




THE UNIVERSITY OF
MELBOURNE

ANNUAL REPORT 2022

Centre for Employment and
Labour Relations Law

Melbourne Law School





Centre for Employment and Labour Relations Law

Melbourne Law School

The University of Melbourne

Annual Report January–December 2022

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FOREWORD

The past year has been a positive one for the Centre. We were able to return to the office and resume some face-to-face activities in relation to teaching, research and engagement. Some of us were able to attend in-person conferences and reconnect with academic colleagues from other institutions for the first time in many years. The Centre was also pleased to host a number of international visitors in 2022, including Dr Emily Rose from the University of Strathclyde in June 2022 and Professor Lisa Waddington from the University of Maastricht in November and December 2022. The Centre supported, and had strong attendance at, the Australian Labour Law Association conference, which was held in Sydney in November 2022.

Following the election of the Albanese Labor Government in May 2022, the Centre redoubled its efforts in the reform space. We hosted a successful academic roundtable in August 2022 with leading labour and discrimination law experts from around Australia. This resulted in a series of policy briefings and precipitated consultations and discussions with the Department of Employment and Workplace Relations at the Jobs and Skills Summit and beyond. Professors Beth Gaze and Alysia Blackham have continued to contribute to policy discussions and debates on discrimination and equality reforms via the making of written submissions, the giving of evidence and extensive media engagement. In relation to international and transnational labour regulation, Professor Sean Cooney (in an ILO project on the reform of labour laws in Pakistan) and Professor Joo-Cheong Tham (in an ETUI funded project on labour provisions in trade agreements) have made important contributions.

The Centre continues to actively encourage and support graduate researchers within our community. In this regard, we are pleased to report that Dr Ben Caddick (supervised by Professors Beth Gaze and Jenny Beard) recently completed his doctorate on discrimination law and temporary migrants. We were also delighted to host an inaugural PhD workshop – led by Professor Richard Johnstone (now an Honorary Professorial Fellow of the Centre) – which was well attended by our PhD students.

The wide range of activities undertaken by Centre members are set out in the following Annual Report. The publication of this report provides an opportunity to thank the members of the Centre for their involvement and support. We also want to sincerely thank our Sponsors for maintaining their support for, and engagement with, the Centre throughout this tumultuous time. We also wish to thank the JD and Melbourne Law Masters students who were involved with the Centre as Student Editorial Assistants for the Australian Journal of Labour Law, or as research assistants for the various research projects in which Centre members were involved. Also important is the financial and administrative support provided by the Melbourne Law School. As always, we thank all those who continue to offer their support, in particular, Angela Hendley-Boys and Diane Holland.

John Howe and Tess Hardy
Directors, Centre for Employment and Labour Relations Law

OBJECTIVES OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

The Centre was established at Melbourne Law School in 1994. It is Australia's first research centre devoted exclusively to developing an understanding of the role and function of employment and labour relations law.

The Centre's objectives are:

- to undertake and encourage independent research on all aspects of the past, present and future regulation of work, in Australia and internationally, including interdisciplinary and multi-interdisciplinary research;
- to undertake and promote research-led teaching of labour and employment law, including by developing and promoting innovative teaching methods and teaching materials, and by fostering graduate research;
- to disseminate the results of research in employment and labour relations law; and
- to establish and foster links with similar bodies, internationally and nationally, and to facilitate engagement between stakeholders both within and beyond the University.

THE CENTRE: PEOPLE AND RELATIONSHIPS

2022 DIRECTORS



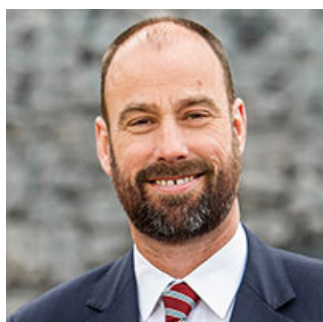
Associate Professor Tess Hardy

BA, LLB (Hons), LLM (Melb), PhD (Melb)

Dr Tess Hardy has been Co-Director of the Centre since 2018. Her socio-legal research focuses on regulation, enforcement and compliance in a range of fields, including labour, competition and consumer law. She is a leading expert on techniques for designing and enforcing regulation. In November 2017, Tess was awarded an ARC Discovery Early Career Researcher Grant to further her research into franchise regulation.

Tess has previously held an appointment at RMIT University and has worked as a consultant for the International Labour Organisation. From 2010 to 2013, Tess was engaged as a Research Fellow on an ARC Linkage Project (with partner organisation, the Fair Work Ombudsman). Tess has previously worked as a lawyer and senior associate at a number of national law firms, and large companies, practicing principally in workplace relations law.

Tess holds a Doctor of Philosophy in Law from Melbourne Law School. Tess also holds a Masters of Law, a Bachelor of Law (Hons) and a Bachelor of Arts from the University of Melbourne. She is Editor of the Australian Journal of Labour Law and currently sits on the national committee of the Australian Labour Law Association.



Professor John Howe

BA, LLB (Monash), LLM (Temple) (Summa Cum Laude), PhD (Melb)

Professor John Howe is a Co-Director of the Centre (from January 2020) and was previously a Director of the Centre between 2008 and 2017. John is also Director of the Melbourne School of Government. His research interests include labour market policy and regulation, regulatory theory, and social procurement. He has written extensively on the role of the state in regulating employment and labour markets, and on the intersection between state-based regulation and corporate governance. John is presently engaged in research concerning regulatory enforcement of minimum employment standards in Australia and the Asia-Pacific region. He also leads the Program on Regulation & Design at the Melbourne School of Government and is conducting research on the impact of social procurement policies.

John is an Editor of the Australian Journal of Labour Law and is a Board Director of the Victorian Workplace Injury Commission. He was Chair of the Steering Committee of the Labour Law Research Network from 2015-2019 and was Secretary of the Australian Labour Law Association between 2005-2009. He was Deputy Dean of the Melbourne Law School from 2013-2016.

MEMBERS



Professor Sarah Biddulph

BA, LLB (Syd), PhD (Melb)

Professor Sarah Biddulph's research focuses on the Chinese legal system with a particular emphasis on legal policy, law making and enforcement as they affect the administration of justice in China. Her particular areas of research are contemporary Chinese administrative law, criminal procedure, labour law, comparative law and the law regulating social and economic rights, with a focus on labour law.



Associate Professor Alysia Blackham

BA, LLB (Hons) (Melb), GradDipLegPrac (ColLaw, Syd),
GradCertEdStud (HigherEd) (Syd), PhD (Cantab)

Associate Professor Alysia Blackham holds Bachelor degrees in both Arts and Law (with Hons) from the University of Melbourne, and a PhD in Law from Gonville and Caius College at the University of Cambridge.

Her research focuses on the intersection of employment law, equality law and public law, using empirical evidence to cast new light on legal problems.

Alysia's work concentrates on the consequences of demographic ageing for workplaces. A monograph based on Alysia's PhD thesis, entitled *Extending Working Life for Older Workers: Age Discrimination Law, Policy and Practice*, was published by Hart in 2016, and was awarded second prize in the UK Society of Legal Scholars' Peter Birks Prizes for Outstanding Legal Scholarship in 2017. From 2017–21, Alysia was an Australian Research Council Discovery Early Career Research Fellow, undertaking the project DE170100228, 'Addressing Age Discrimination in Employment'. Her second monograph, *Reforming Age Discrimination Law: Beyond Individual Enforcement* was published by Oxford University Press in 2022, and received the 2022 scholarly monograph/book prize of the Law and Society Association of Australia and New Zealand.

Alysia has worked as a solicitor at Herbert Smith Freehills and taught at the University of Sydney and University of New South Wales. Prior to joining Melbourne Law School, Alysia was the Turpin-Lipstein Fellow and College Lecturer in Law at Clare College, Cambridge and an Affiliated Lecturer at the Faculty of Law, University of Cambridge.



Professor Anna Chapman

BCom, LLB (Hons), LLM (Melb), PhD (Adelaide)

Anna Chapman was a Co-Director of the Centre between 2013 and 2019. In 2018 and 2019 she was the Associate Dean (JD) in the Melbourne Law School, and from June 2020 – December 2022 the Chairperson of the University's Teaching and Learning Quality Assurance Committee.

Anna holds Bachelor degrees in both Commerce and Law (with Hons) from the University of Melbourne, an LLM from the University of Melbourne and a PhD from the University of Adelaide (with a Dean's Commendation for Doctoral Thesis Excellence). Her research focuses on employment law and gender and sexual orientation. This work has engaged particularly with minimum labour standards, including parental leave entitlements and working hours, in addition to the General Protections (adverse action) in the Fair Work Act, unfair dismissal and anti-discrimination law.



Professor Sean Cooney

BA, LLB (Hons), LLM (Melb), LLM, JSD (Columbia)

Professor Sean Cooney's research interests concern international and comparative labour and employment law, with a focus on Asia. He has worked on new approaches to improving international working standards, including on Australian Research Council funded collaborative projects on Chinese labour law reform; enforcement in Australia; and assessing the effect of legal change in several Asia-Pacific countries. He has published articles in major refereed law journals in the United States, Europe, China and Australia.

Between 2014 and 2016, Sean served as a Legal Specialist in the Labour Law and Reform Unit at the International Labour Organisation (ILO) in Geneva, where he provided advice to governments in countries such as China, India, Myanmar and Pakistan. He continues to consult for the ILO particularly in relation to Vietnam and Pakistan. Sean studied at the University of Melbourne and Columbia University and also spent several years as a lawyer practising mainly in the areas of employment and administrative law.

Sean's books include *Law and Fair Work in China*, (2013, Routledge) together with Sarah Biddulph and Zhu Ying and *Resolving Individual Labour Disputes: A Comparative Overview* (2016, International Labour Organisation), which is co-edited with Minawa Ebisui and Colin Fenwick. He is also a co-author of the ILO's 2021 *World Economic and Social Outlook: The role of digital labour platforms in transforming the world of work*.



Professor Beth Gaze

BSc, LLB (Hons) (Monash), LLM (Cal) (Berkeley), PhD (Monash),
Grad. Dip Psych Studies (Deakin)

Professor Beth Gaze's research interests lie in anti-discrimination and equality law, feminist legal thought, and administrative law including tribunals. She has a particular interest in socio-legal research including empirical research. She has published extensively in these areas, and has been the recipient of several Grants from the Australian Research Council. She has previously been a member of Commonwealth and State tribunals including the Social Security Appeals Tribunal and the Mental Health Review Board. Beth teaches

Equality and Discrimination Law, Equality and Discrimination at Work, International Equality Law and Administrative Law.

Beth has acted as an expert adviser to Parliament and to the International Labour Organisation, and is a member of the Editorial Board of the International Journal of Discrimination and the Law. As a member of the Australian Discrimination Law Experts Group she has undertaken extensive consultation and submission on discrimination law reform at state and commonwealth level. She is co-author with Associate Professor Belinda Smith of *Equality and Discrimination Law in Australia: An Introduction* (2017, Cambridge University Press). Beth is also a member of the Centre for Comparative Constitutional Studies.



Dr Julian A Sempill

BA/LLB (Hons) (Melb), DPhil (Oxon)

Dr Sempill's work addresses liberalism, liberal legal thought, and the relationship between the foregoing and capitalism, with a focus on, among other things: capitalist labour relations; for-profit corporations; climate change. Of particular relevance to the CELRL is Dr Sempill's work on: capitalist labour relations; for-profit corporations; and climate change. He was educated at the University of Melbourne and Oxford University, and has taught at Melbourne Law School since 2009.



Professor Joo-Cheong Tham

LLB (Hons) (Melb), LLM (Melb), PhD (Melb)

Joo-Cheong Tham is a Professor at Melbourne Law School with expertise in labour law and public law. His labour law research focuses on the regulation of precarious work. His public law research centres upon law and democracy with a particular emphasis on the role of money in politics.

Joo-Cheong has over 50 scholarly publications including his books on *Money and Politics: The Democracy We Can't Afford* (2010, UNSW Press); *Electoral Democracy: Australian Prospects* (2011, MUP); and *The Funding of Political Parties: Where Now?* (2012, Routledge). His most recent book is *Democracy, Social Justice and the Role of Trade Unions* (2021, Anthem Press; co-edited with Caroline Kelly). In 2022, a co-edited book on *Global Labor Migrations: New Directors* was published.

Joo-Cheong is presently working on a report for the European Trade Union Institute on making labour clauses in trade agreements more effective. He has two current projects on the Asia-Pacific region with the International Institute for Democracy and Electoral Assistance (International IDEA): one on digital campaigning and political finance; and another on democracy and the climate crisis. Joo-Cheong is also researching the role of labour law in the climate crisis.

Joo-Cheong is the inaugural Director of the Electoral Regulation Research Network; Deputy Chair of the Migrant Workers Centre; and a Director of the Centre for Public Integrity. He is also the Victorian Assistant Secretary (Academic Staff) and National Councillor of the National Tertiary Education Union.

SENIOR RESEARCH FELLOWS

Sayomi Ariyawansa (KPMG)

Dr Iain Campbell (Melbourne Law School)

Dr Laura Hilly (VicBar)

Mark Irving KC (VicBar)

HONOURARY PROFESSORIAL FELLOW



Professor Richard Jonstone

Richard is an Honorary Professorial Fellow in the Melbourne Law School.

Richard's research and teaching interests lie in labour law (particularly work health and safety), regulation and socio-legal research. The principal theme in his research is whether and how the health and safety of workers is protected by work health and safety regulation. Richard has been awarded six Australian Research Council grants; has carried out various research consultancies (most recently for the ILO and EU-OSHA); and has completed at least eight major empirical studies on work health and safety regulation, one on protected industrial action ballots under the *Fair Work Act*, and one on learning, teaching and curriculum in Australian Law Schools. His most recent books are *Work Health and Safety Regulation in Australia* (2022, with Michael Tooma); and *Strike Ballots, Democracy, and Law* (2020, with Shae McCrystal, Breen Creighton, Catrina Denvir and Alice Orchiston). He is Editor-in-Chief of the *Journal of Work Health and Safety Regulation*, and from 2012 to 2019 was an Editor of the *Australian Journal of Labour Law*, and from 2006 to 2008 an Editor of the *Legal Education Review*.

Previously, Richard was a founding member and Deputy Director of the Centre, from 1994-1999; the original Director of the National Research Centre for Occupational Health and Safety Regulation at the Australian National University in 2001; the Director of the Socio-Legal Research Centre at Griffith University from 2003-2010; and from 2014 to 2017 the Director of Research in the QUT Law School. Since 2010 he has been a Fellow of the Australian Academy of Law, and since 2020, a member of the Queensland Work Health and Safety Board.

ASSOCIATES

The Centre and its members work regularly in collaboration with a wide network of scholars in the field of employment and labour relations law around Australia and the world.

- Associate Professor Susan Ainsworth, University of Melbourne
- Professor Chris Arup, Monash University
- Professor Michelle Brown, The University of Melbourne
- Professor Cindy Estlund, New York University
- Professor Keith Ewing, Kings College, University of London
- Mr Colin Fenwick, International Labour Organization and Principal Fellow, University of Melbourne
- Professor Anthony Forsyth, RMIT University
- Professor Mark Freedland, University of Oxford
- Professor Judy Fudge, McMaster University
- Professor Peter Gahan, The University of Melbourne
- Professor Tarunabh Khaitan, University of Oxford
- Professor Tim Lindsey, The University of Melbourne
- Dr Petra Mahy, Monash University
- Professor Ronald McCallum, The University of Sydney
- Associate Professor Shelley Marshall, RMIT University
- Professor Richard Mitchell, Monash University
- Dr Jill Murray, Monash University
- Dr Richard Naughton, Monash University
- Mr Anthony O'Donnell, LaTrobe University
- Professor Graeme Orr, University of Queensland
- Professor Rosemary Owens, University of Adelaide
- Professor Marilyn Pittard, Monash University
- Professor Ian Ramsay, The University of Melbourne
- Professor Joellen Riley Munton, University of Technology Sydney
- Professor Andrew Stewart, University of Adelaide
- Professor Katherine Stone, UCLA School of Law
- Professor Leah Vosko, York University, Canada

TEACHING ASSOCIATES

The Centre for Employment and Labour Relations Law draws on a network of colleagues in both legal practice and the academy who participate in the Centre's research and teaching programs. In 2022, we were grateful for the involvement of:

- Ms Carol Andrades, Gordon Legal
- Dr Jill Murray, Monash University
- Ms Catherine Dunlop, Maddocks
- Ms Jodie Fox, Worklogic
- Professor Guy Mundlak, Tel Aviv University
- Mr Paul O'Grady QC, Victorian Bar
- Justice Iain JK Ross AO, President of the Fair Work Commission
- Ms Nadia Stojanova, Victorian Bar

THE ADVISORY BOARD

The Centre's work takes place under the guidance and assistance of an Advisory Board. Members of the Board are distinguished representatives of major institutions, bodies and law firms with an involvement in the employment and labour relations law field.

The members in 2022 were:

- The Honourable Justice Mordy Bromberg (Chair), Federal Court of Australia
- Ms Carol Andrades, Gordon Legal
- Dr Sayomi Ariyawansa, KPMG
- Mr Josh Bornstein, Maurice Blackburn
- The Honourable Alan Boulton AO, formerly of the Fair Work Commission
- Mr Trevor Clarke, Australian Council of Trade Unions
- Mr Marcus Clayton, Gordon Legal
- Ms Kaitlyn Gulle, Lander & Rogers
- The Honourable Peter Gray AM, formerly of the Federal Court of Australia
- Dr Laura Hilly, Victorian Bar
- The Honourable Associate Justice Mary-Jane Ierodiconou, Supreme Court of Victoria
- Mr Ross Jackson, Maddocks
- Mr Murray Kellock, King Wood & Mallesons
- Commissioner Tim Lee, Fair Work Commission
- Mr Jon Lovell, Ashurst
- Mr Nick Ruskin, K&L Gates
- Ms Sandra Parker, Fair Work Ombudsman
- Mr Charles Power, Holding Redlich
- Ms Sarah Rey, Justitia
- Mr Joe Kennedy, Hall Payne Lawyers
- Mr Michael Tamvakologos, Seyfarth Shaw
- Mr John Tuck, Corrs Chambers Westgarth
- Ms Katie Sweatman, Kingston Reid

CENTRE SPONSORS

The support of sponsors is essential to the continued operation of the Centre, both in terms of the financial contributions that sponsors make to the resources of the Centre, and in terms of the involvement of sponsoring firms in providing advice and counsel for the Centre. One representative from each of the Centre's sponsors sits on the Centre's Advisory Board.

The Centre's sponsors in 2022 were:

ashurst



Fair Work
OMBUDSMAN

KINGSTON
REID



HOLDING REDLICH

JUSTITIA

K&L GATES

KING & WOOD
MALLESONS

Lander & Rogers
Lawyers



Maddocks

Maurice
Blackburn
Lawyers
Since 1919

SEYFARTH
SHAW

CORRS
CHAMBERS
WESTGARTH
lawyers

HPL HALL
PAYNE
LAWYERS

Gordon
Legal

RESEARCH

The Centre is Australia's first research centre devoted exclusively to developing an understanding of the role and function of legal regulation of the labour market. Centre members are engaged in research in diverse aspects of the broad field of employment and labour law and labour market regulation. Areas of particular interest and expertise include the enforcement of minimum employment standards, international labour rights and standards, temporary migrant worker rights, and discrimination and inequality in employment and the labour market.

During 2022, Centre members pursued a number of specific research projects. Short descriptions of the Australian Research Council funded projects follow.

Further information on all of the research projects can be found on our website at:

law.unimelb.edu.au/centres/celrl/research/current-research-projects

AUSTRALIAN RESEARCH COUNCIL (ARC) FUNDED RESEARCH PROJECTS

FORMAL AND INFORMAL REGULATION OF LABOUR DISPUTES IN SOUTHEAST ASIA

Centre Member: **John Howe** (with Prof Carolyn Sutherland, Prof Richard Mitchell, Dr Petra Mahy, and Dr Ingrid Landau).

This three-year research project, funded by the Australian Research Council (ARC) Discovery Projects scheme, is investigating the complex regulation of labour disputes in Indonesia, the Philippines and Vietnam. Effective rules and institutions for the resolution of collective labour disputes are integral features of a sound industrial relations system. Yet in many developing countries, formal channels for the resolution of such disputes are largely ineffective. This heightens the risk of industrial disruption and encourages reliance on informal modes of regulation. The project is providing an empirical analysis of existing modes and models of labour regulation, informing policy development and the activities of agencies involved in labour dispute resolution in the region.

WORK IN FRANCHISES: SEARCHING FOR SOLUTIONS AT THE REGULATORY FRONTIER

Centre Member: **Tess Hardy**

The underpayment scandals that have engulfed 7-Eleven, Domino's Pizza and other well-known franchises have generated significant public concern and substantial law reform. This project combines comparative doctrinal analysis of labour and competition and consumer laws, with mixed methods research, to examine the effectiveness of regulatory frameworks and initiatives designed to enhance and ensure work-related rights and responsibilities within franchise systems. This innovative, legally grounded approach will provide a coherent, principled platform for regulating key risks that arise in franchises, and other novel business networks.

OTHER FUNDED RESEARCH PROJECTS

- **Alysia Blackham, Beth Gaze**, Leah Ruppanner, and Susan Ainsworth, 'Workplace Gender Equality in the Public Service' (July 2022- 2023) Commissioner for Gender Equality in the Public Sector (CGEPS)
- **Alysia Blackham, Beth Gaze**, Leah Ruppanner, Susan Ainsworth, and Brendan Churchill, 'Caring and Workplace Gender Equality in the Public Sector in Victoria', Commission for Gender Equality in the Public Sector (CGEPS), Research Grants
- **Sean Cooney, Beth Gaze, Tess Hardy** and **John Howe**, 'Fair Work Commission: Assessment of Tribunal Excellence'
- **Sean Cooney**, International Labour Organization, ILO-SOUTH ASIA, lead International Consultant on Reform and Consolidation of Labour Laws in Pakistan
- **Sean Cooney**, International Labour Organization, RESEARCH, Valuing the Essential: World Employment and Social Outlook 2023 (author of review of international work health and safety law)
- **Beth Gaze**, Lisa Waddington, 'The Use of International Human Rights Law by Australian Courts' MLS Research Excellence Fund
- **Tess Hardy**, David Peetz and Negar Faaliyat, 'Comparative Review of Employment Law Enforcement', Resolution Foundation (UK)
- **Tess Hardy** and **John Howe**, 'Fair Work Ombudsman (FWO), Assessing the Impact of FWO Administrative Sanctions', Fair Work Ombudsman
- **John Howe** and Timothy Kariotis, 'A Fair Day's Work: Detecting Wage Theft with Data', funded by Paul Ramsay Foundation
- **Joo-Cheong Tham**, 'Making Labour Provisions in Trade Agreements More Effective', European Trade Union Institute
- **Joo-Cheong Tham**, 'Digital Campaigning and Political Finance: A Regional Study of the Asia-Pacific', International IDEA
- **Joo-Cheong Tham**, 'Democracy and the Climate Crisis: Perspectives from the Asia-Pacific', International IDEA

RESEARCH STUDENTS UNDER THE SUPERVISION OF CENTRE MEMBERS

The Centre and its members are active in encouraging and supervising the work of students working towards a research higher degree in employment and labour relations law. Candidates are supervised by a Centre member and have the opportunity to participate in Centre projects and activities while completing their research.

BEN CARRICK (PhD CANDIDATE)

Title: Residing Permanently in the Midst of the Border: Why discrimination law fails indefinitely temporary migrants and how the disaggregation of citizenship can come to their aid

Supervisors: Beth Gaze and Jenny Beard

Description: The thesis explores the impact of the immigration jurisdiction as a limit on discrimination and equality law in Australia and Canada. Understanding state borders as detached from territorial boundaries, it focuses how the borders of these two states attach to individuals and alter the way that discrimination and equality law attaches to them. This thesis was completed in 2022.

LIAM ELPHICK (PhD CANDIDATE)

Title: Queer Discrimination Law: Histories, Realities and Futures

Supervisors: Beth Gaze and Alysia Blackham

Description: Queer history has been largely characterised by inequality and exclusion. Living largely on the fringes of society, LGBTIQ+ people have faced discrimination in all sectors of civic life. In employment, in education, in the provision of goods and services, and in a range of other areas, queer people have borne the brunt of societal stigma and prejudice. These battlegrounds have changed over time with improvements for some groups in certain areas, for instance gay men and lesbians in employment, while other areas have remained problematic for queer people, such as religious schools and single-sex spaces for women. Discrimination has become less overt in recent years, but there is little doubt that queer people still face significant systemic barriers to full participation in society. Through historical, doctrinal and comparative analysis in Australia, Canada and the United Kingdom, this thesis asks: how can discrimination law best protect queer people?

CAROLINE KELLY (PhD CANDIDATE)

Title: The Influence of Administrative Law Principles in Australian Labour Law

Supervisors: Joo-Cheong Tham and Jason Varuhas

Description: The extent, and manner in which, doctrines of administrative law find expression in labour law has been the subject of little scholarly interrogation in Australia. In particular, whilst it has been observed that certain features of Australian labour law bear similarity to, and appear to have been influenced by, doctrines of administrative law, these connections have not been investigated in any detail.

This thesis seeks to commence that inquiry by examining the way in which administrative law doctrines – such as procedural fairness, reasonableness and proportionality – are reflected in the regulation and control of employer discretion within the employment relationship. To this end, three case studies are examined: the creation of the employment relationship, the control and discipline of employees during employment and termination of employment. This thesis argues that administrative law doctrines find expression in labour law because the two fields share a common normative concern with the control and distribution of power and its abuse. It is argued that administrative law doctrines do and should play an important role in shaping the nature and scope of employer power in the inherently uneven relationship of employment.

MELISSA KENNEDY (PhD CANDIDATE)

Title: Criminalising “Wage Theft” in Australia: Practical and Theoretical Implications

Supervisors: Sean Cooney and Jeremy Gans

Description: In Australia, as a response to widespread and systemic underpayment of statutory labour entitlements (such as rates of pay and leave loadings), Victoria and Queensland have enacted criminal offences for ‘wage theft’. This thesis seeks to test the policy assumptions that have underpinned the reform agenda to criminalise underpayments. The policy assumptions are: 1) criminal sanctions are likely to deter underpayments from occurring in the first place or in the future, 2) ‘wage theft’ is akin to theft and stealing and therefore justifies criminal sanctions for breach and 3) criminal sanctions fit neatly with the civil enforcement system operating at federal level. This thesis addresses these issues by considering the policy background and relevant academic literature to make a preliminary assessment of whether the introduction of criminal sanctions for ‘wage theft’ represents a positive policy development in Australia.

JACQUELINE MEREDITH (PhD CANDIDATE)

Title: The Work/Non-Work Divide in Labour Law

Supervisors: John Howe and Anna Chapman

Description: Australian labour law draws a boundary between what is regulated as work and what falls outside the scope of labour law because it is seen as insufficiently connected to work. This work/non-work divide is considered when determining: (i) whether an employee's off-duty conduct is sufficiently connected to their employment for the purpose of unfair dismissal law; (ii) whether a worker's injury is sufficiently work-related for the purpose of workers' compensation law; and (iii) whether harassment or bullying is sufficiently connected to work. This thesis reveals that workers' rights and interests—including rights to private life, autonomy, and dignity—are frequently subordinated to employers' rights and interests when drawing the work/non-work divide. In considering the normative question of how the work/non-work divide should be drawn, it is argued that increased weight should be given to worker rights and interests, so as to better align the work/non-work divide with labour law's overarching goal of recognising and protecting the worker as a human being.

MORGAN NYLAND (PhD CANDIDATE)

Title: Australian Domestic Human Rights Legislation and the Employment Relationship

Supervisors: Sean Cooney and John Tobin

Description: This thesis asks whether the statutory bills of rights introduced in the Australian Capital Territory, Victoria, and Queensland ('Charters') may significantly impact on the employment relationship. In contrast to their overseas counterparts, especially in Canada and Europe, Australian labour law scholars and practitioners have afforded domestic human rights instruments very little attention. Drawing on comparative scholarship and jurisprudence, the thesis conducts a sustained analysis of several Charter rights at work. The research aims to reveal areas where the Charters have significant and under-explored implications for employment and industrial relations and areas where it is unlikely they will make a substantial impression.

ADRIANA ORIFICI (PhD CANDIDATE)

Title: Seeking Justice for Workers During Workplace Investigations: Rethinking the Legal Approach

Supervisors: Beth Gaze and Anna Chapman

Description: Workplace investigations are commonly conducted by organisations, into a range of matters such as harassment and bullying, as well as work health and safety incidents. Although an increasing phenomenon in workplaces, little is known about the actual practices of workplace investigations and how they are regulated by law. This thesis undertakes the first comprehensive analysis of the empirical and legal dimensions of workplace investigations in Australia.

AMY RAUB (PhD CANDIDATE)

Title: Laws to Advance Gender Equality in the COVID-19 Pandemic: Addressing the Increased Conflict Between Work and Caregiving

Supervisors: Leah Ruppanner and Alysia Blackham

Description: The COVID-19 pandemic has markedly increased the conflict between work and caregiving, disproportionately affecting women's economic opportunities. Laws and policies shape individuals' ability to balance work and care needs by ensuring job protection and income support. This thesis seeks to understand the approaches that countries are taking to addressing work and caregiving by constructing quantitatively comparable measures of policies across countries that matter to gender equality. These are: (1) the availability of paid leave for child care needs during school closures, (2) the permanent availability of paid leave to care for sick children, and (3) whether paid leave policy design supports gender equality in providing care.

TEACHING AND LEARNING

Members of the Centre teach a number of programs in labour and employment law in the Law School. In addition, the Centre has a sizeable cohort of PhD students under the supervision of Centre members (see above). All students that are taught, and supervised, by Centre members are encouraged to take part in various activities within the Centre, including the Labour Law Seminar Series.

SUBJECTS IN THE JD PROGRAM

The employment and labour relations law subjects offered in 2022 were:

- Employment Law (offered twice) (**Sean Cooney** and **Anna Chapman**)
- Public Interest Law Clinic (Kate Fischer-Doherty)
- Equality and Discrimination Law (**Beth Gaze**)

THE MELBOURNE LAW MASTERS PROGRAM

Melbourne Law School offers a range of different teaching programs as part of the Melbourne Law Masters Program. **Sean Cooney** was the Director of Studies for the Employment and Labour Relations Law Graduate Program in 2022.

Coursework Programs:

- Master of Employment and Labour Relations Law
- Graduate Diploma in Employment and Labour Relations Law
- LLM by coursework
- LLM by major thesis

Research Programs:

- LLM by major thesis
- MPhil
- PhD

The subjects offered in 2022 were:

- Bargaining at Work (Nadia Stojanova)
- Conducting Workplace Investigations (Jodie Fox)
- Digital Technologies and Labour Law (**Alysia Blackham** and **Sean Cooney**)
- Employment Contract Law (**Tess Hardy** and Paul O'Grady KC)
- Equality and Discrimination at Work (**Beth Gaze** and Carol Andrades)
- International Employment and Discrimination Law (**Sean Cooney** and **Beth Gaze**)
- Labour Standards and their Enforcement (**John Howe** and **Anna Chapman**)
- Principles of Employment Law (**Joo-Cheong Tham**) (offered twice in 2022)
- Workplace Health and Safety (Catherine Dunlop)

Further information regarding the program can be obtained from the Melbourne Law Masters website at: law.unimelb.edu.au/study/masters/courses

KNOWLEDGE TRANSFER AND COMMUNITY ENGAGEMENT

During 2022 the Centre was engaged in a range of knowledge transfer activities. These exchanges took place through a variety of mechanisms including the Centre's two Seminar Series, and the involvement of Centre members in editorial roles with the Australian Journal of Labour Law.

SEMINAR SERIES

The Centre ordinarily hosts both Labour Law Seminars and Sponsors' Seminars throughout the year. Labour Law Seminars are free public seminars, which are intended to be of interest to a wide audience including academics, members of the legal profession, and those engaged in the day to day business of industrial relations and/or human resource management. Among other things, the Labour Law Seminar Series provides an opportunity for Centre members, visitors and associates, together with invited speakers, to present preliminary results of their research into the operations of labour and employment law. Sponsors' Seminars are often more conversational in nature and open only to employees of sponsoring firms.

In addition to the Sponsors' Seminar program and the Labour Law Seminar program, in 2022 the Centre hosted a number of public events as well as events for academics. The following events were hosted in 2022:

- Hybrid workshop, 'Age(ing) Futures: Reimagining Age Equality at Work', 7 February 2022 (coordinated by **Alysia Blackham**).
- Online panel discussion, Alan Bogg (University of Bristol) and **Sean Cooney**, 'International and Comparative Perspectives on Jamsek and Personnel Contracting', Chaired by **Tess Hardy**, 5 April 2022.
- Online webinar presented by Ingrid Landau (Monash University) and **John Howe**, 'Federal Government Procurement and the Implementation of Modern Slavery Legislation', co-hosted with the Melbourne School of Government and the Labour, Equality and Human Rights Research Group at Monash University. Held on 17 May 2022.

- The Centre hosted an in-person academic Labour Law Policy Roundtable on 12 August 2022 (coordinated by Tess Hardy). The workshop was designed to contribute to public debate and policy development leading up to the Albanese Government's Jobs and Skills Summit. Speakers and topics included:
 - Andrew Stewart (University of Adelaide) – The Role of the Fair Work Commission and Regulation of Casual Employment
 - Joellen Riley Munton (UTS) - Defining Employment and Work Relationships under the Fair Work Act
 - Iain Campbell and Sara Charlesworth (RMIT) - National Employment Standards
 - Anthony Forsyth (RMIT) and Shae McCrystal (University of Sydney) - Collective Bargaining and Agreement Making
 - Tess Hardy – Compliance and Enforcement
 - John Howe and Ingrid Landau (Monash) – Procurement Policies
 - Sean Cooney – An International Perspective
 - Beth Gaze – Gender Equality and Sexual Harassment
 - Alysia Blackham - Anti-Discrimination Law and Positive Duties

Following the Workshop, the Centre published a series of [Policy Briefs](#), some of which were based on presentations at the Workshop.

- Online webinar to celebrate the publication of *Reforming Age Discrimination Law: Beyond Individual Enforcement* authored by Alysia Blackham, on 12 September 2022. Chaired by Beth Gaze, the panel included:
 - Emeritus Professor Rosalind Croucher, President of the Australian Human Rights Commission
 - Hon. Anthony North QC, Chairperson, Victorian Law Reform Commission
 - Emeritus Professor Andrew Byrnes, Australian Human Rights Institute, Faculty of Law and Justice, University of New South Wales
 - Oanh Tran, Principal Solicitor, Young Workers Centre

JOURNAL EDITORSHIP

The Australian Journal of Labour Law is the leading Australian scholarly publication in its field, publishing three issues per year. The Centre is the Journal's administrative home. In 2022, the journal's co-editors were **John Howe**, Professor Shae McCrystal (University of Sydney), and Professor Andrew Stewart (University of Adelaide), and the associate editor was **Melissa Kennedy**. Other Centre members involved in the Journal's editorial committee were **Anna Chapman**, **Sean Cooney** and **Joo-Cheong Tham**. The work of the editorial team in 2022 was ably supported by a team of student editorial assistants drawn from the student body of Melbourne Law School.

In addition, Centre members were involved in the following editorial duties:

- **Alysia Blackham**, Member, International Advisory Board, 'Studies in Law and Social Justice' series, Alan Bogg and Virginia Mantouvalou (eds), Policy Press
- **Iain Campbell**, Member, International Advisory Board, British Journal of Industrial Relations
- **Iain Campbell**, Member Editorial Board, Labour and Industry
- **Sean Cooney**, Member, Advisory Board, University of Bologna Law Review
- **Sean Cooney**, Member, Advisory Board, National Taiwan University Law Journal
- **Sean Cooney**, Co-Editor, Dispatches, Comparative Labor Law and Policy Journal
- **Beth Gaze**, Member, Editorial Committee, International Journal of Discrimination and Law
- **Joo-Cheong Tham**, Series Editor, Anthem Studies in Australian Economics and Society

ASSOCIATIONS

THE AUSTRALIAN LABOUR LAW ASSOCIATION

The Centre is the administrative home of the Australian Labour Law Association (ALLA). The most recent AGM of ALLA was held on 18 November 2021. The ALLA Executive Committee was confirmed as Professor Anthony Forsyth (President); Professor Shae McCrystal (Vice-President); Associate Professor Dominique Allen (Secretary); and Ms Emma Goodwin (Treasurer). CELRL Co-Director **Tess Hardy** continues as a member of the National Committee.

For further information about ALLA, please visit: law.unimelb.edu.au/alla

REGULATING FOR DECENT WORK NETWORK

The Centre continued its involvement in the RDW Network in 2022. The Centre is one of the founding members of the RDW Network. The RDW is a collaboration between researchers at the International Labour Organisation (ILO), the University of Amsterdam's Amsterdam Institute for Labour Studies / Hugo Sinzheimer Instituut (AIAS-HSI), the Centre for Employment and Labour Relations Law (CELRL), Jawaharlal Nehru University's Centre for Informal Sector and Labour Studies (CISLS), the University of Durham's Law School (DLS), the Cornell University's ILR School, the University of Duisburg-Essen's Institut Arbeit und Qualifikation (IAQ), the Institute for Applied Economic Research (IPEA), the Korea Labor Institute (KLI), the University of Manchester's Work and Equalities Institute (WEI), and other academic and policy institutions from across the world.

The Network is interdisciplinary and involves researchers from a range of fields including economics, law, sociology, development studies, industrial relations and geography. The objective of the Network is to foster research and exchange of ideas concerning the role of labour and employment law protections in fostering economic development. The Network also aims to advance research and policy directions tailored towards making labour market regulation more effective.

For further information about RDW, please visit: <https://www.ilo.org/global/research/events-courses/rdw/lang--en/index.htm>.

LABOUR LAW RESEARCH NETWORK (LLRN)

The LLRN is the leading international network of institutes, centres and researchers in the field of labour law. The Centre assisted in the formation of the LLRN in 2011. There are now over 70 labour law research centres from all over the world which are members of the Network, including the CELRL. The goal of the LLRN is to advance research in labour law, and specifically to facilitate the dissemination of research work and encourage open discussion of scholarship and ideas in this field. All individual labour law scholars are welcome to join, whether affiliated with a research centre or not.

The LLRN holds a biennial international conference, with the 6th Conference being held in Warsaw, Poland in June 2023, co-hosted by the University of Warsaw and University of Lodz in Poland.

For further information about the LLRN, please visit: labourlawresearch.net/.

MEDIA ENGAGEMENT

ALYSIA BLACKHAM

- Interviewed for and quoted in Sarah Marinos, '[A Light at the End of The Inequality Tunnel?](#)', *Pursuit*, 5 December 2022
- Interviewed for and quoted in Rachel Clayton, '[Older residents on the Bellarine Peninsula are defying ageism and returning to the workforce](#)', *ABC News*, 15 November 2022
- Interviewed by Stephanie Anderson on Channel 9 News Melbourne, 12 August 2022
- Interviewed by Mandy Presland on *ABC News Radio*, 27 June 2022
- Quoted in Jacqueline So, '[Highlight: COVID-19 sparked unconscionable conduct, unfair dismissal concerns](#)', *Australasian Lawyer*, 15 March 2022
- Interviewed for Campus Review, '[The benefits of creating an age-friendly higher education environment](#)' (2022)
- Interviewed for RightsUp podcast, '[I Can Hear Another Ambulance': The Rise of Exponential Inequalities During COVID-19](#)' (2022)

BETH GAZE

- Published a piece on the US Supreme Court's Dobbs decision overturning *Roe v Wade*): Beth Gaze, *Overturning history | Pursuit by The University of Melbourne Pursuit*, University of Melbourne
- Interview with The Defra on the Religious Discrimination bill after its passage in the House of Reps. Podcast as: '[Australia's controversial plan to prevent religious discrimination](#)'
- Interview with William Summers of RMIT Fact Check on the Religious Discrimination Bill and the origins of the religious schools exception for sexual orientation and gender identity
- Interviewed for podcast on 'Exponential Inequalities' for Oxford Human Rights hub
- Interviewed on 3AW by Jacqui Felgate on 4 July about the Athaneum Club voting to remain single sex and whether this contravenes discrimination laws
- Interviewed on air with CNA Singapore (Singaporean multinational news channel owned by the country's national public broadcaster) on '[discrimination against women at work in India](#)'

TESS HARDY

- Interviewed for and quoted in Rhiana Whitson, '[This teenager says Subway ripped her off, and she's taking her fight to the Fair Work Commission](#)' *ABC News Online*, 2 April 2022

JOHN HOWE

- Interviewed for and quoted in Kellie Scott, 'Does your employer have to recognize the Queen's memorial public holiday?', *ABC Everyday*, 13 September 2022
- Interviewed for and quoted by David Marin-Guzman, 'Legal action soars as Ombudsman pursues underpayment of wages', *Australian Financial Review*, 30 October 2022

JOO-CHEONG THAM

- 'Why permanent residents and long-term temporary visa-holders should be able to vote in federal elections', *The Conversation*, 20 October 2022
- 'How to deal with fossil fuel lobbying and its growing influence in Australian politics', *The Conversation*, 19 August 2022
- 'The Health and Medical Research Gig Economy and How to Fix it', *Labour Law Down Under*, 15 August 2022 (with Martin Stebbing)
- 'Few Australians have the right to work from home even after Covid. Here's how that could change', *The Conversation*, 29 July 2022
- 'What's climate go to do with the electoral reform? More than you might think', *The Conversation*, 19 July 2022
- 'Higher education, a sector in crisis and what can be done: the case of Melbourne University', *Labour Law Down Under*, 13 May 2022, Republished by the National Tertiary Education Union

OTHER ENGAGEMENT

ALYSIA BLACKHAM

- Member, International Advisory Board of the Berkeley Comparative Equality & Anti-Discrimination Law Study Group
- Member, Australian Discrimination Law Experts Group
- Member, Discrimination Law Service Providers Group (Victoria)
- Member, Socio-Legal Studies Association (UK)
- Member, Society of Legal Scholars (UK)
- Member, Australian Labour Law Association
- Member, Australasian Law Academics Association
- Founder and inaugural convener, Age Equality Working Group, Berkeley Center on Comparative Equality & Anti-Discrimination Law (international network bringing together scholars with an interest in age equality)
- With the Australian Discrimination Law Experts Group (joint lead author), 'Submission of the Australian Discrimination Law Experts Group on the Northern Territory Department of Justice and Attorney General, Exposure Draft Anti-Discrimination Bill 2022' (2022)

- With the Australian Discrimination Law Experts Group (joint lead author), 'Submission of the Australian Discrimination Law Experts Group to the Queensland Human Rights Commission Review of Queensland's Anti-Discrimination Act' (2022)
- With the Australian Discrimination Law Experts Group (joint lead author), 'Submission of the Australian Discrimination Law Experts Group in response to the ACT Government's Inclusive, Progressive, Equal: Discrimination law reform: *Discussion Paper 1 – Extending the Protections of Discrimination Law*' (submitted to the ACT Justice and Community Safety Directorate, 2022)

IAIN CAMPBELL

- Member, International Working Party on Labour Market Segmentation
- Member of RC 44 (Labour Movements) and RC 30 (Sociology of Work), International Sociological Association
- Member of RDW (Regulating for Decent Work) network
- Member, Australian Labour Law Association

ANNA CHAPMAN

- Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics of Australia and NZ (AIRAANZ)

SEAN COONEY

- Member, Australian Labour Law Association
- Member, Global Law Faculty, Peking University Law School
- Submission to the parliamentary inquiry into the Fair Work (Secure Jobs Better Pay) Bill 2022 (November, 2022)
- Submission to the Joint Parliamentary Committee on Treaties into Australia's ratification of ILO Convention 190 on Violence and Harassment in the World of Work
- Submission to the Victorian Government Inquiry into On-Demand Workforce: Proposed Fair Conduct and Accountability Standards
- Participant, roundtable organised by the Chinese Academy of Social Sciences on the codification of Chinese labour law

BETH GAZE

- Member, Australian Labour Law Association
- Member, Discrimination Law Association (UK)
- Member, Australian Discrimination Law (Academic) Experts Group
- Gave evidence (by invitation) to the Commonwealth Joint Standing Committee on Parliamentary Standards Inquiry into matters relating to the development of codes of conduct for Commonwealth Parliamentary Workplaces
- Participated in consultation meetings on the following issues:
 - Respect@Work implementation (Cth attorney-General's department, March);
 - Regulation of AI and Automated Decision Making Issues paper (with Cth Dept of Prime Minister and Cabinet, June);
 - Religious exceptions to Discrimination Laws (with Australian Law Reform Commission October).
- Contributing author to submissions by the Australian Discrimination Law Experts Group (ADLEG) on the following issues:
 - Commonwealth Attorney-General's office on Implementing the remaining recommendations of the Respect@Work report
 - Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022
 - Northern Territory Department of Justice and Attorney General, Exposure Draft Anti-Discrimination Bill 2022
 - Commonwealth Attorney-General's Department, Respect@Work Survey
 - Queensland Human Rights Commission, Review of Queensland's Anti-Discrimination Act
 - ACT Government's Inclusive, Progressive, Equal: Discrimination law reform: Discussion Paper 1 – Extending the Protections of Discrimination Law

TESS HARDY

- Member, National Committee Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics Australia and New Zealand
- Submission to the Consultation on the Fair Conduct and Accountability Standards for the On-Demand Economy, February 2022

JOHN HOWE

- Director, Melbourne School of Government
- Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics Australia and New Zealand
- Member, Institute of Public Administration Australia
- Member, Labour and Employment Relations Association (USA)
- Board Director, Victorian Workplace Injury Commission
- Invited participant in Australian Government Department of Home Affairs, Policy Consultation on Migrant Worker Exploitation, 27 October 2022.
- Member of Advisory Committee, Study into the scale and nature of labour market non-compliance in the UK, funded by ESRC and the Directorate of Labour Market Enforcement (2022-2023)
- Member of Department of Employment and Workplace Relations (Cth) RegTech Award Compliance Strategic Working Group (2021-present)
- Melbourne School of Government Submission to Australian Government Employment White Paper Consultation, 30 November 2022 (with Sophie Lamond and Warren Staples)
- Chair, McKinnon Prize in Political Leadership Shortlisting Committee

JOO-CHEONG THAM

- Victorian Assistant Secretary (Academic Staff) and National Councillor, National Tertiary Education Union
- Member, Industrial Legislation Committee, Australian Council of Trade Unions
- Advisory Board Member, Global Labor Migration Network, Global Migration Studies Centre, University of Maryland
- Director, Centre for Public Integrity
- Member, Australian Labour Law Association

CONFERENCES AND SEMINAR PAPERS

During 2022, members of the Centre delivered papers to a range of Australian and international conferences and workshops.

FEBRUARY

- **Alysia Blackham**, 'The Difficult Relationship between Federalism and Inequality: A Case Study of Australian Age Discrimination Law', ANU Law 60th Anniversary Conference, Public Law and Inequality, Canberra
- **Alysia Blackham**, 'Reimagining Discrimination Law: Towards a Life Course Approach', *Age(ing) Futures: Reimagining Age Equality at Work*, Melbourne Law School.
- **Beth Gaze**, 'Intersectionality in Action: An in-depth look at the Operationalisation of the Victorian Gender Equality Act', Public Seminar for the Commissioner for Gender Equality in the Public Sector (Vic).

MARCH

- **Alysia Blackham**, 'Healthy Ageing at Work' *Virtual Conference on Healthy Ageing*, Hokkaido University, Japan

APRIL

- **Alysia Blackham**, 'Shifting the Burden of Proof: Addressing the Limits of Individual Enforcement?' SLSA 2022, York
- **Alysia Blackham**, 'Reforming Age Discrimination Law: Beyond Individual Enforcement', I·CON Aus/NZ Constitutional Theory Group Plenary Conference, Canberra

MAY

- Alysia Blackham, 'Setting the Framework for Accountability for Algorithmic Discrimination at Work', Berkeley Digital Equality Working Group Conference, 2022.

JUNE

- **Alysia Blackham**, 'Digital Platforms and the Future of the Care Economy', *Digital Government Festival*, University of Melbourne
- **Alysia Blackham** and Anne Hewitt, "'Pragmatism or Oversight": The Arbitrary Exclusion of Equality Protections for Non-standard Workers?' *Berkeley Center on Comparative Equality & Anti-Discrimination Law Annual Conference*, Hong Kong
- **Alysia Blackham**, 'A Life Course Approach to Addressing Exponential Inequalities: Age, Gender, and COVID-19', *Berkeley Center on Comparative Equality & Anti-Discrimination Law's Annual 2022 Meeting*, Hong Kong
- **Beth Gaze**, 'Gender Equality, positive duties and the challenge of compliance' - Berkeley Center on Comparative Equality & Anti-Discrimination Law (BCCE) 9th Annual Conference 2022 (Hong Kong, online)
- **Beth Gaze**, Plenary Discussion II [Book Talk] 'Exponential Inequalities: Equality Law in Times of Crisis' BCCE conference Hong Kong
- **Beth Gaze**, 'Gender Equality, positive duties and the challenge of compliance' - Law and Society Association International Conference (Lisbon, online)

JULY

- **Alysia Blackham**, 'Remedies and Positive Duties', ICON-S 2022 - *Equal Rights Trust Forum - Protecting Minorities*, The International Society of Public Law, Wroclaw, Poland.
- **Alysia Blackham**, 'Remedy without Reckoning? Critiquing the Enforcement of Age Discrimination Law' *Global Meeting on Law and Society*, Lisbon.
- **Alysia Blackham**, 'Life Course Legislating? Contextualising Age Discrimination' ESA RN01 Midterm Conference, Vienna.
- **Alysia Blackham**, 'Evolution for a Revolution: Challenging Legal Education and Scholarship through Empirical Research Methods', *Australasian Law Academics Association Conference 2022*, Melbourne.
- **Alysia Blackham**, 'Learning to Juggle: Progressing Your Career as an ECA', *Australasian Law Academics Association 2022 Conference Early Career Day*, Melbourne.
- **Beth Gaze**, 'Anti-discrimination law – achievements, challenges, the way ahead' - Castan Centre for Human Rights Law – Annual Conference 2022 (by invitation)

AUGUST

- **Alysia Blackham**, 'Equality Law and Positive Duties: Recommendations for Federal Reform', Labour Law Policy Roundtable, Centre for Employment and Labour Relations Law
- **Iain Campbell** and Sara Charlesworth, 'Strengthening and Extending the National Employment Standards (NES)', Labour Law Policy Roundtable, Centre for Employment and Labour Relations Law
- **Beth Gaze**, 'Abortion services in the US and Australia after Dobbs v Jackson Women's Health Organization' UOM Health Law and Ethics Network
- **Beth Gaze**, 'Labour law under an Albanese government: Gender equality and Sexual Harassment', Labour Law Policy Roundtable, Centre for Employment and Labour Relations Law
- **Tess Hardy**, Labour Law Policy Roundtable, Centre for Employment and Labour Relations Law
- **John Howe** and Ingrid Landau, 'Labour law under an Albanese Government: Procurement Policy', Labour Law Policy Roundtable, Centre for Employment and Labour Relations Law

SEPTEMBER

- **Alysia Blackham**, 'Enforcing Equality Law Beyond Individual Enforcement' *Enforcing EU Labour Law (and beyond)*, European Trade Union Institute, Brussels
- **Alysia Blackham**, 'Abandoning Individual Enforcement? Interrogating the Enforcement of Age Discrimination Law' *Society of Legal Scholars Annual Conference*, London

OCTOBER

- **Alysia Blackham**, 'Older Workers, Unfair Dismissal and Age Discrimination Law: Strengthening Employment Protection?' *Older Workers and the Future of Work: Theory, Concepts and Advancements in Employment Protection, Non-discrimination and Collective Bargaining*, Lund University, Sweden
- **Anna Chapman**, Panel member, 'Future-proofing Work Relations in Times of Crisis and Change', 12th Ron McCallum Debate, Wesley Conference Centre, Sydney
- **Joo-Cheong Tham**, 'Digital Campaigning and Political Finance in the Asia and Pacific region', Electoral Regulation Research Network, Melbourne Law School

NOVEMBER

- **Alysia Blackham**, 'Muddling Through: Implications for Advocacy', Australian Discrimination Law Experts Group Meeting, Adelaide
- **Alysia Blackham** and **Sean Cooney**, 'The Many Labour Law Research Methods' 2022 *Labour Law Teaching & Research Workshops*, Australian Labour Law Association Annual Conference, Sydney
- **Alysia Blackham**, 'Ageing in a Digital Working World: Towards Inclusive Workplaces?', *Healthy Ageing and the Good Life*, Hokkaido University, Japan
- **Tess Hardy**, **John Howe** and Sarah Spencer, 'Iron Fist in a Velvet Glove? A Review of Enforceable Undertakings under the Fair Work Act', presented at the Australian Labour Law Association National Conference, 2022
- Anthony Forsyth, **Tess Hardy** and Shae McCrystal, 'Collective Bargaining in Fissured Work: Key Challenges, Novel Experiments and Possible Reforms', presented at the Australian Labour Law Association National Conference, 2022

DECEMBER

- **Joo-Cheong Tham**, 'The Ecology of Labour Law: From Othering to Embedding', Universitat Pompeu Fabra, Barcelona

PUBLICATIONS

During 2022, Centre members' research appeared in a wide range of publications, both Australian and international.

BOOKS

- **Alysia Blackham**, *Reforming Age Discrimination Law: Beyond Individual Enforcement* (Oxford Monographs on Labour Law, Oxford University Press, 2022, 400pp)
- **Joo-Cheong Tham**, Andrea Carson, Amy Chinnappa, Adhy Aman, *Digital Campaigning and Political Finance in the Asia and the Pacific Region* (Stockholm, International Institute for Democracy and Electoral Assistance, 2022, 118pp)
- Eileen Boris, Heidi Gottfried, Julie Greene and **Joo-Cheong Tham** (eds), *Global Labor Migration: New Directions* (Chicago, University of Illinois, 2022, 345pp)

BOOK CHAPTERS

- **Sarah Biddulph**, 'One Law to Rule Them All: The First Labour Law of the People's Republic of China' in Ivan Franceschini, Christian Sorace (eds) *Proletarian China: A Century of Chinese Labour* (London, Verso, 2022) 513-524
- **Sarah Biddulph**, 'The Chinese Approach to Human Rights', 2022 64(1) *German Yearbook of International Law* (Duncker & Humblot, 2022)
- **Alysia Blackham**, 'Non-Discrimination on the Grounds of Age', in Sacha Garben and Jeremias Adams-Prassl (eds), *Oxford Encyclopedia of EU Law* (Oxford University Press, 2022)
- **Iain Campbell**, 'Platform Work and Precariousness: Low Earnings and Limited Control of Work', in de Stefano, Durri, Stylogiannis and Wouters (eds), *A Research Agenda for the Gig Economy and Society* (Edward Elgar, 2022)
- **Anna Chapman**, 'Addressing Discrimination, Harassment and Bullying at Work', in James Fleming (ed), *A New Work Architecture* (Hardie Grant Books, 2022) 75-86
- **Joo-Cheong Tham** and Nicola Countouris, 'Introduction: The Ecology of Labour Law: From Othering to Embedding' in C Javega (ed), *Labour Law and Ecology* (Spain, Thomson Reuters, 2022) 23-44
- Eileen Boris, Heidi Gottfried, Julie Greene and **Joo-Cheong Tham**, 'Introduction: Historical and Global Perspectives on Global Labor Migration' in Eileen Boris, Heidi Gottfried, Julie Greene and Joo-Cheong Tham (eds), *Global Labor Migration: New Directions* (Chicago, University of Illinois, 2022) 1-24

JOURNAL ARTICLES – REFEREED

- **Alysia Blackham**, 'When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law' (2022) 49(1) *Journal of Law and Society* 87
- Sharon Parkinson, Gavin Wood and **Iain Campbell**, 'Labour and Housing Market Precarity: What is the Impact of Time-related Underemployment?' (2022) *International Journal of Housing Policy* (forthcoming)
- **Sean Cooney**, 'Legal Segmentation in China, India, Malaysia and Viet Nam' (2022) 161 (4) *International Labour Review* 573 (In English, French and Spanish)
- **Sean Cooney**, 'The ILO's Fundamental Occupational Health and Safety Conventions: An Overview' (2022) 20 *Korean Labour Institute, International Labor Brief* 7 (in Korean)
- **Tess Hardy** and Caroline Kelly, 'Unfair Dismissals in Franchise Networks: A Regulatory Blind Spot?' (2022) 44(2) *Sydney Law Review* 229
- **Tess Hardy** and Shae McCrystal, 'The Importance of Competition and Consumer Law in Regulating Gig Work' (2022) 64(5) *Journal of Industrial Relations* 785
- **Tess Hardy, John Howe** and Melissa Kennedy, 'Criminal Liability for 'Wage Theft': A Regulatory Panacea?' (2022) 47(1) *Monash University Law Review* 174
- **John Howe** and **Sean Cooney** 'Mixed Messages- The Role of Courts in Improving Compliance with Labor Law in Australia' (2022) 43(1) *Comparative Labor Law & Policy Journal* 103-125
- Ingrid Landau and **John Howe**, 'Government Purchasing and the Implementation of Modern Slavery Legislation' (2022) 3 *Sydney Law Review* 380
- **Joo-Cheong Tham**, 'Special Issue: Covid-19 and the Law: Perspectives from Asia: Introduction' (2022) 22 *Australian Journal of Asian Law* 1

OTHER PUBLICATIONS

- **Alysia Blackham**, 'Building Bridges, Making Waves: Age, Inequality and Socio-Legal Studies' [2022] 1 *RCSL Newsletter* 3
- Lauren Ryan, **Alysia Blackham**, Susan Ainsworth, Leah Ruppanner, **Beth Gaze** and Eileen Yang, *Laying the Foundation for Gender Equality in the Public Sector in Victoria: Final Project Report* (University of Melbourne, 2022)
- **Alysia Blackham**, '[Reforming Age Discrimination Law book forum: Author's reply](#)' on *AUSPUBLAW* (24 October 2022)
- **Alysia Blackham**, *Equality Law and Positive Duties: Recommendations for Federal Reform*, CELRL Policy Brief 2, 2022
- **Alysia Blackham**, Anne Hewitt and Jack Lam, '[Reimagining Age Equality at Work](#)' on *Pursuit* (14 June 2022)
- **Anna Chapman**, 'The New Australian Institute of Employment Rights Framework and Discrimination, Harassment and Bullying' (2022) 27(2) *Employment Law Bulletin* 24
- Colleen Chen and **John Howe**, *Worker Data Right: The Digital Right of Entry*, CELRL Policy Brief 5, 2022
- **Sean Cooney**, *The Fair Work Act's Objects Clause – Strengthening the Link to International Labour Standards*, CELRL Policy Brief 4, 2022
- **Tess Hardy**, Anthony Forsyth and Shae McCrystal, 'Regulating Gig Work in Australia: The Role of Competition Regulation and Voluntary Industry Standards' (2022) *Competition Policy International*
- Andrew Stewart, Jim Stanford and **Tess Hardy**, 'The Wages Crisis: Revisited' (The Australia Institute, May 2022)

SUMMARY OF CENTRE GENERAL ACCOUNT 2022

Income 2022

Brought Forward from 2021	\$108,428.98
MSOG contribution to Workplace surveillance project	\$100,000.00
2022 Sponsorship	\$ 42,090.91
Total Income	\$250,519.89

Expenditure 2022

Scholarship, bursary and grant payments	\$ 747.47
Consumable goods and services	\$ 88.85
Infrastructure related expenses	\$ 1,910.28
Travel, conferences and entertainment	\$ 13,767.82
Telecom expenses	\$ 223.86
Subscriptions and memberships	\$ 4,068.84
Research expenses - non-salary	\$ 1,650.95
Research expenses - salary	\$ 372.47
Total Expenditure	\$ 22,830.54
BALANCE	\$ 227,689.35



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