



## UNSW Course Outline

# JURD7328 Employment Law - 2024

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## General Course Information

**Course Code :** JURD7328

**Year :** 2024

**Term :** Term 1

**Teaching Period :** T1

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

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Employment law is and will be relevant to all students throughout their lives, as well as being particularly topical presently. LAWS3028/JURD 7328 - Employment Law will cover the study of individual employment relationships in Australia. To ensure that students find the course relevant, Employment Law will draw on student experiences, case law, and the use of hypotheticals.

Employment Law is one of the elective subjects for law students and is able to be taken without any prior knowledge of the area or pre-requisite courses. It will be an important component of a rounded legal education, as it is the type of law that impacts on the practice of most other types of law.

## Main Topics

Students will learn about:

- what distinguishes employee / employer relationships from other relationships in which work is performed;
- formation, duration and termination of the contract of employment;
- terms expressed, implied or otherwise incorporated into the contract of employment;
- the rights and liabilities of employers and employees under contract, legislation, awards and industrial instruments;
- limits on employer prerogative; and
- what remedies are available to employers and employees for breach of employment contracts, regulations or awards.

## Course Aims

All students, and indeed all members of our community, are affected by the laws of employment in one way or another. This is an interesting area of study due to the “beneficial” nature of the regulation and the impact that this policy grounding has on the intentions of parties – an employment contract is very different to a contract for the sale of goods, where words on the page are only a small component of what will govern the relationship. One of the aims of this course is that students will be able to critically assess their own working situation, and that of their friends and family, and be able to identify areas of concern.

As a practitioner, an understanding of Employment Law will be a valuable addition to any lawyer’s skill-base. Probably the most important aim of this course is to give enough background to students so that in whatever future career awaits them, the Employment Law aspects of each deal, transaction or matter will be able to be identified. The different areas of professional practice need to know at least some basic items of Employment Law:

Corporate lawyers managing a sale of business need to appreciate the impact of employee entitlements, transferability of instruments, consultation requirements and inherent risk factors existing within the employee base in order to discharge their obligations to the client effectively.

Commercial lawyers need to understand how important compliance with the relevant laws are,

and arrange the actual business of doing business in such a way as to accommodate employer obligations and so reduce the risk of falling foul of the various statutory and common law offences, penalties and causes of action.

Litigators must understand that the duties of an employee and the promises given in that relationship are different to those in any other relationship, and where elements of Employment Law are involved in a contested matter care must be taken to ensure implied terms, duties or legislative restrictions are accounted for properly so that the case is not side-tracked by unexpected complications.

Community service lawyers need to have a general appreciation for the types of rights that are protected so that adequate advice can be provided to clients in a prompt manner. There are strict time limits for access to a number of remedies in this area of law and some causes of action are mutually exclusive, so it is important that decisions can be made on solid grounds and with enough time to file the appropriate applications.

As a member of the community and Australian society, an understanding of the key principles of Employment Law will also help to inform political opinion and assist with clever dinner party conversations. For many students, taking this course will help them to understand more of what the media is getting so worked up about when the leaders of political parties make important policy statements on regulation and reform in this area. Thus the final key aim of this course is to promote understanding and encourage debate, helping students to see the “why” behind the “what”.

## Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate an understanding for the reason Employment Law exists in our society, and how it has developed to its current form (PLOs 1, 3, 4)
CLO2 : Identify and apply relevant statutory instruments to hypothetical fact scenarios (PLOs 4, 5, 9)
CLO3 : Advise a hypothetical client on their contractual position in a hypothetical fact scenario, including through the implication of terms from statute and common law, in a clear and concise manner (PLO 4, 5, 6, 9)
CLO4 : Communicate intelligently, concisely, professionally and critically on Employment Law topics in the broader context of interdisciplinary perspectives to legal issues (PLOs 5, 6, 7, 8, 9)
CLO5 : Conduct independent research on Employment Law topics (PLOs 6, 9, 11, 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate an understanding for the reason Employment Law exists in our society, and how it has developed to its current form (PLOs 1, 3, 4)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Final Assessment</li> </ul>
CLO2 : Identify and apply relevant statutory instruments to hypothetical fact scenarios (PLOs 4, 5, 9)	<ul style="list-style-type: none"> <li>• Research Essay</li> <li>• Final Assessment</li> </ul>
CLO3 : Advise a hypothetical client on their contractual position in a hypothetical fact scenario, including through the implication of terms from statute and common law, in a clear and concise manner (PLO 4, 5, 6, 9)	<ul style="list-style-type: none"> <li>• Research Essay</li> <li>• Final Assessment</li> </ul>
CLO4 : Communicate intelligently, concisely, professionally and critically on Employment Law topics in the broader context of interdisciplinary perspectives to legal issues (PLOs 5, 6, 7, 8, 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Final Assessment</li> </ul>
CLO5 : Conduct independent research on Employment Law topics (PLOs 6, 9, 11, 12)	<ul style="list-style-type: none"> <li>• Research Essay</li> <li>• Final Assessment</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	10%	
Research Essay Assessment Format: Individual	40%	
Final Assessment Assessment Format: Individual	50%	

## Assessment Details

### Class Participation

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CLO1 : Demonstrate an understanding for the reason Employment Law exists in our society,

- and how it has developed to its current form (PLOs 1, 3, 4)
- CLO4 : Communicate intelligently, concisely, professionally and critically on Employment Law topics in the broader context of interdisciplinary perspectives to legal issues (PLOs 5, 6, 7, 8, 9)

## Research Essay

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Demonstrate an understanding for the reason Employment Law exists in our society, and how it has developed to its current form (PLOs 1, 3, 4)
- CLO2 : Identify and apply relevant statutory instruments to hypothetical fact scenarios (PLOs 4, 5, 9)
- CLO3 : Advise a hypothetical client on their contractual position in a hypothetical fact scenario, including through the implication of terms from statute and common law, in a clear and concise manner (PLO 4, 5, 6, 9)
- CLO4 : Communicate intelligently, concisely, professionally and critically on Employment Law topics in the broader context of interdisciplinary perspectives to legal issues (PLOs 5, 6, 7, 8, 9)
- CLO5 : Conduct independent research on Employment Law topics (PLOs 6, 9, 11, 12)

## Final Assessment

### Assessment Overview

The final assessment is a take home exam.

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Demonstrate an understanding for the reason Employment Law exists in our society, and how it has developed to its current form (PLOs 1, 3, 4)
- CLO2 : Identify and apply relevant statutory instruments to hypothetical fact scenarios (PLOs 4, 5, 9)
- CLO3 : Advise a hypothetical client on their contractual position in a hypothetical fact scenario, including through the implication of terms from statute and common law, in a clear and concise manner (PLO 4, 5, 6, 9)
- CLO4 : Communicate intelligently, concisely, professionally and critically on Employment Law topics in the broader context of interdisciplinary perspectives to legal issues (PLOs 5, 6, 7, 8, 9)
- CLO5 : Conduct independent research on Employment Law topics (PLOs 6, 9, 11, 12)

# General Assessment Information

## Grading Basis

Standard

# Course Schedule

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

# Course Resources

## Prescribed Resources

The required textbook for this course is [Andrew Stewart, . You can find the July 2023 supplement to the textbook published by the author here.](#) You can purchase a copy of the textbook from UNSW Bookshop in either [hardcopy](#) or [eBook](#) format. The text is also available [via UNSW Library](#). You **MUST** ensure you have a copy of this text.

You also need an up-to-date version of the *Fair Work Act 2009* (Cth). It is recommended you purchase Mark Rinaldi et al, *Fair Work Legislation 2023-2024* (Thomson Reuters, 2023) - available via UNSW Bookshop. Alternatively, the legislation is also available [online](#).

Classes also have additional required readings, these are available via Moodle in the relevant class sections.

## Recommended Resources

The following are recommended additional/optional texts:

Joellen Riley Munton, [Labour Law: An Introduction to the Law of Work](#) (Oxford University Press, 2021). Available at UNSW bookshop in both [hard copy](#) and [eBook](#) format. The text is also available [via UNSW Library](#).

Carolyn Sappideen et al, *Macken's Law of Employment* (9th ed, Lawbook Co, 2022). Available at UNSW Bookshop in both [hard copy](#) and [eBook](#) format. The text is also available [via UNSW Library](#).

Andrew Stewart et al, *(6th ed, Federation Press, 2016)*. This text is also available [via UNSW Library](#). (Note: A new edition of this textbook is expected to be published in mid 2024.)

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	Angela Kint ominas		Room 246, Law and Justice Building		By appointment	Yes	Yes

## 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

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.