

A) Course Aims/Description

Employment Law is critical to managing human capital. This course focuses on the employment law in Singapore as a *foundation* for an understanding of the employment relationship and its incidents. The course examines how the law determines the employment relationship from a contract for service (associated with independent contractors) as the cornerstone of the employment relationship. The rights and obligations of the parties are examined not only at the contractual level, but also from the wider perspective of the common law, statutory framework (where applicable) and other sources of law which impinge on the employment relationship. The course also examines how and when the employment relationship comes to an end - by proper termination, summary dismissal, frustration, threat of harm, etc and highlights claims for wrongful and unfair dismissal, and other remedies available to both the employer and the employee. Besides a sound working grasp of the basic legal principles, the course is also intended to provide perspectives, theoretical and practical, from which to critically assess the possible solutions and the law's responses to vital problems commonly encountered both in Singapore and abroad. Selected topics are given a comparative international treatment.

B) Intended Learning Outcomes (ILO)/Objectives

| Learning Goal | Course Learning Objective(s) |
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| Knowledge of Main Rules of Employment Law | Firm grasp of the main Employment Law rules of Singapore. This includes the rules on: <ul style="list-style-type: none"> - Formation of the Employment contract - Criteria for a Contract of Service - Express and Implied Terms of the Contract of Service, including those generally implied at common law - Statutory Rules under the Employment Act, including section 8 and scope and content of Part IV - Maternity Provisions and Protection for Maternity Benefits - Termination & Dismissal - Redundancy & Retirement - Remedies - Work Safety |
| Understanding of Employment Laws – Policy, Purpose and Problems | Students should be able to – <ul style="list-style-type: none"> - Apply the above rules fairly accurately where they are straightforward - Identify and discuss the problem areas - Show an understanding of the purpose of the law when applying and discussing the rules - Show a grasp of the social and economic policy considerations affecting the adoption and development of the rules |
| Logical, Critical & Creative Thinking | Students should be able to – <ul style="list-style-type: none"> - Logically apply the elements of the rules to the facts to arrive at a consistent conclusion - Critique the current law in terms of their purposes and policy rationales - Suggest plausible alternative solutions and make proposals for reform - Suggest and develop managerial and contractual responses which comply with and take advantage of the laws |
| Ethical Reasoning | Students should be able to – |

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| | <ul style="list-style-type: none"> - Evaluate the laws in terms of fairness and reasonableness as well as their advantage/disadvantage to employers In particular, assess the adequacy and effectiveness of the employment law in terms of the protection it affords against gender and maternity discrimination - Appreciate the various perspectives of employer, employee and public in relation to the content of the employment laws - Distinguish between legal and moral obligation - Identify and apply moral grounds, in particular, moral claims to equal treatment for their critique of the law and suggestions for reform - Show an appreciation for practical considerations and the possibility of unintended outcomes from proposals, as well as an understanding of the moral impact or import of the law |
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C) Course Content

NIL

D) Assessment (includes both continuous and summative assessment)

| Component | Weightage | Team/ Individual |
|------------------------|-----------|------------------|
| 1. MCQ | 20% | Individual |
| 2. Class Participation | 20% | Individual |
| 3. Final Examination | 60% | Individual |
| Total | 100% | |

E) Weekly Schedule for BH3301

| Teaching Weeks | Topics |
|----------------|---|
| 1 | Seminar 1 Introduction Historical Development of Employment Law in Singapore |
| 2 | Seminar 2 The Employment Relationship <ul style="list-style-type: none"> - various tests - other relationships – independent contractors, agents, outsourcing of workers |
| 3 | Seminar 3 Common Law Implied Terms I (Employee’s Obligations) express & implied terms |
| 4 | Seminar 4 Common Law Implied Terms II (Employer’s Obligations) |
| 5 | Seminar 5 Statutory Implied Terms I Application of Employment Act (EA) & Part IV |
| 6 | Seminar 6 Statutory Implied Terms II |
| 7 | Seminar 7 Statutory Implied Terms III Maternity Benefits & Protection |

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| | - Maternity provisions (Part IX, EA & CDCA) |
| 8 | Seminar 8 Maternity Benefits & Protection |
| 9 | Seminar 9 Proper Termination <ul style="list-style-type: none"> - Agreement - Expiration of Term - Complete performance - Frustration - Threat of harm (s 15, EA) - Notice - Repudiatory breach [covered in more detail in Seminar 10] |
| 10 | Seminar 10 Repudiatory breach |
| 11 | Seminar 11 Unfair Dismissal |
| 12 | Seminar 12 Retrenchment & Retirement <i>The Surbana Jurong case study</i> |
| 13 | Seminar 13 MCQ 30 & Revision |