UNIT CODE: EDLE634
UNIT TITLE: EMPLOYMENT RELATIONS AND THE LEGAL CONTEXT IN EDUCATION
CREDIT POINTS: 10
DISCIPLINE CLUSTER AND WEIGHTING
RELATIONSHIP TO OTHER UNITS
This is an elective unit in the Master of Educational Leadership and the Postgraduate Certificate in Educational Leadership.

DESCRIPTION
This unit has two strands – the legal strand and the employment relations strand.

The legal strand provides students with a working knowledge of law as it affects education. It will give students an opportunity to apply basic legal principles to practical situations in schools and systems. Sources of law will be examined by studying relevant aspects of common law (e.g. law of torts) and statute law (e.g. anti-discrimination legislation and child protection legislation).

The employment relations strand deals with matters relating to the employment of staff in education, for example enterprise bargaining, industrial agreements, and Catholic social justice teachings. It also seeks to develop skills necessary to effect harmonious employment relations.

LEARNING OUTCOMES
On successful completion of this unit, students will be able to:

1. Explore and analyse current legal and employment relations trends in relation to the administration of a school (Graduate attributes I1, I2, I3, P1, V1 and V3);
2. Apply legal principles to analyse potential litigious situations in the school or system, using case law and students’ practical experience (Graduate attributes I1, I4, P1, P2, V2 and V3);
3. Identify the essential legal and professional issues associated with establishing and maintaining effective employment relationships between employer and employee (Graduate attributes I2, I3, P1, P2, P3, V1 and V4);
4. Apply legal and employment relations requirements in developing appropriate risk management strategies (Graduate attributes I1, I4, P1, P2, P3, V3 and V4);
5. Develop an understanding of appropriate processes for use in the development of enterprise agreements (Graduate attributes I2, I3, I4, P1, P2, P3 and V2); and
6. Evaluate real world practice (including their own) in the light of the above (Graduate attributes I1 and P3).

On successful completion of this unit, students will have progressed in the development of the following ACU graduate attributes:

Intellectual
I1. critical and analytical abilities
I2 enthusiasm to search for further knowledge and understanding
I3 open-mindedness and receptiveness to new ideas
I4 expertise in chosen academic field.
Professional

P1 knowledge and skills to meet relevant professional requirements
P2 understanding of and commitment to professional ethical standards
P3 information literacy, communication and interpersonal skills.

Values

V1 commitment to values consistent with the University's Mission
V2 a spirit of service to the community
V3 commitment to good citizenship, including respect for individuals, empathy with persons of differing cultural and religious backgrounds, community responsibility and concern for the environment
V4 a high regard for equity and human rights in the context of a broad understanding of globalization.

CONTENT

Topics will include:

Legal Strand
- Sources of law - Australia's legal education framework
- Law of Torts – vicarious liability-study of case law [negligence] as applied in school situations (e.g. excursions, sport, specialist areas, discipline, and professional liability)
- Legislation – family law, child protection, defamation, copyright, anti-discrimination, privacy
- Contract Law as it applies in non-government schools in relation to the students e.g. enrolment.
- Occupational Health and Safety

Employment relations strand
- The Church as employer: human work – its dignity and meaning, the purpose of work in Catholic schools
- The contract of employment
- The duties of employers and employees
- Key values and skills for employment relations
- The side of unions, the industrial relations commission, industrial instruments, employer organizations.

TEACHING ORGANISATION

In addition to lectures on the key concepts found in the literature, there will be opportunities for group discussion, private reflection and practical activities. Face-to-face teaching, conventional distance education materials and electronic modes of delivery may also be used. These methods will allow students to participate in an intense dialogue, using a variety of investigative methodologies, sorting through various sources and types of evidence to identify underlying patterns, structure or significance. These methods are also intended to engage students as active participants in the learning process and encourage them to become independent learners. There will be respect for students’ views and responses, an understanding of an individual's knowledge, capabilities and backgrounds and a concern for the welfare and progress of individual students. An important element of the unit will be that students have the opportunity to learn from each other’s experience. Also, local content, such as employment relations policies, will be included through the use of guest lecturers.

ASSESSMENT

There are two assessment tasks (totalling 5,500 words), one for each strand of the unit. In each assignment, students are encouraged to complete tasks of practical relevance to their own school situation.
### OVERVIEW OF ASSESSMENT

<table>
<thead>
<tr>
<th>Brief Description of Assessment Tasks</th>
<th>Weighting (%)</th>
<th>Learning Outcome/s Assessed</th>
<th>Graduate Attributes/ Generic Skills (ie I3, V1 etc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment one: Development of a legal risk management policy, based on relevant cases and other literature.</td>
<td>50</td>
<td>1, 2, 3, 4, 6</td>
<td>I1, I2, I3, P1, V2, V3</td>
</tr>
<tr>
<td>Assessment two: Critique of a particular set of employment relations policies.</td>
<td>50</td>
<td>1, 3, 4, 5, 6</td>
<td>I1, I2, P1, P2, P3, V1</td>
</tr>
</tbody>
</table>

In order to satisfy requirements for this unit, students are expected to submit all assessment tasks and to participate in classes and/or prescribed online activities.
REPRESENTATIVE REFERENCES


Related Journals

Australia and New Zealand Journal of Law and Education
The Australian Educational Leader
Journal of Educational Administration
Leading and Managing
Law Society Journal

Related Web Sites

www.austlii.edu.au - Australian law link.
www.copyright.org.au – Australian Copyright Council
www.hotkey.net.au/~jimmcd/recon.htm

DATA BASES
LegalTrac and CCH