



THE UNIVERSITY OF
MELBOURNE

LABOUR LAW SEMINAR

Mandatory Secret Ballots before Industrial Action: Practical Hurdle or Symbol of the Strike as a Last Resort?

Dr Graeme Orr

Federal law requires that any 'protected' industrial action be approved by a prior secret ballot. This seminar will examine the heritage and requirements of this legal regime, as well as current cases.

Competing rationales for the law will be considered, particularly individualist notions of democracy, and the repression of strike action. These rationales will be examined in light of how the law interferes with the freedom of association. In practice, the chief effect of the requirement for approval by strike ballot is to give employers some additional weeks' notice of likely industrial action, and an indirect ability to require some 'good-faith' style bargaining by unions. The place of secret ballots in the panoply of procedural obligations which are pre-requisite to industrial action is effectively to signal the solemnity of taking industrial action. Given federal Labor's commitment to retain secret ballots, it appears there is a bi-partisan view that industrial action - rare as it is now - is to be tolerated only as a last-resort in a bargaining impasse.

The seminar will be based on work carried out jointly with Dr Suppiah Murugesan, which is forthcoming in the *Australian Journal of Labour Law*.

Graeme Orr is an Associate Professor at the University of Queensland Law School, where he teaches labour law. While best known for his work on the law of politics and elections, he also teaches and writes about the regulation of trade unions.

DATE: Thursday 29 November 2007
TIME: 1:00 pm
PLACE: Room G29 (Ground Floor) - Melbourne Law School
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A light lunch will be served