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YEAR: 2010

LECTURER: MR GW BARKER

NAME OF COURSE: INDIVIDUAL LABOUR LAW

1. OVERVIEW

This course is aimed at ensuring that students are well equipped with a thorough knowledge of the principles of Individual Labour Law as well as an ability to apply the law in practice.

2. ASSUMPTIONS OF PRIOR LEARNING

An ability to read, understand, extract relevant information from statutes, case law, textbooks and journal articles.

3. SPECIFIC OUTCOMES

At the end of this course students will be able to demonstrate the following:

- ❖ a knowledge of the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997 and the Employment Equity Act, 1998.
- ❖ a knowledge of relevant case law.
- ❖ an ability to identify whether an employment relationship exists or not and to distinguish the employment relationship from similar relationships such as independent contractors and agents.
- ❖ an ability to identify substantive fairness or unfairness in misconduct, operational reasons and incapacity scenarios.
- ❖ an ability to identify procedural fairness or unfairness in misconduct, operational reasons and incapacity scenarios.
- ❖ an ability to describe the dispute resolution path in misconduct, operational requirements and incapacity scenarios.
- ❖ an ability to critically evaluate the law of employment equity with specific reference to affirmative action, dealing with HIV/AIDS issues in the workplace and harassment in the workplace.
- ❖ an ability to apply their knowledge to a wide range of scenarios.

4. CRITICAL OUTCOMES

Students will be able to:

- ❖ Analyze and evaluate information
- ❖ Communicate effectively in writing

5. TEACHING METHOD

Lectures will be delivered twice a week. Generally a topic will be introduced in a formal lecture. This will be followed at a subsequent lecture by questions and class discussion. Students are expected to read about a particular topic after a formal lecture, but prior to questions and discussion.

6. RESOURCES

- ❖ Prescribed book: *Workplace LAW* 9th ed 2007, John Grogan
- ❖ The Labour Relations Act, 1995
- ❖ The Basic Conditions of Employment Act, 1997
- ❖ The Employment Equity Act, 1998
- ❖ Case law as prescribed from time to time
- ❖ Journal articles as prescribed from time to time

7. ASSESSMENT

The class component of this course counts 30%. This will be on the basis of one assignment and one class test, each counting 15%.

SPECIFIC OUTCOMES	ASSESSMENT CRITERIA
Students are expected to be able to:	Students must:
1. Demonstrate a broad knowledge of relevant statutory and case law.	1.1. Answer correctly short questions concerning the relevant statutory and case law.
2. Demonstrate an ability to identify whether an employment relationship exists or not.	2.1 In response to given sets of facts, identify whether an individual is an employee or not and to provide valid reasons therefore.
3. Demonstrate an ability to identify whether substantive fairness exists or not.	3.1 In response to given sets of facts, identify whether substantive fairness exists or not and to provide valid reasons therefore.
4. Demonstrate an ability to identify whether procedural fairness exists or not.	4.1 In response to given set of facts identify whether procedural fairness exists or not and to provide valid reasons therefore.
5. Demonstrate an ability to describe dispute resolution path in various scenarios.	5.1 In response to given sets of facts describe various dispute <u>resolution paths</u> .
6. an ability to critically evaluate the law of employment equity.	6.1 In an essay or examination context, critically evaluate a given aspect of the law <u>governing employment equity</u> .
7. An ability to apply their knowledge on a wide range of scenarios.	7.1 Describe the likely outcome, with full motivation, in given scenarios.

8. COURSE CONTENT

- ❖ The definition, identification and formation of the employment contract
- ❖ The contents of the employment contract
- ❖ Breach of contract and common law remedies
- ❖ Termination of the employment contract
- ❖ Discipline in the workplace
- ❖ Dismissal and unfair dismissal
- ❖ Automatically unfair dismissals
- ❖ Dismissal for misconduct
- ❖ Dismissal for incapacity
- ❖ Dismissal for operational reasons
- ❖ Unfair labour practices
- ❖ Employment equity