



NATIONAL CONFERENCE

The Regulation of Work in a 'COVID-normal' World

<https://austlabourlaw.asn.au>

11-12 November 2022

Crowne Plaza, Coogee Beach

Program

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DAY 1

FRIDAY 11 NOVEMBER 2022

8.45-9.00am	<p>Welcome Professor Anthony Forsyth, ALLA President</p>		
9.00-10.15am	<p>Keynote Plenary Professor Douglas Brodie DEFINING EMPLOYMENT: JUDICIAL CONSERVATISM AND LEGISLATIVE SOLUTIONS Chair and Commentator: Professor Joellen Riley Munton Oceanic Ballroom</p>		
10.15-10.35am	<p>Morning tea Oceanic Ballroom Foyer</p>		
10.35am-12.05 pm	<p>Concurrent Sessions</p>		
	<p>Enforcement Chair: Nick Ellery Oceanic Ballroom</p>	<p>Responses to COVID-19 Chair: Larissa Andelman Maroubra Room</p>	
	<p><i>Iron Fist in a Velvet Glove? A Review of Enforceable Undertakings Under the Fair Work Act 2009 (Cth) – John Howe & Tess Hardy</i></p> <p><i>Unions And Civil Society Actors as Protectors of Migrant Worker Rights – Anna Boucher</i></p> <p><i>Underpayments, Enforcement, And Wage Theft – Needed Reform or Much Ado About Nothing? - Matoula Makris & Shane Prince SC</i></p>	<p><i>The COVID Pandemic and Employment Mediation in Aotearoa New Zealand – Grant Morris</i></p> <p><i>Do You Needle Little More Help to Update Old Approaches to Risk Management To The Challenges Of The COVID-normal World? – Michelle Chadburn</i></p> <p><i>Labour Law and The Emerging Crisis in Worker Mental Health: Reflecting on the Lessons of the COVID-19 Pandemic in Aotearoa New Zealand – Dawn Duncan</i></p>	
12.05-1.15pm	<p>Plenary Session UNION RELATIONS AND REGULATION IN GIG WORK Chair: Anthony Forsyth Speakers: Michael Kaine, Transport Workers Union; Kelsey Desloover/Maggie Lloyd, Door Dash; Pia Brunner, Uber</p>		

	Oceanic Ballroom		
1.15-2.15pm	Lunch The Experience Gallery (lower ground)		
	Concurrent Sessions		
2.15-3.45pm	Bargaining & Reform of Bargaining Chair: Emma Goodwin Oceanic Ballroom	Responses to the Changing Nature of Work Chair: Janine Smith Maroubra Room	International & Comparative Perspectives Chair: Adriana Orifici Waverley Room
	<i>Collective Bargaining in Fissured Work: Key Challenges, Novel Experiments and Possible Reforms</i> – Anthony Forsyth, Tess Hardy & Shae McCrystal <i>Green Bargaining in Australia: Legal Impediments and Possibilities</i> – Eugene Schofield-Georgeson <i>Wage Stagnation and the Contraction of Enterprise Bargaining – A Sectoral Bargaining Model</i> – Ben Redford	<i>The Work/Non-Work Divide in Unfair Dismissal Law: Neglecting the Worker as a Human Being</i> – Jacqueline Meredith <i>Far From a Class Act: Federal Class Actions as a Suboptimal Collective Regulatory Mechanism in a COVID-normal World of Work</i> – Daniel Tracey	<i>Resetting Some Foundations of New Zealand Employment Law</i> – Gordon Anderson <i>Formal and Informal Regulation of Holiday Bonuses in Southeast Asia</i> – Carolyn Sutherland, Trang Tran & Ingrid Landau <i>Social Networks and Workers' Collective Action in an Authoritarian Regime: The Case of Vietnam</i> – Trang Tran

3.45-4.05pm	<p>Afternoon tea The Experience Gallery (lower ground)</p>		
4.05-5.20pm	<p>Concurrent Sessions</p>		
	<p>Gender Equity Chair: Marilyn Pittard Oceanic Ballroom</p>	<p>Cooperation & Participation Chair: David Chin SC Maroubra Room</p>	<p>Digital & Gig Work Chair: Tess Hardy Waverley Room</p>
	<p><i>Reproducing Disadvantage? Re-thinking Labour Law's Response to Pregnancy and Work – Dominique Allen & Adriana Orifici</i></p> <p><i>The Pitfalls in The Regulation of Paid Parental Leave in Australia For Gender Equal Parenting – Amanda Selvarajah</i></p> <p><i>Prospects for New Zealand-Style Pay Equity Bargaining in Australia – Avalon Kent</i></p>	<p><i>A Fair Say All Round - Workplace Participation and Representation – Mark Perica</i></p> <p><i>The Labour Relations Tradition of Emphasising Disagreement and Opposition to Centrism in Labour Legislation – Reg Hamilton</i></p> <p><i>Good Faith and Cooperation as a Framework for Consultation (BHP Vaccination Case) – Giuseppe Carabetta & Paul Lorraine</i></p>	<p><i>An Evaluation of Government Proposals to Regulate 'Gig' Work: Prospects and Issues for Road Transport Workers and Businesses – Michael Rawling & Joellen Riley Munton</i></p> <p><i>Employment Discrimination By Algorithm: Can Anyone Be Held Accountable? – Natalie Sheard</i></p>
6.30-7.00pm	<p>Pre-dinner Drinks The Experience Gallery (lower ground)</p>		
7.00-11.00pm	<p>Conference Dinner Centennial Room (lower ground)</p>		

DAY 2

SATURDAY 12 NOVEMBER 2022

9.00-9.05am	Welcome		
9.05-10.15am	<p>Plenary Session THE AGED CARE WORK VALUE CASE Chair: Marilyn Pittard Speakers: Lauren Hutchins, Health Services Union; Claire Bailey, Aged & Community Care Providers Association Ltd; Professor Emerita Sara Charlesworth, RMIT University Oceanic Ballroom</p>		
10.15-10.45am	<p>Morning tea Oceanic Ballroom Foyer</p>		
10.45am-12.15 pm	Concurrent Sessions		
	<p>Responses to the Changing Nature of Work Chair: David Chin SC Oceanic Ballroom</p>	<p>Wage Theft Chair: Graham Smith Maroubra Room</p>	<p>Precarious Work Chair: Mark Rinaldi Waverley Room</p>
	<p><i>The Covid-19 Pandemic: On Workplace Vaccination Mandates and the Right of Workers to Refuse Medical Treatment – Nadia Dabee</i> <i>Workers’ Rights to “Privacy” and to “A Private Life”: Is there a Distinction and Does it Matter? – Amanda Reilly</i> <i>Next Steps in Flexible Work: The Right to Work Remotely as a Labour Right – Marilyn Pittard</i></p>	<p><i>Wage Theft: Criminal Offences for Underpaying Employees – Charles Martin</i> <i>The Use of the Criminal Law to Target Withholding Pay, Leave and Other Employment Entitlements: Are Criminal Wage Theft Offences Justified? – Melissa Kennedy</i> <i>Criminalisation of Wage Theft: An Effective Deterrent? – Kate Walawski</i></p>	<p><i>Job Security Provisions in the NES – Virginia Wills</i> <i>The Need to Regulate Social Security for Workers in Employee-like Work Arrangements: Post-Pandemic Perspectives – Marius Olivier</i></p>
12.15-1.00pm	<p>Lunch The Experience Gallery (lower ground)</p>		

1.00-2.00pm	Concurrent Sessions	
	Economic/IR Perspectives Chair: Joellen Riley Munton Maroubra Room	Agreement-Making Chair: Janine Smith Waverley Room
	<i>The Economic Benefits of Major New Labour Law/Workplace Relations Reforms in the Post-Federal Election Landscape – Margaret McKenzie</i> <i>Classifying and Comparing National Labour Dispute Settlement Laws: A Systematic Approach Towards Developing a Taxonomy of Labour Rules – Jonathan Sale</i>	<i>Genuine Agreement? The Application and Implications of Section 188(2) for Employee Voice And Agreement Making Under the Fair Work Act – Renee Burns</i> <i>Day of The Dead: The End of "Zombie" Agreements – Kate Walawski</i>
2.00-2.15pm	Afternoon tea The Experience Gallery (lower ground)	
2.15-3.15pm	Australian Labour Law Association's Annual General Meeting Maroubra and Waverley Rooms	