

LAWPUBL 707

EMPLOYMENT LAW

2019



Lecturer Bio

Dawn Duncan is a lecturer in employment law at the University of Auckland Business School. She has practiced employment law in New Zealand and Australia, and has advised on a variety of employer, union and employee matters. Dawn's research interests include the regulation of working conditions, the impacts of new technologies on work, employment dispute resolution, compensation of work-related health problems and work health and safety.

Course Outline

The world of work is changing rapidly and so too are New Zealand's employment laws. Traditional ideas of labour market regulation are being challenged and New Zealand's employment laws are likely entering a period of significant change. This course surveys the shifting landscape of employment law, with a particular focus on legal responses to the changing nature of work and working relationships, the role of the law in the setting of wages and conditions, and recent developments in the law relating to worker health and wellbeing, pay equity and sexual harassment. The aim of the course is to critically examine New Zealand's employment law and its changing role. The course will introduce a broad range of current and emerging issues in employment law, including recent legislative amendments and law reform proposals, the impact of international trends and options for future reforms.

Syllabus

The study of employment law in this course will include issues such as:

- Legal responses to the changing nature of work and working relationships;
- The changing rights and roles of unions;
- Proposed changes to New Zealand's wage setting mechanisms (e.g. Fair Pay Agreements);
- Local and international minimum standards and their enforcement;
- The developing role of personal grievances in New Zealand employment law;
- Legal protections for worker health, safety and wellbeing;
- Legal responses to discrimination and sexual and racial harassment;
- The law's role in achieving pay equity and developments after the *Terranova* decision;
- The impact of new technologies (e.g. a right to disconnect, implications of AI);
- Dismissals, redundancies and obligations after employment has ended;
- Employment dispute resolution.

Objectives

The chief objective of the course is to provide students with an understanding of New Zealand's changing employment laws.

Learning Outcomes

On completion of this course students should be able to:

- Understand the key elements of New Zealand employment law;
- Identify and analyse the potential implications of changes in work and working relationships for the law;
- Evaluate different approaches to the regulation of work and the setting of minimum terms and conditions;
- Analyse a range of legal rights and obligations within the employment relationship;
- Evaluate the adequacy of the current law and identify possible gaps;
- Evaluate a range of recent and proposed legal reforms and identify the implications.

Assessment

90% research essay of 12,500 words and 10% class participation and presentation.

Essay

Each student is required to submit a research essay of **no more than 12,500 words** including an abstract/synopsis of 250 words. The essay is to be original work, relying on primary and secondary sources. It **MUST** be the work of the enrolled student. Plagiarism is not permitted and in that regard each student should read the University's plagiarism policy and adhere to it. All students will be expected to sign a plagiarism declaration when submitting their essays.

Essays should be type-written, conform to the New Zealand Law Style Guide and include a list of references at the end. Descriptive essays are not encouraged. Students are expected to engage with relevant legal issues by: critiquing the law; developing proposals for reform; examining the operation of law and policy in practice; and/or providing a conceptual analysis of the law.

Essays must be submitted to the Faculty of Law, 12 noon 7th June 2019.

Extensions will not be granted lightly (only on sickness and compassionate grounds) and must be requested formally through the Postgraduate Manager.

Class Participation/Presentation.

Each student will be asked to prepare a brief presentation (15 minutes) for the rest of the class on the proposed topic of their research essay. In addition, each student is expected to make individual contributions to seminar discussions throughout the course. Class participation will be assessed over the *whole* of the course.

Criteria & Marking

Students will be individually assessed with reference to the following criteria:

- the extent to which the student has identified the important and relevant issues;
- the clarity of argument;
- the depth and thoroughness of understanding of the seminar material;;
- the strength and clarity of the arguments presented;
- the overall lucidity of the contribution;
- the extent to which issues are placed in their wider context;
- the extent to which the student has displayed a grasp of the doctrinal and normative issues;
- the analysis and synthesis of material and;
- the ability to draw worthwhile conclusions.

Reading Materials

Reading materials will be contained in the Casebook/Study Guide. Students may also be asked to access additional materials via the internet or in the library.

Teaching Method

Classes will be interactive and focussed on the discussion of legal issues. Students are expected to do the pre-reading for the course so that they get the most out of the materials under discussion.

Course Details

Semester	One
Study mode	Full semester
Dates	4 March- 7 June 2018
Time	Thursdays 5-8pm
Location	Room 340/810
Value	30 Points

Contact Details

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