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MELBOURNE

ANNUAL REPORT 2023



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 2023

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FOREWORD

We have had a fruitful year at the Centre with a full suite of events, new and important initiatives with the Fair Work Commission and the production of engaged and innovative research. In the midst of much labour law reform, Centre members continued to be heavily involved in consultations with the Department of Employment and Workplace Relations. Many members also contributed formal written submissions to a broad range of inquiries relating to the Privacy Act, responsible regulation of AI and the Closing Loopholes reforms. In the past year, Associate Professor Alysia Blackham has undertaken ground-breaking work on algorithmic discrimination and made a significant contribution to the public debate on this emerging topic. In the international space, Professor Sean Cooney has been engaged in a number of ILO-funded projects, including major research on the development of labour laws in Pakistan. Professor John Howe has continued to be engaged in important, interdisciplinary research on workplace surveillance and public procurement, while Professor Joo-Cheong Tham has published an edited collection on climate change and democracy.

With the easing of travel restrictions, the Centre was pleased to host a number of international visitors in 2023, including Professor Jeremias Prassl-Adams from the University of Oxford, Professor Dagmar Schlek from University College Cork and Professor Lisa Waddington from Maastricht University. The Centre supported, and had strong attendance at, the Labour Law Research Network held in Poland – an important way to connect with leading research centres and labour law scholars from around the world.

The Centre continues to actively encourage and support graduate researchers within our community. In this regard, we are pleased to report that Dr Jacqueline Meredith (supervised by Professors Anna Chapman and John Howe) recently completed her doctorate on the work/non-work divide in labour law. We are very grateful for the efforts of Professor Richard Johnstone – a Professorial Fellow with the Centre – who has led a series of tailored PhD workshops for labour law graduate students. We have also extended our efforts to engage more fully with the JD and MLM student community through our student fellow and research fellow positions. In 2023, we held the inaugural Employment Law Moot in honour of our late colleague, the Hon Geoff Giudice AO. This provided a unique opportunity for JD students to deepen their knowledge of employment law and sharpen their advocacy skills before a Full Bench of the Fair Work Commission. We are grateful for the support of the Fair Work Commission, and Geoff's family, and are delighted that they are keen to continue this event into the future.

I would also like to take this opportunity to recognise Professor Beth Gaze – who has announced that she will be retiring from the Law School in 2024. Beth has been a valued member of the Centre and a supportive colleague. Her scholarly work has influenced the field of equality and discrimination law in many and significant ways. We plan to honour and celebrate Beth's contributions in late 2024.

The wide and diverse range of activities undertaken by Centre members is set out in the following Annual Report. The publication of this report provides an opportunity to thank the members of the Centre for their engagement, especially during a challenging period in the university sector. We also want to sincerely thank our Sponsors for maintaining their support for the Centre. I also wish to acknowledge the financial and administrative support provided by the Melbourne Law School, as well as key individuals, including Angela Hendley-Boys, Diane Holland and Bree Booth.

Associate Professor Tess Hardy
Director, 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

2023 DIRECTOR



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.

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. Sarah is a Director of the Asian Law Centre and the Assistant Deputy Vice-Chancellor International (China).



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 and first prize in the UK Society of Legal Scholars' Peter Birks Prizes for Outstanding Legal Scholarship in 2023.

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.



Mr Iain Campbell

Iain is an experienced researcher in the field of employment relations, with special expertise in precarious work, working hours, trade union strategies, and temporary migrant labour. From 1998 to 2016 he was employed as a Senior Research Fellow at RMIT University and was a Visiting Researcher at the European Trade Union Institute (Brussels), the Institut de Recherches Economiques et Sociales (Paris), and the International Labour Organisation (Geneva). In 2016 he was elected Hallsworth Visiting Professor at the University of Manchester Business School.

Iain currently works as an Honorary Senior Fellow in the Centre, collaborating with colleagues, including Joo-Cheong Tham, on research publications and projects concerning temporary migrant workers and precarious work in Australia.



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.



Professor John Howe

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

Professor John Howe's research interests include labour market policy and regulation, regulatory theory and design, 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 and dispute resolution in Australia and the Asia-Pacific region. He also leads the Melbourne Regulation & Design Network and is conducting research on the use of data

science and technology in labour regulation.

John was previously Director of the Centre from 2008-2017, and from 2020-2022. He is a Board Director of the Victorian Workplace Injury Commission and is a member of the Editorial Committee of the *Australian Journal of Labour Law*. John was an Editor of the Journal from 2015-2023. 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. John was Deputy Dean of the Melbourne Law School from 2013-2016, and Director of the Melbourne School of Government from 2017-2023.



Professor Richard Johnstone

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 was Editor-in-Chief of the *Journal of Work Health and Safety Regulation* from 2021-2024, 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.



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), LL.M (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 focusses on the regulation of precarious work. Joo-Cheong's doctoral thesis examined the legal precariousness of casual employment and he has a significant body of work on migrant labour; he has also researched labour protection under trade agreements. His public law research centres upon law and democracy with a particular emphasis on the role of money in politics. Joo-Cheong has also undertaken considerable research into counter-terrorism laws. Since the 2019 student climate strikes, Joo-Cheong has increasingly orientated his research towards the climate crisis.

Joo-Cheong's scholarly publications include his books on *Money and Politics: The Democracy We Can't Afford* (2010, UNSW Press); *Electoral Democracy: Australian Prospects* (2011, MUP); *The Funding of Political Parties: Where Now?* (2012, Routledge); *Democracy, Social Justice and the Role of Trade Unions* (2021, Anthem Press) and *Global Labor Migrations: New Directions* (2022, University of Illinois Press). He has also led two major reports for International IDEA, *Climate Change and Democracy: Insights from Asia and the Pacific* (2023) and *Digital Campaigning and Political Finance in the Asia and the Pacific Region: A New Age for an Old Problem* (2022).

Joo-Cheong is presently working on an article on zero-hours work and a report for International IDEA on digital campaigning resources and democracy. He is also working on a book proposal on labour law, the climate crisis and democratic solidarity.

Joo-Cheong is one of the Law School's Graduate Research Co-ordinators. He is the National Tertiary Education Union's Victorian Assistant Secretary (Academic Staff) and an inaugural Director of the Centre for Public Integrity. From 2012 to 2023, Joo-Cheong was the inaugural Director of the Electoral Regulation Research Network, an initiative sponsored by the New South Wales Electoral Commission, Victorian Electoral Commission and the Melbourne Law School, to foster exchange and discussion amongst academics, electoral commissions and other interested groups on research relating to electoral regulation. Joo-Cheong has also been the Deputy Chair of the Migrant Workers Centre.

RESEARCH FELLOWS

Dr Sayomi Ariyawansa

Ms Bree Booth

Dr Laura Hilly

Mark Irving KC

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 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 2023, we were grateful for the involvement of:

- Ms Carol Andrades, Consultant, Senior Fellow
- Ms Catherine Dunlop, Maddocks
- Professor Keith Ewing, King's College
- Ms Jodie Fox, Worklogic
- Mr Paul O'Grady QC, Victorian Bar
- Ms Nadia Stojanova, Victorian Bar

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 2023 were:

- The Honourable Justice Mordy Bromberg (Chair), Federal Court of Australia
- Ms Carol Andrades, Consultant, Senior Fellow
- 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 Meg Crawford, Justitia
- Mr Anthony Fogarty, Fair Work Ombudsman
- The Honourable Peter Gray AM, formerly of the Federal Court of Australia
- Ms Kaitlyn Gulle, Lander & Rogers
- Dr Laura Hilly, Victorian Bar
- Mr Ross Jackson, Maddocks
- Mr Murray Kellock, King Wood & Mallesons
- Ms Fiona Knowles, Victorian Bar
- Commissioner Tim Lee, Fair Work Commission
- Mr Charles Power, Holding Redlich
- Judge Peter Rozen QC, Victorian Bar
- Mr Nick Ruskin, K&L Gates
- Ms Katie Sweatman, Kingston Reid
- Mr Michael Tamvakologos, Seyfarth Shaw
- Mr Luke Tiley, Hall Payne Lawyers
- Mr John Tuck, Corrs Chambers Westgarth

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 2023 were:



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 2023, 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 Ruppner, 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', An independent assessment of the tribunal using the Australian and New Zealand Tribunal Excellence Framework
- **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, Updating for International Court of Justice case of Background document on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level
- **Sean Cooney**, International Labour Organization, Country study on gig economy regulation in Australia
- **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
- **Richard Johnstone**, 'The Policy Arguments for, and the Feasibility of, "Pure Risk" Prosecutions under the Australian *Work Health and Safety Acts*) for Ferrovial Construction Pty Ltd, as part of an Enforceable Undertaking given by Ferrovial Construction Pty Ltd to the Office of Industrial Relations, Queensland, under the Queensland Work Health and Safety Act 2011
- **Joo-Cheong Tham**, 'Regulating Digital Campaigning Resources: A Regional Study of 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.

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. The thesis was submitted for examination in early 2024.

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. This thesis was submitted for examination in late 2023, and passed in April 2024 without the need for any amendments. One examiner described the thesis as "exceptional", while the other saw the thesis as making "an extremely valuable and original contribution" to the field.

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 Ruppner 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 2023 were:

- Employment Law (offered three times in 2023) (**Tess Hardy**, **Sean Cooney** and **Anna Chapman**)
- Public Interest Law Clinic (Kate Fischer-Doherty)

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 2023.

Coursework Programs:

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

Research Programs:

- LLM by major thesis
- MPhil
- PhD

The subjects offered in 2023 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)
- Human Rights at Work (Keith Ewing)
- International Employment and Discrimination Law (**Sean Cooney** and **Beth Gaze**)
- Principles of Employment Law (**Joo-Cheong Tham**) (offered twice in 2023)
- Social Procurement Law & Policy (**John Howe**)
- 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

PUBLICATIONS

During 2023, Centre members' research appeared in a wide range of publications, both Australian and international.

BOOK CHAPTERS

- **Alysia Blackham**, 'Diverse Voices in the Judiciary' in Se-shauna Wheatle and Elizabeth O'Loughlin (eds), *Diverse Voices in Public Law*, Bristol University Press (2023), 119–140
- **Alysia Blackham**, 'A Life Course Approach to Addressing Exponential Inequalities: Age, Gender, and COVID-19' in Shreya Atrey and Sandra Fredman (eds), *Exponential Inequalities: Equality Law in Times of Crisis*, Oxford University Press (2023), 233–254
- **Beth Gaze**, 'Responding to Exponential Inequalities in Australia: Beyond the Limits of Equality and Discrimination Law' in Shreya Atrey and Sandra Fredman (eds), *Exponential Inequalities: Equality Law in Times of Crisis*, Oxford University Press (2023)
- Petra Mahy, Richard Mitchell, **John Howe**, Ingrid Landau and Carolyn Sutherland, 'Qualitative Fieldwork', in Mathias Siems and Po Jen Yap (eds), *The Cambridge Handbook of Comparative Law* Cambridge University Press (2024), accepted in 2023, 113-132

JOURNAL ARTICLES – REFEREED

- **Alysia Blackham**, 'Setting the Framework for Accountability for Algorithmic Discrimination at Work' (2023) 47(1) *Melbourne University Law Review* 63–113
- **Alysia Blackham**, 'Abandoning Individual Enforcement? Interrogating the Enforcement of Age Discrimination Law' (2023) 43(1) *Legal Studies* 3-28
- **Alysia Blackham**, 'Promoting Innovation or Exacerbating Inequality? Laboratory Federalism and Australian Age Discrimination Law' (2023) 51(3) *Federal Law Review* 347–371
- **Alysia Blackham**, 'Federal Age Discrimination Law Finally Coming of Age: Gutierrez v MUR Shipping Australia Pty Ltd' (2023) 36(3) *Australian Journal of Labour Law* 289–99
- Elizabeth Bluff, **Richard Johnstone** and Michael Quinlan, 'Regulating Health and Safety in Work for Digital Labor Platforms in Australia: The Example of Food Deliverers' (2023) 1 *Journal of Work Health and Safety Regulation* 92-116
- **Iain Campbell** and Sara Charlesworth, 'Promoting Secure Work: Two Proposals for Strengthening the National Employment Standards', (2023) 36(3) *Australian Journal of Labour Law*, 232-261

- Anthony Forsyth, **Tess Hardy** and Shae McCrystal, 'Collective Bargaining in Fissured Work Contexts: An Analysis of Core Challenges and Novel Experiments' (2023) *Federal Law Review* 1
- **Tess Hardy, Sean Cooney** and **John Howe**, 'A Balancing Act: The Difficulties of Detecting Labour Violations and the Implications for Employer Compliance and Deterrence' (2023) 36(1) *Australian Journal of Labour Law* 1
- Ingrid Landau, **John Howe**, Petra Mahy, T Tran and Carolyn Sutherland 'Regulatory Pluralism and the Resolution of Collective Labour Disputes in Southeast Asia' (2023) 65(4) *Journal of Industrial Relations* 472-496
- **Richard Johnstone**, Elizabeth Bluff and Michael Quinlan, 'Editors' Introduction: A Special Focus on Work Health and Safety Law and Policy and Work for Digital Labor Platforms' (2023) 1 *Journal of Work Health and Safety Regulation* 17-29
- **Richard Johnstone**, Legislation Note: 'Work Health and Safety Law Reform in Australia—The Recent Industrial Manslaughter Provisions' (2023) 1 *Journal of Work Health and Safety Regulation* 155-163
- S Popple, K Way, **Richard Johnstone**, R Croucher and P Miller, 'A comparative analysis of Inspector responses to complaints about Psychosocial and Physical Hazards' (2023) 17 *Regulation and Governance* 234-249

OTHER PUBLICATIONS

- Kate Dangar, Mira Gunawansa, **Alysia Blackham**, Leah Ruppanner, Beth Gaze, Susan Ainsworth, Brendan Churchill, Lía Acosta Rueda and Cameron Patrick, *Caring and workplace gender equality in the Public Sector in Victoria: Final Project Report*, University of Melbourne (2023)
- L Ruppanner, B Churchill, D Bissell, P Ghin, C Hydellund, S Ainsworth, **Alysia Blackham**, J Borland, M Cheong, M Evans, L Frermann, T King, & F Vetere, *State of the Future of Work Report 2023*, Work Futures Hallmark Research Initiative, University of Melbourne (2023)
- **Alysia Blackham**, 'It can be hard to challenge workplace discrimination but the government's new bill should make it easier', *The Conversation* (2023)
- **Alysia Blackham**, 'When AI Gets it Wrong, Workers Suffer', Pursuit (29 November 2023)
- **John Howe**, H Irving and Ingrid Landau, Public Procurement and Labour Standards: Improving the Victorian Fair Jobs Code and Lessons for the Secure Australian Jobs Code, *Centre for Employment and Labour Relations Law Policy Brief No. 6* (2023), 1-14
- **John Howe**, Indigenous Procurement in Victoria: The Current State of Play and Future Prospects, *MSoG Social Procurement Policy Brief* (2023), 1-18
- **Joo-Cheong Tham** et al, *Climate Change and Democracy: Insights from Asia and the Pacific*, International Institute for Democracy and Electoral Assistance, Stockholm (2023)

KNOWLEDGE TRANSFER AND COMMUNITY ENGAGEMENT

During 2023 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 2023 the Centre hosted a number of public events as well as events for academics and graduate researchers.

The following events were hosted in 2023:

- Hybrid seminar presented by Emerita Professor Margaret Thornton (Australian National University) and Melanie Schleiger (Victoria Legal Aid), 'Respect @ Work Amendment 2022', Chaired by **Professor Beth Gaze**, 2 March 2023
- Hybrid seminar presented by Professor Lisa B Waddington (Professor in European Disability Law, and International and European Law, Maastricht University), 'When Staff with Disability and University Meet: Some Reflections from an International and Comparative Perspective', Chaired by **Professor Beth Gaze**, 23 March 2023
- Seminar presented by Professor Dagmar Schiek (University College Cork), 'Integration or Disintegration through Rights? The Example of Anti-discrimination Law', Chaired by **Associate Professor Alysia Blackham**, 27 April 2023
- Hybrid seminar presented by Professor Andrew Steward (University of Adelaide), 'Tackling Insecure Work: Assessing the Albanese Government's Reform Agenda', Chaired by **Associate Professor Tess Hardy**, 8 May 2023
- Online seminar presented by Commissioner Niki Vincent (Commission for Gender Equality in the Public Sector) and Mira Gunawansa, Kate Dangar (Researchers), 'Caregiving and Gender Equality in the Public Sector', Chaired by **Associate Professor Alysia Blackham**, 24 May 2023
- CELRL and Fair Work Commission Geoff Guidice Employment Law Moot, Grand Final hosted by the Fair Work Commission, 21 August 2023

- PhD Lunchtime Workshop presented by **Professor Richard Johnstone** to CELRL PhD candidates, 'Making Friends with Theory, 14 August 2023.
- Hybrid seminar co-hosted with Melbourne Centre for Commercial Law and Melbourne Climate Futures on 'What is the Purpose of Superannuation'. This panel seminar had a number of speakers including: Dr Don Russell, Chair of Australian Super, and Deputy Chair of the Board of the Centre for Policy Development), Dr Arjuna Dibley, Melbourne Climate Futures, Dr Emily Millane, MLS and Associate Professor Tess Hardy, MLS., Chaired by Dr Emily Millane, 15 August 2023.
- PhD Lunchtime Workshop presented by **Professor Richard Johnstone** to CELRL PhD candidates, 'How to be a good academic writer: structure, clear writing, revising, editing and proofreading', 9 October 2023.
- Hybrid seminar presented by Professor Rachel Cox (University of Québec) and commentary by Jodi Peskett (Fair Foundations), 'Addressing sexual harassment in a WHS framework: Charting a course', Chaired by **Associate Professor Tess Hardy**, 11 October 2023.
- Hybrid seminar co-hosted with the Centre for Artificial Intelligence and Digital Ethics, presented by Professor Jeremias Adams-Prassl (University of Oxford), 'Regulating Algorithms at Work, Chaired by **Associate Professor Tess Hardy**, 1 November 2023.

2023 GEOFF GUIDICE EMPLOYMENT LAW MOOT



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 2023, the Journal's co-editors were Professor Shae McCrystal (University of Sydney), and Associate Professor Tess Hardy, and the associate editor was **Caroline Kelly**. Other Centre members involved in the Journal's editorial committee were **Anna Chapman, Sean Cooney, John Howe** (from May) and **Joo-Cheong Tham**. The work of the editorial team in 2023 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 has historically been the administrative home of the Australian Labour Law Association (ALLA). The administration of ALLA is now being run independently of the Law School, however, the Centre continues to support the work of ALLA in various ways (including with organizing and funding teaching and research workshops as part of the biannual ALLA conference).

REGULATING FOR DECENT WORK NETWORK

The Centre continued its involvement in the RDW Network in 2023. 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 by Raf Epstein on ABC Radio Melbourne, 'AI Exacerbates Sexism at Work, Melbourne Researcher Finds', 29 November 2023
- 'Individual-based Anti-bias Regime a Barrier to Change: Academic', Workplace Express, 29 June 2023
- 'Retirement and the Story of Funding Old Age', Rear Vision, ABC Radio National, 25 June 2023
- Kieran Pender, 'Landmark Win in Age Discrimination Case', The Saturday Paper, 10 June 2023
- Niki Vincent, 'It's No Easy Feath': Caregiving Significantly Impacts Workplace Inequality and Career Advancement for Women', Women's Agenda, 18 May 2023

TESS HARDY

- Interviewed for and quoted in RMIT ABC Fact Check, 'Promise Check: Legislate to Make Wage Theft a Criminal Offence', ABC News Online 19 May 2023

JOO-CHEONG THAM

- 'Pratt Reports Show Urgent Need for Political Funding Law Reform', The Conversation, 25 October 2023

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 Robin Banks, Simon Rice, Beth Gaze, Karen O'Connell and Bill Swannie 'Submission of the Australian Discrimination Law Experts Group in response to the Legal and Constitutional

Affairs Legislation Committee inquiry into the Australian Human Rights Commission Amendment (Costs Protection) Bill 2023', submitted to the Senate Legal and Constitutional Affairs Legislation Committee, Australian Parliament (2023)

- 'Submission to the Call for Evidence: The Rights of Older People', submitted to the Women and Equalities Committee, UK House of Commons (2023)
- 'Submission on the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023', submitted to the Senate Education and Employment Legislation Committee (2023)
- With Natalie Sheard, Beth Gaze and Simon Rice, 'Submission of the Australian Discrimination Law Experts Group in response to the Safe and Responsible AI in Australia: Discussion Paper', submitted to the Department of Industry, Science and Resources, Australian Government (2023)
- With Beth Gaze, Belinda Smith and Liam Elphick, 'Consultation Paper: Updating the Fair Work Act 2009 to provide Stronger Protections for Workers Against Discrimination', submitted on behalf of the Australian Discrimination Law Experts Group to the Department of Employment and Workplace Relations, Australian Government (2023)
- 'Response to Call for Evidence: Open Justice, the Way Forward', submitted to the UK Ministry of Justice (2023)
- With Robin Banks, Beth Gaze, Karen O'Connell and Bill Swannie, 'Submission of the on to the Consultation paper: Review into an Appropriate Cost Model for Commonwealth Anti-discrimination Laws', submitted to the Commonwealth Attorney-General's Department (2023)
- 'Government response to the Privacy Act Review Report: Submission', submitted to the Commonwealth Attorney General's Department (2023)

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

BETH GAZE

- Member, Australian Labour Law Association
- Member, Discrimination Law Association (UK)
- Member, Australian Discrimination Law (Academic) Experts Group

TESS HARDY

- Member, National Committee Member, Australian Labour Law Association
- Member, Association of Industrial Relations Academics Australia and New Zealand
- Member, Labour and Employment Relations Association (USA)
- Anthony Forsyth, **Tess Hardy** and Shae McCrystal, Submission to the Senate Education and Employment Legislation Committee Inquiry into the Fair Work Amendment Legislation (Closing Loopholes) Bill 2023 (Cth), October 2023

JOHN HOWE

- Director, Melbourne School of Government, University of Melbourne (until 30 June 2023)
- Board Director, Victorian Workplace Injury Commission (Vic)
- Advisory Board member for research project 'Activating employers: the politics of regulation in the UK, the US and Australia', funded by the UK ESRC
- Advisory Committee member for research project 'Study into the scale and nature of labour market non-compliance in the UK, funded by UK ESRC and the UK Directorate of Labour Market Enforcement
- Member of Social Procurement Council
- Member of Department of Employment and Workplace Relations (Cth) RegTech Award Compliance Strategic Working Group
- Visiting Scholar, Bristol University Law School, UK (July 2023)
- 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)
- Submission to Department of Employment and Workplace Relations 2023 Workplace Reform Consultations – Compliance and Enforcement: Criminalising Wage Theft, May 2023
- Submission to Privacy Act Review, Attorney General's Department, March 2023 (with C Chen)
- Submission to the Senate Education and Employment Committee Inquiry into the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023, 28 September 2023

RICHARD JOHNSTONE

- Member, Queensland Work Health and Safety Board

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 2023, members of the Centre delivered papers to a range of Australian and international conferences and workshops.

ALYSIA BLACKHAM

- 'Equality Law Protection for Legal Education: Internships, Volunteering and Clinics' (invited, funded presentation at the Research Unit on Law and Education (RULE) symposium on Equity, Equality and Legal Education, Adelaide)
- 'Engaging with Unisuper's Academic Heartland: Precarious Workers', Unisuper Consultative Committee Annual Meeting, Melbourne
- 'Discrimination at Work', Work Futures Hallmark Research Initiative launch, University of Melbourne
- 'Advancing Gender Equality at Work: The Possibilities of "Next Generation" Positive Duties', Australia Awards Indonesia (AAI) Guest Lecture Series
- 'Discrimination Law Updates: Positive Duties and a Successful Age Discrimination Case', Australian Discrimination Law Experts Group Annual Meeting, Hobart
- 'Discrimination Law Reform: Evaluating Progress, Identifying Gaps', Australian Labour Law Association
- 'Caring and Workplace Gender Equality', Victorian Commission for Gender Equality in the Public Sector
- 'Caring and Workplace Gender Equality', Victorian Public Sector, as part of the Victorian Commission for Gender Equality in the Public Sector seminar Intersectionality Report
- 'AI, Bias and Discrimination: The Need for Collective Responses', Australian Council of Trade Unions Futures Network
- 'Illuminating Intersections between Equality Law, Employment Law and Public Law', 10th Annual BCCE Conference, Utrecht
- 'Reflections on Reforming Age Discrimination Law: Beyond Individual Enforcement', LLRN6 Conference, Warsaw
- 'Collective action, voice and equality: bargaining to achieve more equal futures?', LLRN6 Conference, Warsaw
- 'Enabling Access to Justice? Conciliation and Dispute Resolution in Equality Law', XX ISA World Congress of Sociology, Melbourne

IAIN CAMPBELL

- 'The Power Resources Approach and Australian Unions', AIRAANZ conference
- 'Shifting Ground: Transnational Mobility and Experiences of Precarious Work Amongst Working Holiday Makers in Australia, 2015-2022', ISA conference
- 'Australian Unions and the Power Resources Approach', ISA conference
- 'Promoting Secure Work: Two Proposals for Strengthening the National Employment Standards', DEWR-DIAD seminar

TESS HARDY

- 'Collective Bargaining in Franchise Networks: Features, Fissures and Faultlines', Keynote presentation, Phillipa Weeks Lecture, Australian National University
- 'What is the Purpose of Superannuation?', Joint Seminar – Centre for Employment and Labour Relations Law, Melbourne Centre for Commercial Law and Melbourne Climate Futures
- 'Looking Back, Looking Forwards: Reflections on the Role of the Fair Work Ombudsman and a New Era for Enforcement', commentator, Australian Labour Law Association
- 'Auditing Gaps and Transparency Traps: A Critical Examination of the Compliance Role of Auditors and Management Consultants', presented at Labour Law Research Network Conference, Warsaw, Poland
- 'The Regulatory Value of Non-Monetary Remedies', presented at Labour Law Research Network Conference, Warsaw, Poland

JOHN HOWE

- With Colleen Chen and Timothy Kariotis, 'Open Data, Labour Law and Digital Regulation', LLRN6, Labour Law Research Network Biennial Conference, University of Warsaw, Poland

JOO-CHEONG THAM

- 'Climate Change and Democracy: Insights from Asia and the Pacific' IMannifera Muster
- 'Climate Change and Democracy: Insights from Asia and the Pacific' International IDEA, Suva
- 'Climate Change and Democracy: Insights from Asia and the Pacific' International IDEA, Seoul, South Korea
- Commentator on speech by Professor Jimly Asshiddiqie, founding Chief Justice of the Constitutional Court, in Centre for Indonesian Law, Islam and Society's seminar on 'Political Reform: Lessons from Indonesia'
- 'Climate Change and Democracy: Insights from Asia and the Pacific' International IDEA, Bangkok

SUMMARY OF CENTRE GENERAL ACCOUNT 2023

Income 2023

Brought Forward from 2022	\$106,809.25
MSoG contribution to Workplace surveillance project	\$100,000.00
2023 Sponsorship	\$ 41,700.00
Total Income	\$248,509.25

Expenditure 2023

Consumable goods and services	\$ 410.92
Infrastructure related expenses	\$ 363.96
Travel, conferences and entertainment	\$ 8,745.94
Telecom expenses	\$ 612.89
Subscriptions and memberships	\$ 2,302.73
Research expenses - non-salary	\$ 3,535.74
Research expenses - salary	\$ 22,054.32
Total Expenditure	\$ 38,026.50
BALANCE	\$ 210,482.75



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