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**Prescription: 635 Employment Relations**


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**Elective prescription**

<b>Level</b>	6
<b>Credit</b>	20
<b>Version</b>	3
<b>Aim</b>	Students will apply current New Zealand employment relations legislation, processes and practices, and understand the implications for employment relationships.
<b>Prerequisites</b>	nil
<b>Recommended Prior Knowledge</b>	633 <i>Human Resource Management</i> or equivalent knowledge and skills

**Assessment weightings**

Learning outcomes	Assessment weighting %
1. Students will explain key factors influencing the development of employment relations.	10
2. Students will explain how key current legislation affects the employment relationship.	20
3. Students will apply legal provisions to analyse the nature of the relationship between parties.	10
4. Students will critique and analyse the legal provisions applying to the creation of employment agreements.	20
5. Students will analyse an employment agreement negotiation.	20
6. Students will explain the legal provisions of and principles applying to the resolution of employment relationship problems covered by the Employment Relations Act 2000, and identify lawful, effective procedures that may be applied to manage a range of circumstances in which the termination of a contract of service may arise.	20
<b>Total</b>	<b>100</b>

All learning outcomes must be evidenced; a 10% aggregate variance is allowed.

**Assessment notes**

1. Assessment materials should reflect relevant and current New Zealand legislation, standards, regulations and acknowledged good industry and/or business practices.
2. A recommended resource for learning outcomes four and six is the Ministry of Business, Innovation and Employment agreement builder (and other tools) available at <http://www.dol.govt.nz/er/starting/relationships/agreements/builder.asp>

**Learning outcome one**

Students will explain key factors influencing the development of employment relations.

Key elements:

- a) Ideologies.
- b) Environment.
- c) Legislation.

**Learning outcome two**

Students will explain how key current legislation affects the employment relationship.

Key elements:

- a) Rights and responsibilities of the parties.
- b) Individual and collective bargaining.
- c) Strikes and lockouts.
- d) Good faith.
- e) State institutions.
- f) Labour inspectors.

**Learning outcome three**

Students will apply legal provisions to analyse the nature of the relationship between parties.

Key elements:

- a) Contract of service versus contract for services.
- b) Legal tests.

**Learning outcome four**

Students will critique and analyse the legal provisions applying to the creation of employment agreements.

Key elements:

- a) Employment agreements and their creation:
  - individual and collective
  - fixed term
  - casual and part-time
  - trial and probationary periods, and the legal principles applying to the variation of agreements
  - union membership and/or the existence of a collective agreement
  - mediation and facilitation.
  
- b) Legal compliance:
  - minimum provisions
  - relevant statutes
  - case law.

**Learning outcome five**

Students will analyse an employment agreement negotiation.

Key elements:

- a) Legal framework.
- b) Good faith.
- c) Integrative and distributive negotiation approaches.

### Learning outcome six

Students will explain the legal provisions of and principles applying to the resolution of employment relationship problems covered by the Employment Relations Act 2000, and identify lawful, effective procedures that may be applied to manage a range of circumstances in which the termination of a contract of service may arise.

Key elements:

- a) Personal grievance procedures, including employer, mediation, Employment Relations Authority and Employment Court processes:
  - Unjustified dismissal (including constructive dismissal)
  - Other grounds for personal grievance actions.
  
- b) Lawful termination of employment:
  - procedural fairness, substantive justification and the fair and reasonable employer standard
    - the application of progressive warning systems in the context of human resource management.
  - Redundancy
  - misconduct and serious misconduct
  - poor performance
  - abandonment of employment
  - resignation
  - expiry of fixed term agreements and related issues.

### Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Introduced	1	2006	31 December 2013
Review	2	December 2011	30 June 2015
Revision	3	June 2013	N/A