



ACT Chapter Seminar

Professor Joellen Riley
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Good Faith Obligations in the Employment and Industrial Law Context

In the commercial law context, the concept of 'good faith' arises in two essentially different contexts. One is where parties negotiating the terms of a complex commercial relationship reach an interim agreement to 'negotiate in good faith' to settle terms. The other arises in disputes over the interpretation of concluded bargains, and whether parties have performed 'in good faith'.

The law in both contexts has been unsettled and debate continues on the nature of good faith and its practical implications. In recent times, good faith has also become a contentious issue in the labour law field. The obligation to negotiate in good faith has been included as a key element in the new collective bargaining provisions in the proposed Fair Work legislation; and 'good faith' performance issues have arisen in a number of employment disputes. Although the 'negotiation' and 'performance' contexts are distinct and raise some different questions, it is possible to draw some general lessons about the evolving meanings of 'good faith' in Australian workplace relations law from these developments. This seminar will explore those meanings, and consider some of the practical implications of legal recognition of good faith obligations at the workplace.

Professor Joellen Riley holds a chair in Labour Law in the Law Faculty at the University of Sydney. She has been following legislative developments in Workplace Relations law since the publication of her first book on the Workplace Relations Act in 1997. Formerly a financial journalist, she holds degrees in law from the Universities of Sydney and Oxford. A digest of her PhD dissertation has been published as *Employee Protection at Common Law* (2005, Federation Press), and she is co-author with Professor Rosemary Owens of *The Law of Work* (2007, OUP). Her most recent publication is a book of essays, (co-edited with Associate Professor Peter Sheldon in the Australian School of Business at UNSW) called *Remaking Australian Industrial Relations* (2008, CCH). She is also a co-editor of the *Australian Journal of Labour Law*, and a member of the advisory board of the Australian Institute of Employment Rights.

- Date:** Wednesday 25 March 2009
Time: 5:30 – 6:30pm
(followed by refreshments)
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