profession Admission Rules 2015, Schedule 2 (Practical legal training competencies for entry-level lawyers).

Course content includes assessing merits and weaknesses of an employment law dispute, identifying dispute resolution alternatives, advising a client on procedures, commencing negotiations, initiating and responding to claims, representing the client, and taking action to implement outcomes.

This course is an elective course for the Graduate Diploma in Legal Professional Practice (GDLPP). Students must be enrolled in the GDLPP to enrol in this course and must have completed PLTX1020 Skills in Practice.

## Course Aims

This course enables students to complete accredited practical legal training for admission to the New South Wales legal profession as specified in the "Optional" Practice Areas competencies (Employment and Industrial Relations Practice) at Schedule 2 of the Uniform Admission Rules (See Clause 3, and Part 4 of Schedule 2).

The overarching competency requirements, elements, and performance criteria for **Employment and Industrial Relations Practice** are as follows:

An entry-level lawyer who practises in the area of employment and industrial relations should be able to: (a) advise clients on the relevant law and procedures; (b) represent clients in negotiations; and (c) initiate and respond to applications in relevant State and Federal courts and tribunals.

*[Notes: This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.]*

### Elements

#### Performance Criteria / Course Learning Outcome

*[incorporates explanatory notes]*

EMP1

Assessing the merits of the dispute and identify the dispute resolution alternatives

identify the relevant facts

assess the strengths and weaknesses of the dispute according to the relevant law

identify all means of resolving the dispute, having regard to the client's circumstances

*[ "dispute" includes award negotiations; an industrial dispute relating to an individual employee or to a workplace or industry; an equal employment opportunity or anti-discrimination claim; a claim for unfair dismissal ]*

*[ "means of resolving the dispute" includes negotiation; mediation; conciliation; arbitration; litigation ]*

## EMP2

Advising client on procedures

advise the client of means of avoiding a dispute, where appropriate

advise the client of available steps to strengthen the client's position

*[ "dispute" includes award negotiations; an industrial dispute relating to an individual employee or to a workplace or industry; an equal employment opportunity or anti-discrimination claim; a claim for unfair dismissal ]*

*[ "means of avoiding a dispute" and "steps to strengthen the client's position" include altering internal employment practices and procedures; revising employment contracts; entering or revising enterprise bargaining agreements; altering individual employment contracts; taking disciplinary proceedings; allowing industrial representation ]*

## EMP3

Commencing negotiations

explore opportunities for a negotiated settlement, subject to the client's instructions

represent, or be involved in representing, the client, or observe the client being represented, effectively at any negotiations

## EMP4

Initiating and responding to proceedings

identify the appropriate jurisdiction

initiate or oppose, or be involved in initiating or opposing, a claim or observe the initiation or opposition of a claim, in accordance with the rules of the relevant court or tribunal, in a timely manner

obtain all necessary evidence and draft all necessary documents in accordance with those rules

EMP5

Representing the client

complete all preparation required by law, good practice and the circumstances

represent, or be involved in representing the client, or observe the client being represented, effectively at any mediation, hearing or other forum

EMP6

Taking action to implement outcomes

properly document any order or settlement and explain it to the client in a way which the client can understand

identify and implement, or be involved in identifying and implementing, any procedures required to enforce the order or settlement

## **Relationship to Other Courses**

This course is an elective course in the Graduate Diploma in Legal Professional Practice (GDLPP). Students must be enrolled in the GDLPP to enrol in this course and must have completed PLTX1020 Skills in Practice and PLTX1040 Values in Practice. This course can also be taken on a non award basis (NAWD).

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when analysing a practical legal problem and identifying, assessing, and evaluating the relevant issues as to the law, facts, evidence, and matters requiring further investigation or legal research. (PLO1; PLO2; PLO3; PLO5)
CLO2 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when writing legal advice, and other written communications (including file notes and memoranda) that are legally and factually comprehensive and correct, and well-structured and clearly expressed in ways appropriate to the intended recipient. (PLO1; PLO2; PLO3; PLO5)
CLO3 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when drafting (and reviewing) legal documents (including forms, precedents, pleadings, and submissions) that are legally and factually comprehensive and correct, persuasive, and well-structured and clearly expressed in ways appropriate for the intended purpose. (PLO1; PLO2; PLO3; PLO5)
CLO4 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when making oral presentations in litigious and non-litigious contexts that are legally and factually comprehensive and correct, well-structured and clearly expressed in ways appropriate for the intended purpose, and is persuasive and engages the decision-maker. (PLO1; PLO2; PLO3; PLO4; PLO5)

Course Learning Outcomes	Assessment Item
CLO1 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when analysing a practical legal problem and identifying, assessing, and evaluating the relevant issues as to the law, facts, evidence, and matters requiring further investigation or legal research. (PLO1; PLO2; PLO3; PLO5)	<ul style="list-style-type: none"> <li>• Practiques</li> <li>• Client file: Written Advice and Drafting</li> <li>• Client file - Oral Submissions, accompanying written preparation and Reflection</li> </ul>
CLO2 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when writing legal advice, and other written communications (including file notes and memoranda) that are legally and factually comprehensive and correct, and well-structured and clearly expressed in ways appropriate to the intended recipient. (PLO1; PLO2; PLO3; PLO5)	<ul style="list-style-type: none"> <li>• Practiques</li> <li>• Client file: Written Advice and Drafting</li> <li>• Client file - Oral Submissions, accompanying written preparation and Reflection</li> </ul>
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## Learning and Teaching Technologies

Moodle - Learning Management System | Microsoft Teams

## Learning and Teaching in this course

Our student-centred approach values participation and is discussion and practice-based, rather

than a transmission-based approach in which knowledge is unquestioned. Authentic scenarios are a central part of the learning process.

Students demonstrate learning progress in this course by engaging with practice-based real-life scenarios that require them to retrieve, comprehend, analyse, and utilise knowledge, skills, and values across the information, mental and physical procedures learning domains. The activities require students to engage in higher-level cognitive processes such as problem-solving, decision-making, investigation, and experimentation.

Students are assisted by content, materials, tools and interactions based on a practitioner mentoring model to learn processes and literacies appropriate for entry-level lawyers.

### **Online learning modules - pratiques**

These unique and innovative online learning modules created for each competency utilise current learning technologies, enabling activities to be completed asynchronously on any digital device. The pratiques introduce students to the resources and support available to develop their competency and confidence in the relevant practice area of law. The pratiques also assist students to identify gaps in their knowledge with interactive problem scenarios based on a simulated client file and contemporaneous feedback. The completion of the required pratiques and engagement with the resources and webinars significantly enhance quality of engagement of GDLPP students with their assessments.

### **Weekly webinars**

Online interaction is supported by weekly webinars with experienced practitioner mentors to clarify and support learning by reflecting on the areas of difficulty students experienced in the online learning modules. The webinars extend students' knowledge and support them in understanding how to approach their assessable client files. Examples of webinar content in the GDLPP include onsite/online guest presentations from the legal profession and relevant stakeholders and groups; and online webinars and workshops.

The GDLPP utilises the collaborative technology of Microsoft Teams for webinars and for all communications with students. To accommodate work, family commitments, webinars are generally repeated so students have a choice of times.

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Practiques	20%	Start Date: 08/01/2024 12:00 AM Due Date: Week 4: 17 June - 23 June
Client file: Written Advice and Drafting	40%	Start Date: Not Applicable Due Date: Week 2: 03 June - 09 June
Client file - Oral Submissions, accompanying written preparation and Reflection	40%	Start Date: Not Applicable Due Date: Week 4: 17 June - 23 June

## Assessment Details

### Practiques

#### Assessment Overview

Satisfactory completion of all practiques in accordance with the relevant practical legal training competency standards. Competencies EMP1-6.

Students can only receive a result of Not Yet Competent (CN) or Competent (CO) for this assessment. To receive a CO result, all practiques must be completed.

N.B. At least a competent level must be obtained on all assessment tasks in order to be considered competent for the course (i.e. an NYC is not acceptable against any item).

#### Course Learning Outcomes

- CLO1 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when analysing a practical legal problem and identifying, assessing, and evaluating the relevant issues as to the law, facts, evidence, and matters requiring further investigation or legal research. (PLO1; PLO2; PLO3; PLO5)
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## **Client file: Written Advice and Drafting**

### **Assessment Overview**

This assessment item covers competencies EMP1-4. Students will receive a partner memo requesting them to:

1. Advise the client; and
2. Draft the appropriate accompanying documents.

Students may receive results of Not Yet Competent (CN), Competent (CO) or Competent with Merit (CM) as graded by mentor.

### **Course Learning Outcomes**

- CLO1 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when analysing a practical legal problem and identifying, assessing, and evaluating the relevant issues as to the law, facts, evidence, and matters requiring further investigation or legal research. (PLO1; PLO2; PLO3; PLO5)
- CLO2 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when writing legal advice, and other written communications (including file notes and memoranda) that are legally and factually comprehensive and correct, and well-structured and clearly expressed in ways appropriate to the intended recipient. (PLO1; PLO2; PLO3; PLO5)
- CLO3 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when drafting (and reviewing) legal documents (including forms, precedents, pleadings, and submissions) that are legally and factually comprehensive and correct, persuasive, and well-structured and clearly expressed in ways appropriate for the intended purpose. (PLO1; PLO2; PLO3; PLO5)

## **Client file - Oral Submissions, accompanying written preparation and Reflection**

### **Assessment Overview**

This assessment item covers competencies EMP5-6. Students will receive a partner memo requesting them to:

1. Prepare for an oral submission in relation to the client file, including drafting the required accompanying written material;
2. Record or attend a web conference to make the oral submission; and
3. Complete a reflection for the Loop Project.

Students may receive results of Not Yet Competent (CN), Competent (CO) or Competent with

Merit (CM) as graded by mentor.

### **Course Learning Outcomes**

- CLO1 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when analysing a practical legal problem and identifying, assessing, and evaluating the relevant issues as to the law, facts, evidence, and matters requiring further investigation or legal research. (PLO1; PLO2; PLO3; PLO5)
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- CLO3 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when drafting (and reviewing) legal documents (including forms, precedents, pleadings, and submissions) that are legally and factually comprehensive and correct, persuasive, and well-structured and clearly expressed in ways appropriate for the intended purpose. (PLO1; PLO2; PLO3; PLO5)
- CLO4 : Students successfully completing this course will have a client-focused approach in employment and industrial relations area contexts when making oral presentations in litigious and non-litigious contexts that are legally and factually comprehensive and correct, well-structured and clearly expressed in ways appropriate for the intended purpose, and is persuasive and engages the decision-maker. (PLO1; PLO2; PLO3; PLO4; PLO5)

## **General Assessment Information**

Task-based and performance-based outputs for formative and summative assessments are graded on a competency basis (competent/not yet competent/competent with merit).

After completion of the PLT coursework and as part of the workplace experience or practicum components, students collate and submit their reflective tasks from this course with a final guided reflection as their last assessment in the program.

### **Grading Basis**

Competency

### **Requirements to pass course**

1. Demonstrated competency in all summative assessment tasks; and
2. Satisfactory completion of all formative assessment tasks
3. Achievement of a competent grade on all assessment tasks/items to be considered competent in this course.

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 0 : 20 May - 26 May	Other	No activities are scheduled for this week.
Week 1 : 27 May - 2 June	Other	In Week 1 & 2 the focus will be on: <ul style="list-style-type: none"><li>• Assessing the Merits of Dispute and ADR</li><li>• Initiating and Responding to Proceedings</li><li>• Taking actions to implement outcomes</li><li>• Advising clients on procedures</li></ul> Please refer to the detailed course timetable in the Moodle course site for webinar and assessment dates
Week 2 : 3 June - 9 June	Other	In Week 1 & 2 the focus will be on: <ul style="list-style-type: none"><li>• Assessing the Merits of Dispute and ADR</li><li>• Initiating and Responding to Proceedings</li><li>• Taking actions to implement outcomes</li><li>• Advising clients on procedures</li></ul> Please refer to the detailed course timetable in the Moodle course site for webinar and assessment dates
Week 3 : 10 June - 16 June	Other	In Weeks 3 and 4 the focus will be on: <ul style="list-style-type: none"><li>• Initiating and Responding to Proceedings</li><li>• Representing Clients</li><li>• Taking actions to implement outcomes</li><li>• Commencing negotiations</li></ul> Please refer to the detailed course timetable in the Moodle course site for webinar and assessment dates
Week 4 : 17 June - 23 June	Other	In Weeks 3 and 4 the focus will be on: <ul style="list-style-type: none"><li>• Initiating and Responding to Proceedings</li><li>• Representing Clients</li><li>• Taking actions to implement outcomes</li><li>• Commencing negotiations</li></ul> Please refer to the detailed course timetable in the Moodle course site for webinar and assessment dates

## Attendance Requirements

Online attendance and participation in weekly webinars.

## General Schedule Information

This course is scheduled in Summer Term and T2A.

## Course Resources

### Prescribed Resources

Students are provided with resources developed by subject matter experts in each area and jurisdiction, including up-to-date practical text guides for each competency. These guides provide students with a practical framework for approaching their work in practice and introduces them to the most relevant resources for currency, to support their ability to manage their professional development. Resources for this course are provided through the learning management system, Moodle. Students also have access to all materials in the UNSW Library.

# Course Evaluation and Development

Opportunities to provide feedback are provided both informally through direct communication and formally through anonymous course and program level surveys. Feedback received is prioritised, analysed and implemented as part of the GDLPP's cycle of continuous improvement to enhance the student learning experience.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Vedna Jivan					No	Yes
	Moira Murray					No	No

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and

possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Contact [Nucleus Student Hub](#) for all enquiries