



THE UNIVERSITY OF
MELBOURNE

CENTRE FOR EMPLOYMENT
AND LABOUR RELATIONS LAW

MELBOURNE LAW SCHOOL, THE UNIVERSITY OF MELBOURNE

ANNUAL REPORT
JANUARY – DECEMBER 2002



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FOREWORD

The year 2002 was a period of further strengthening in the Centre's research and teaching programmes. In addition, 2002 was a year in which the Centre substantially enhanced its standing in the labour law field, in both the national and international context.

A highlight of 2002 was the publication by Routledge (London) of a major study on labour law in East Asia. The editors of this study are Centre members Sean Cooney and Richard Mitchell, with Centre Associates Tim Lindsey and Ying Zhu. The study represents a major contribution to understanding the labour law systems of East Asia and provides a new voice in the discipline of comparative labour law. The book has sold widely internationally and is already in its second printing.

A further highlight is the success of the Centre in securing a Large Grant from the Australian Research Council in collaboration with the Centre for Corporate Law and Securities Regulation (jointly awarded to Richard Mitchell and Professor Ian Ramsay, Dean of the Faculty of Law). The grant provides funding for 5 years (from 2003) to the total value of \$640,500. The title of the grant is 'Partnerships at Work: The Interaction Between Employment Systems, Corporate Governance and Ownership Structure'. The project examines the interaction of key factors of paramount importance in the creation and sustainability of 'Partnerships at Work'. These include particular employment systems, forms of corporate governance and ownership structures of enterprises. The circumstances in which partnership models arise, the pressures faced in maintaining them, and the role of the regulatory environment will be examined through case studies and the construction of a database. The project will enhance the capacity of governments, enterprises and stakeholders to review employment practices, governance structures and regulatory models.

The Centre's reputation was further enhanced in 2002 with the hosting of the Inaugural National Conference of the Australian Labour Law Association at the Melbourne Law School. The conference, 'Practising Australian Labour Law in the New Economy', brought together over 200 labour law academics, practitioners and representatives from courts, tribunals, government bodies, unions and employers. The Centre's role in hosting the conference, and its continued involvement with ALLA, has enabled the Centre to reach a much broader, and larger, constituency.

Also of note in 2002 was the involvement of several Centre members (Colin Fenwick, Jill Murray and Anthony O'Donnell) in an international conference on 'Cycles of Labour Regulation', hosted by the Regulatory Institutions Network and the History Program of the Research School of Social Sciences at the Australian National University. Centre members presented papers at the conference and further papers are being prepared for publication.



There were both gains and losses in Centre staff in 2002. The Centre was fortunate to secure the services of Elena Goodey as its new Administrator from March 2002. Elena has a BA in media studies from Complutense University in Madrid and comes to us from Amnesty International (London). Towards the end of 2002 Anthony Forsyth accepted a position with the Faculty of Law at the Australian National University and Jill Murray accepted a position with the School of Law and Legal Studies at La Trobe University. Both Anthony and Jill remain Associates of the Centre and we wish them well in their new academic positions.

We take this opportunity to thank our sponsors for their continuing support of the Centre's work, and we welcome Baker & McKenzie, Lander & Rogers and Minter Ellison as new sponsors in 2002. In addition, we thank the Centre's Academic Associates, Teaching and Research Associates, and members of the Advisory Board for the contribution of their ideas and time to the Centre's programmes. The support of our sponsors, Associates and Advisory Board are essential to the success and continuing vitality of the Centre.

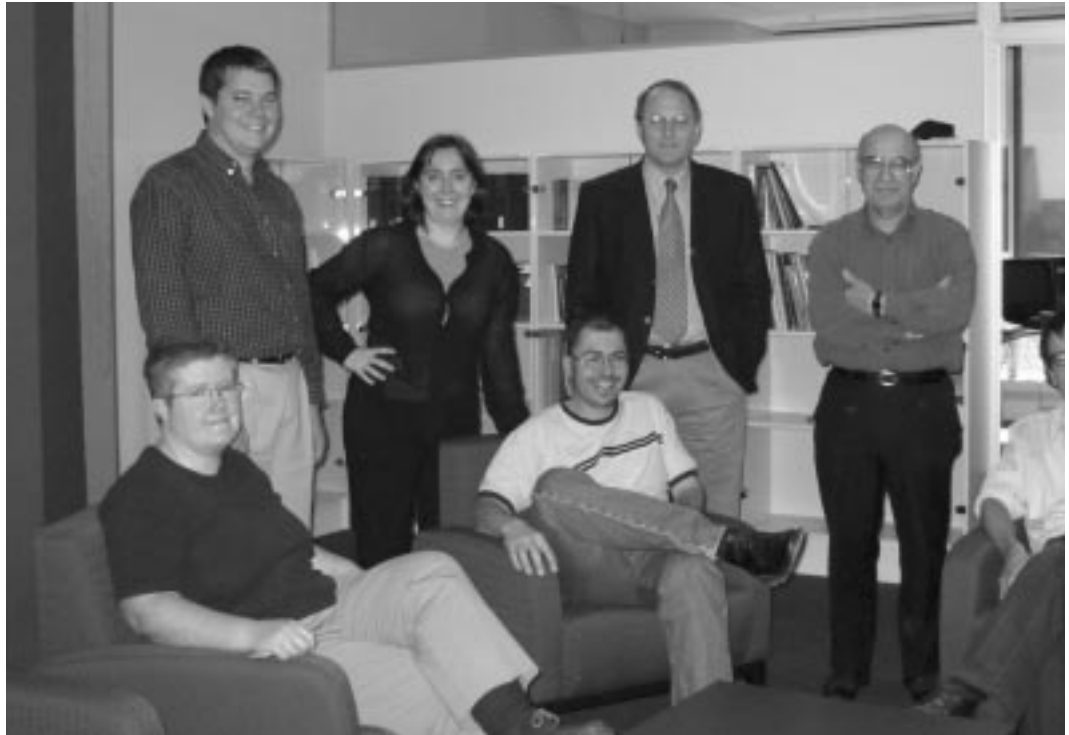


Anna Chapman
Centre Member



Richard Mitchell
Centre Director

28 March 2003



Centre staff (from left to right Anna Chapman, Jarrod Lenne, Elena Goodey, Colin Fenwick, Richard Mitchell, Harry Glasbeek and Anthony O'Donnell)

GOALS OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

The Centre's objectives are as follows:

- (a) to undertake and encourage research on comparative labour law, with particular reference to the labour law systems of the South East and East Asian and Pacific regions, Southern Africa, Europe and North America;
- (b) to undertake and encourage research into the most socially desirable and efficient means of regulating labour relations with particular regard to the role of specialist labour courts and tribunals, and the function of labour unions;
- (c) to undertake and encourage research on the development of fair and equitable individual employment rights and the participation of employees in decision making at the place of work;
- (d) to undertake and encourage research on the development of labour law as a discipline, including the development of empirical, feminist and socio-legal approaches to the study of labour law;
- (e) to undertake and encourage research on the development of labour law as a discipline with particular regard to developing an understanding of the role of law in regulating all aspects of the labour market and with specific regard to issues raised by gender-based labour market segmentation and the focus of occupational health and safety within the labour law discipline;
- (f) to undertake and promote the teaching of labour law both within the Faculty of Law and the Faculty of Economics and Commerce (in particular the Department of Management) and develop and promote innovative teaching methods and teaching materials in labour law;
- (g) to undertake publication in the form of working papers, journal articles, and books and monographs, and in the form of seminar programmes and conferences to disseminate the results of research undertaken under the auspices of the Centre, or in other programmes associated with the Centre;
- (h) to establish and foster links with similar bodies, internationally and nationally, and provide a reference point in Australia for scholars in labour law; and
- (i) to establish and develop close links with the legal profession and industrial relations practitioners.

STAFF, ASSOCIATES, RESEARCH STUDENTS AND VISITORS

ACADEMIC STAFF

Professor Richard Mitchell LLB(HONS), LLM(MELB), MSC(LOND), DIRECTOR



Professor Richard Mitchell is the Director of the Centre and Vice President of the Australian Labour Law Association. He has studied labour law and industrial relations at the University of Melbourne and the London School of Economics and Political Science. He was joint editor of the *Australian Journal of Labour Law*, with Breen Creighton, until 2002 and remains joint editor of the *Monographs on Australian Labour Law Series*. Among his areas of specialisation are labour law systems in the Asia-Pacific region, the legal regulation of labour markets and the role of law in the construction of employment systems.

Ms Anna Chapman BCOM, LLB(HONS), LLM(MELB)



Anna is a graduate of the University of Melbourne in both Commerce and Law. She completed her LLM in 1995. The topic of her thesis was Australian anti-discrimination law and the ground of sexual preference. Anna's research focuses on legal regulation and forms of systemic power, such as sex and race, in paid work relationships. Anna's current projects include analysing the concept of harassment in the socio-legal context and an examination of the constitution of the worker and family responsibilities in Australian labour law. Anna has published in a range of Australian and international law journals and is an editorial committee member of the *Australian Journal of Labour Law*. She is a former senior associate editor of the *Journal*.

Mr Sean Cooney BA, LLB(HONS), LLM(MELB), LLM(COLUMBIA)



Sean graduated in Arts and Law from the University of Melbourne and has also studied law at Columbia University in New York, and the National Taiwan University. His research interests are in international and comparative labour law, with a particular focus on East Asia. He has published in a range of international journals in English and Chinese, and is currently examining alternatives to the current system of international labour standards.

Mr Colin Fenwick BA, LLB, LLM(MELB), LLM(VIRGINIA)



Colin is a graduate of the University of Melbourne and of the University of Virginia, with more than ten years' experience in the field of labour relations law in Australia, the United States and Switzerland. Colin has practised as a barrister, specialising in labour relations law, and was employed for a time as a prosecutor of workplace health and safety crimes. Colin has worked for the ILO, both as an official in its Geneva headquarters, and as an external consultant. He has also worked as a consultant for clients including the International Confederation of Free Trade Unions, the International Labor Rights Fund and the United States Department of Labor. Colin's research interests are in international and comparative labour law, with a particular focus on Southern Africa. He is the senior associate editor of the *Australian Journal of Labour Law*.

Mr Anthony Forsyth BJURIS, LLB(HONS)(MONASH), GRAD DIP (LABOUR RELATIONS LAW) (MELB)



Anthony is a graduate in Law from Monash University, and a lecturer and PhD candidate at the University of Melbourne. He has worked in practise as a specialist employment and industrial relations lawyer, as a political adviser, and as a legal officer for a major trade union. Anthony's main research interests are in the areas of Australian labour relations law and systems, trade union law and industrial action, comparative labour law and employee rights of access to information and consultation over business restructuring issues (the subject of his PhD research). He is an associate editor of the *Australian Journal of Labour Law* and the Secretary of the Australian Labour Law Association.

Dr Jill Murray BA(HONS), MA(MELB), MSC, DPHIL(OXFORD)



Jill holds a BA Honours degree (with majors in English and History) and an MA in industrial relations from the University of Melbourne, an M Sc in industrial relations and human resource management and a D Phil from Oxford University. Her doctoral work was undertaken in the Law Faculty at Oxford, and the topic of her thesis was the impact on the ILO of the European Union's labour law regime.

Jill is currently researching the role of law in securing international labour standards in the Asia Pacific region, with a special emphasis on the utility of corporate codes of conduct.

Mr Glenn Patmore BA, LLB(HONS)(MONASH), LLM(QUEENS)



Glenn has an LLB (Hons) and a BA from Monash University, and an LLM from Queens University, Canada. His principal fields of interest are democratic theory and practice, workplace democracy and labour relations, constitutional and administrative law and human rights law. Glenn has published in a range of Australian and international journals and is the current joint editor of the

Australian Fabian Society's *Labor Essays*.

RESEARCH STAFF

Mr Anthony O'Donnell BA LLB(HONS)(MELB)



Anthony holds undergraduate degrees in Arts and Law and completed his LLM at the University of Melbourne in 2002. His current research interests include the legal regulation of labour markets, social security and the history of Australian social policy. In 2002 he also held an appointment as research fellow at the University's Centre for Public Policy.

Mr Joel Fetter BA, LLB(HONS) (MELB)

Joel completed his law degree at the University of Melbourne during 2002. He has been assisting Richard Mitchell with a number of research projects and has published two Working Papers for the Centre (one written jointly with Richard Mitchell). Joel was an editor of the *Melbourne University Law Review* in 2002.

Ms Lucy Kirwan BSC (HONS) LLB (HONS) (MELB)

Lucy holds the degrees of B Sc (Hons) and LLB (Hons) from the University of Melbourne. She is a former executive member of the *Melbourne University Law Review*. Lucy has been working as Associate to the Honourable Justice Peter Gray of the Federal Court of Australia since mid-2002. In the first half of 2002 Lucy worked with Richard Mitchell, Colin Fenwick and Anthony Forsyth on a number of different projects.

Ms Martine Pepperell

Martine holds a Diploma in Modern Languages (Mandarin Chinese) from the University of Melbourne. She is currently in her fifth year of study and will complete her Commerce/ Law degrees in 2003. Martine is carrying out research and administrative work for Glenn Patmore. She is the Secretary of the *Melbourne Journal of International Law*.

Ms Emma Stacey

Emma is currently doing her B Sc and LLB at the University of Melbourne. During 2002 she worked as a research assistant for Richard Mitchell and Anthony O'Donnell. She was also employed as a research and administrative assistant to Glenn Patmore.

Mr Patrick White

Patrick is currently studying the BA/LLB degrees at the University of Melbourne and works with Glenn Patmore on a number of research projects. Patrick is a member of the *Melbourne University Law Review* and has served as a member of the Student Council of The Melbourne University Student Union.

ADMINISTRATOR

Ms Elena Goodey BA (MADRID)



Elena is the Administrator of the Centre. She joined the Centre in March 2002, replacing Kim Hugen. Elena has a BA in Media Studies from the Complutense University in Madrid, Spain. Prior to joining the Centre, Elena worked for the Spanish and Latin American Welfare Centre of Victoria and Amnesty International (London). Elena is a qualified interpreter and translator (Spanish).

CENTRE ASSOCIATES

ACADEMIC ASSOCIATES

Professor Chris Arup	Victoria University
Dr Michelle Brown	The University of Melbourne
Dr Christina Cregan	The University of Melbourne
Professor Keith Ewing	Kings College, University of London
Mr Anthony Forsyth	Australian National University
Mr John Howe	Monash University
Professor Rosemary Hunter	Griffith University
Professor Richard Johnstone	Australian National University and Griffith University
Associate Professor Tim Lindsey	The University of Melbourne
Professor Ronald McCallum	The University of Sydney
Dr Gail Mason	The University of Sydney
Dr Jill Murray	La Trobe University
Professor Marilyn Pittard	Monash University
Professor Ian Ramsay	The University of Melbourne
Professor Andrew Stewart	Flinders University of South Australia
Mr Joo-Cheong Tham	La Trobe University
Dr Martin Vranken	The University of Melbourne
Dr Ying Zhu	The University of Melbourne and LaTrobe University

RESEARCH AND TEACHING ASSOCIATES

Ms Carol Andrades	Ryan Carlisle Thomas, Solicitors
Mr Alan Clayton	Independent consultant in workplace regulation
Professor Breen Creighton	Corrs Chambers Westgarth, Solicitors
Mr Joel Fetter	University of Melbourne and Minter Ellison
Dr Peter Gahan	Industrial Relations Victoria
Emeritus Professor Harry Glasbeek	York University, Canada
Justice Peter Gray	Federal Court of Australia
Ms Shelley Marshall	The University of Melbourne
Mr Damian Murphy	Victorian Bar
Mr Richard Naughton	PricewaterhouseCoopers Legal
Ms Moira Rayner	Acting Commissioner for Equal Opportunity (Western Australia)
Mr Peter Rozen	Victorian Bar
Dr Graham Smith	Clayton Utz, Solicitors



*Centre visitor Emeritus Professor Harry Glasbeek,
York University, Canada*

RESEARCH STUDENTS UNDER SUPERVISION OF CENTRE MEMBERS

PHD

Ms S. Chenxia	'Director's Duties in the People's Republic of China'
Mr A. Forsyth	'Legal Obligations to Inform and Consult Employees over Business Restructuring: A Comparative Study'
Mr J. Howe	'Job Creation by Regulation: Law and the Instruments of Employment Policy in Australia'
Mr J. C. Tham	'The Regulation of Qualification Criteria for Unemployment Benefits' (Leave of absence in 2002)

LLM (MAJOR THESIS)

Ms L. Liao	'The Legal Protection of Insecure Employees Against Dismissal in China'
Mr T. Zhang	'The Legal Regulation of Temporary Skilled Immigration: Australia and China' (completed and passed in 2002)

LLM (MINOR THESIS)

Mr A. O'Donnell	'Inventing Unemployment: Labour Market Regulation and the Birth of the Commonwealth Employment Service and the Idea of Unemployment in Australia' (completed and passed in 2002)
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LLB (ADVANCED LEGAL RESEARCH)

Mr J. McKenna	'Bargaining with Workplace Privacy – Drug Testing and the Need for Positive Regulatory Protection' (completed and passed in 2002)
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ACADEMIC VISITORS TO THE CENTRE

Emeritus Professor Harry Glasbeek, York University, Canada (January – May)

Dr Fiona Haynes, Department of Criminology, The University of Melbourne (April – June)

Mr Massimo di Maio, University of Rome, Italy (April – September)

Dr Gail Mason, Department of Gender Studies, University of Sydney (July – August)

Associate Professor Paul Roth, Faculty of Law, University of Otago, New Zealand (August – December)

Ms Monika Goller, Max Planck Institute, Germany (December)



*Centre visitor Mr Massimo di Maio,
University of Rome, Italy*

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 and bodies with an involvement in the labour law field. The Board is also constituted by one representative from each of the Centre's sponsoring firms.

The members are as follows:

Justice Peter Gray (Chair) *Federal Court of Australia*
Senior Deputy President Jennifer Acton *Australian Industrial Relations Commission*
Ms Carol Andrades *Ryan Carlisle Thomas*
Mr Josh Bornstein *Maurice Blackburn Cashman*
Justice Alan Boulton *Australian Industrial Relations Commission*
Mr Richard Bunting *Blake Dawson Waldron*
Mr John Denton *Corrs Chambers Westgarth*
Mr Mark Diserio *Lander & Rogers*
Ms Rachel Doyle *Victorian Bar*
Mr Philip Gardner *Ryan Carlisle Thomas*
Mr Ross Jackson *Maddocks*
Mr Ross Levin *PricewaterhouseCoopers Legal*
Mr Peter Lupson *Middletons Lawyers*
Mr Bruce Moore *Mallesons Stephen Jacques*
Mr Charles Power *Holding Redlich*
Professor Ian Ramsay *The University of Melbourne*
Mr Julian Riekert *Allens Arthur Robinson*
Ms Linda Rubinstein *Australian Council of Trade Unions*
Mr Nick Ruskin *Phillips Fox*
Mr Michael Tehan *Minter Ellison*
Mr Peter Vitale *Baker & McKenzie*
Mr Jim Young *National Australia Bank*
Ms Susan Zeitz *EMA Legal*



Advisory Board Annual Meeting (From left to right Anna Chapman, Richard Johnstone, Sean Cooney and Carol Andrades)

THE SPONSORS' PROGRAMME

The support of sponsors is essential to the continued operation of the Centre for Employment and Labour Relations Law. The Centre's sponsors for 2002 were:

Allens Arthur Robinson
Baker and McKenzie
Blake Dawson Waldron
Corrs Chambers Westgarth
Holding Redlich
Lander & Rogers
Maddocks
Mallesons Stephen Jaques
Maurice Blackburn Cashman
Middletons Lawyers
Minter Ellison
Phillips Fox
PricewaterhouseCoopers Legal
Ryan Carlisle Thomas

The Centre conducts a series of evening seminars for members of the Centre's sponsoring firms and organisations. Two seminars were held in 2002. These were as follows:

- **Ms Sharan Burrow** (President, Australian Council of Trade Unions) 'The ACTU and the Third Howard Coalition Government: Strategies for Advancing Workers' Rights' (February)
- **Mr Leon Zwier** (Partner, Arnold Bloch Leibler), **Mr Mark Mentha** (Partner, Korda Mentha & Colleagues), **Ms Simone Bingham** (Associate, Maurice Blackburn Cashman) and **Mr Richard Watts** (Industrial Officer, Australian Council of Trade Unions) 'When Corporate Law & Labour Law Collide: Lessons From the Ansett Administration' (May)

THE CENTRE'S INTERNAL SEMINAR SERIES

A number of internal seminars were held in the Centre in 2002. The seminars were presented by academic visitors to the Centre.

- '*Regulatory Theory, Juridification, Regulatory Overload and Related Matters*', **Dr Fiona Haines**, Department of Criminology, University of Melbourne (May)
- '*An Update on New Zealand Labour Law Developments*', **Associate Professor Paul Roth**, University of Otago, New Zealand (November)
- '*International and Conflicts of Law Aspects of Workers' Rights*', **Ms Monika Goller**, Max Planck Institute, Germany (December)

SERVICE TO THE PROFESSION, THE UNIVERSITY AND THE COMMUNITY

JOURNALS

During 2002, Members and Associates of the Centre formed the editorial group of the *Australian Journal of Labour Law*. The Journal is the leading Australian scholarly publication in its field. Richard Mitchell and Breen Creighton were the joint editors of the Journal (retiring as joint editors in December 2002), Colin Fenwick is its senior associate editor and Anthony Forsyth and John Howe are its associate editors. Anna Chapman is a member of the editorial committee and Anthony O'Donnell is the book review editor. From 2003, the editors of the Journal will be Rosemary Owens (University of Adelaide) and Bill Ford (University of Western Australia). The Journal's administrative home will continue to be in the Centre, where members and associates will maintain a close involvement in the editorial work.

Staff of the Centre are members of the editorial and advisory boards, and committees, of several other academic and professional journals, including the *Australian Journal of Asian Law*, *Melbourne Journal of International Law* and the *International Journal of Comparative Labour Law and Industrial Relations*.

PUBLICATIONS

In addition to the *Australian Journal of Labour Law*, the Centre also houses two other publication series that serve the interests of the legal profession and academia. These include a sponsored Monograph Series in Australian Labour Law, published by Federation Press and the Centre's own Working Paper Series. Two working papers were published in 2002, details of which can be found in the publications section of this report.

COMMITTEE MEMBERSHIPS, ASSOCIATIONS

Staff in the Centre are members of the following committees and organisations: American Society of International Law, Association of Industrial Relations Academics of Australia and New Zealand, Australian Labour Law Association (see below), Australian Fabian Society, Australian Centre for Gay and Lesbian Research (Sydney University), Australasian Law Teachers' Association, Australian and New Zealand Society of International Law, Industrial Relations Society of Victoria, International Centre for Trade Union Rights (ICTUR), International Industrial Relations Association, Industrial Relations Research Association (US), International Commission for Labour Rights, and the International Network on Employment and Labour Law.

OTHER CONTRIBUTIONS

In 2002 Anna Chapman was invited to become a member of the Advisory Committee established by the Victorian Law Reform Commission to assist it in its Reference on Workplace Privacy and Surveillance. The Commission has been asked by the Attorney-General to examine and make recommendations on legislative and other reforms needed in relation to the issues of surveillance and privacy of workers in Victoria.

Sean Cooney and Jill Murray are members of the Advisory Board of the Brotherhood of St Lawrence's Ethical Trading, Social and Environmental Responsibility Project. In 2002, they took part in a series of public consultations conducted by the Department of Foreign Affairs and Trade regarding Australia's National Contact Point under the OECD Guidelines on Multinational Enterprises.

Sean Cooney was, during 2002, a National Councillor of the National Tertiary Education Union and the Academic Vice President of the University of Melbourne NTEU Branch.

In 2002 Colin Fenwick was commissioned by the Human Rights Programme of the ILO Training Centre in Turin to collate information on the use of international labour standards in Australian courts and tribunals. This material was included in one of the Training Centre's publications, *The Use of International Law in National Courts* (May 2002).

An opinion piece authored by Glenn Patmore and Paul Gollan on how the European model of workplace democracy can provide options for progress in Australian employee relations was published in *The Age* newspaper. In addition, Professor Mitchell offered his views on regulatory legislation to *Finance Week*, a South African financial review magazine.

COMMISSIONED REPORTS AND SUBMISSIONS TO PUBLIC INQUIRIES

M. Brown, C. Cregan, A. Forsyth, R. Mitchell, G. Patmore and L. Waters, *Report on the D.H.S. Staff Consultation Survey*, Report (Draft) commissioned by the Department of Human Services, Victoria, May 2002.

R. Mitchell and J. Fetter, *The Individualisation of Employment Relationships and Adoption of High Performance Work Practices*, Interim Report commissioned by the Effective Organisations Unit, Industrial Relations Victoria, September 2002.

L. Kirwan, C. Fenwick and R. Mitchell, *National Labour Law Profile – Australia*, Report commissioned for the ILO's International Observatory of Labour Law, December 2002.

THE AUSTRALIAN LABOUR LAW ASSOCIATION

Several Centre members continued to be closely involved in the activities and running of the Australian Labour Law Association in 2002. The Centre and the Melbourne Law School, University of Melbourne, hosted ALLA's main event for the year, its Inaugural National Conference 'Practising Australian Labour Law in the New Economy', on 4–5 October 2002.

The conference was extremely successful with over 200 labour law academics, practitioners, and representatives from courts, tribunals, unions and employers in attendance. Highlights of the Conference included:

- The Keynote Address by Professor Joanne Conaghan, University of Kent at Canterbury, U.K., entitled 'Labour Law and New Economy Discourse'
- The Dinner Address on work and family issues, including the debate over paid maternity leave by Sex Discrimination Commissioner, Pru Goward.
- The launch, by Justice Peter Gray of the Federal Court of Australia, of *Law and Labour Market Regulation in East Asia* edited by Sean Cooney, Tim Lindsey, Richard Mitchell and Ying Zhu.



*Australian Labour Law
Association Inaugural
National Conference
(4 October 2003)*

- Papers given by academics and practitioners on a wide range of issues, including workplace information and communication technology, the growing 'contingent' workforce, unfair dismissal and employment protection, and the growing interaction between labour law and corporate law.

ALLA continued to enjoy substantial growth in the number and diversity of its membership, and various State Chapters held a number of well-attended seminars on topical labour law issues.

In September 2002, ALLA became affiliated to the International Society of Labour Law and Social Security, providing opportunities for ALLA members to participate in the World Congresses, Regional Congresses, and Study Groups of the international body. In anticipation of this affiliation, ALLA completed several National Questionnaire Reports for the 17th World Congress of the ISLLSS, to be held in September 2003 in Montevideo, Uruguay. The following reports were submitted by ALLA.

- Labour Law and the Fundamental Rights of the Person – prepared by Rosemary Owens with assistance from Alexandra Stillwell and Kathryn Pearce
- The Actors of Collective Bargaining – prepared by Ron McCallum, Amanda Coulthard and Bill Ford
- Social Protection for the Unemployed – prepared by Anthony O'Donnell and John Howe

In October, a new National Committee of ALLA was elected for 2002/2003, consisting of the following members:

President:	Ron McCallum (<i>University of Sydney, NSW</i>)
Vice-President:	Richard Mitchell (<i>University of Melbourne, VIC</i>)
Treasurer:	Rosemary Owens (<i>University of Adelaide, SA</i>)
Secretary:	Anthony Forsyth (<i>University of Melbourne, VIC, and Australian National University, ACT</i>)
Ordinary Members:	Mr Ron Baragry (<i>Cutler Hughes & Harris, NSW</i>)
	Ms Amanda Coulthard (<i>Corrs Chambers Westgarth, QLD</i>)
	Ms Paula Darvas (<i>Monash University, VIC</i>)
	Mr Nicholas Ellery (<i>Corrs Chambers Westgarth, WA</i>)
	Ms Kathy Fawcett (<i>Slater and Gordon, VIC</i>)
	Mr Malcolm Harding (<i>APESMA, VIC</i>)
	Ms Jane Harvey (<i>Blake Dawson Waldron, VIC</i>)
	Mr John Howe (<i>Monash University, VIC</i>)
	Ms Samantha Kennedy (<i>Telstra Corporation, VIC</i>)
	Ms Bernadette O'Neill (<i>Maurice Blackburn Cashman, VIC</i>)

The Centre continued to provide substantial administrative support to ALLA in 2002. Special thanks are due to the Centre's administrator, Elena Goodey, who handles many aspects of the day-to-day running of ALLA and played a major role in organising the Inaugural National Conference. ALLA also wishes to thank Blake Dawson Waldron, particularly Richard Bunting and Tze-Wei Chong for their generosity in providing ongoing advice and assistance to the Association over the past year.

TEACHING PROGRAMMES

Members of the Centre teach in a number of undergraduate subjects and postgraduate programmes in both the Law School and the Faculty of Economics and Commerce.

UNDERGRADUATE PROGRAMMES

LAW SCHOOL

730–436 *Principles of Labour Law* (R. Mitchell; A. Forsyth)

This single semester subject provides a complete coverage of the Australian labour law curriculum for students in the LLB programme.

730–405 *Democracy at Work* (R. Mitchell; A. Forsyth; S. Cooney)

This subject covers various aspects of employee participation in workplace decision making in Australia. It is offered to students in the LLB programme.

Members of the Centre teach in a range of other subjects in the LLB degree, including Contracts; History and Philosophy of Law; International Law; Constitutional and Administrative Law; Torts and the Process of Law; Law and Society in China.

FACULTY OF ECONOMICS AND COMMERCE

732–307 *Law and Labour Relations in East Asia* (S. Cooney)

This is a third year subject introducing students to the labour law and industrial relations systems of the Asia-Pacific region. This subject is available to students in both the Law School and the Faculty of Economics and Commerce.

732–304 *Labour Law* (A. Chapman)

This is a third year subject that provides a detailed overview of Australian labour law in an industrial context. This subject is offered to students enrolled in the Bachelor of Commerce and the Graduate Diploma in Industrial Relations and Human Resource Management (Department of Management).

POSTGRADUATE PROGRAMMES

LAW SCHOOL

The Law School offers a range of different postgraduate programmes. The subject, *Law of Work* is taught as part of the Melbourne JD (Juris Doctor) programme in the Law School. This subject provides a complete coverage of the Australian labour law subject matter to students enrolled in the JD.

In addition, the Law School offers several postgraduate programmes specialising in labour relations law. These are as follows:

Coursework Programmes:

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

Research Programmes:

- LLM by major thesis
- Doctorate of Juridical Science (SJD)
- PhD

Five postgraduate subjects were offered in 2002. They were:

730–831 *Employment Law* (R. Mitchell and R. Naughton)

730–828 *Labour Relations Law* (C. Fenwick and B. Creighton)

730–653 *Researching Labour Law* (S. Cooney)

730–630 *Discrimination and Dismissal Law* (A. Chapman, C. Andrades, D. Murphy and M. Rayner)

730–829 *Unions and Industrial Action* (C. Fenwick, G. Smith and Justice P. Gray)

In addition, in 2002 students were able to enrol in a range of other accredited subjects, including, Superannuation Law, Alternative Dispute Resolution, Sports Labour Law and Fundamentals of the Common Law (compulsory for Masters degree students without a law degree from a common law jurisdiction).

RESEARCH PROGRAMMES

In 2002 members of the Centre were engaged in the following interlocking research projects (listed in approximate chronological order).

	Law and Labour Market Regulation	Individualisation and Other Forms of Labour Contracting	Employee Participation in Workplace Governance	The Legal Regulation of Information and Privacy in Labour Markets	Harassment in the Socio-Legal Context	A New Social Settlement: Rethinking Social Policy Across the Life Course
CENTRE MEMBERS	R. Mitchell S. Cooney J. Murray C. Fenwick	R. Mitchell	A. Forsyth R. Mitchell G. Patmore	A. Chapman	A. Chapman	R. Mitchell
RESEARCH STAFF	A. O'Donnell					J. Murray A. O'Donnell
ASSOCIATES	C. Arup J.C. Tham R. Johnstone J. Howe R. Hunter	S. Deery	M. Brown C. Cregan L. Waters	J.C. Tham	G. Mason	
RESEARCH STUDENTS	J. Fetter	J. Fetter				

	Rethinking International Labour Standards: Prospects for Australia - and the Asia Pacific	Law and Labour Market Regulation in East Asia	Core Labour Standards and the Minimum Core Rights in an International Human Rights Perspective	Private Profits from Prison Labour	Labour Law Reforms in Anglophone Africa	The Legal Regulation of Channels of Worker Recruitment, Placement and Supply
CENTRE MEMBERS	S. Cooney R. Mitchell	S. Cooney R. Mitchell	C. Fenwick	C. Fenwick	C. Fenwick	R. Mitchell
RESEARCH STAFF	J. Murray			C. Haan	S. Somasundram	A. O'Donnell
ASSOCIATES		T. Lindsey Y. Zhu				
RESEARCH STUDENTS	J. Fetter					

LAW AND LABOUR MARKET REGULATION

S. Cooney, R. Mitchell, J. Murray and A. O'Donnell

This ongoing research program aims to broaden the subject matter of labour law by looking at the regulation of labour markets, labour market institutions and categories of workers outside the traditional labour law system. The project has its origins in the 'Redefining Labour Law' conference convened by the Centre in 1995. It has provided an overarching framework for several streams of the Centre's research, including that on immigration, social security, vocational education and training, and employment agencies.

A workshop of labour law scholars was convened by the Centre in collaboration with Griffith University's Socio-Legal Research Centre in July to discuss future directions for research. In addition, Jill Murray, Anthony O'Donnell and Centre member Colin Fenwick contributed to an international conference on 'Cycles of Labour Regulation' sponsored by the Regulatory Institutions Network ('RegNet') and the History Program of the Research School of the Social Sciences at the Australian National University in June 2002. Richard Mitchell, together with Centre Associate Richard Johnstone, have also prepared a paper on 'Regulating Work' as a contribution to a project on 'Regulating Law' co-ordinated by John Braithwaite and Christine Parker Under the auspices of the RegNet Project at the Australian National University.

INDIVIDUALISATION AND OTHER FORMS OF LABOUR CONTRACTING

R. Mitchell, S. Deery and J. Fetter

This project is designed to examine the growth of individual employment relations between employer and employee. The project began with an international conference held at the University of Melbourne in 1998, and the subsequent publication, in 1999, of a book jointly edited by Stephen Deery and Richard Mitchell under the title *Employment Relations: Individualisation and Union Exclusion*. Over the period 2001–2002 Richard Mitchell and Joel Fetter have been examining several hundred Australian Workplace Agreements approved by the Employment Advocate under the terms of the Workplace Relations Act 1996 (Cth.). The analysis, which also forms part of a study commissioned by the Department of State and Regional Development, Victoria, aims to examine the various kinds of flexibilities which arise in Australian Workplace Agreements, and whether those agreements are leading to the introduction of cutting-edge employment systems. Two working papers have been published arising from the research, and several conference papers delivered. The work is nearing completion with a final report to be delivered to the State government in the near future, and two major articles under final preparation.

EMPLOYEE PARTICIPATION IN WORKPLACE GOVERNANCE

M. Brown, C. Cregan, A. Forsyth, R. Mitchell, G. Patmore and L. Waters

This research group consists of members from the Centre, and researchers from the Department of Management, University of Melbourne. The project examines management and employee attitudes to worker participation in workplace decision making. In particular, the group is interested in exploring the various factors that affect employee willingness to be involved in decision making, whether formal structures or legal rules are required to facilitate employee involvement, and the industrial relations and other contexts within which this may occur. In 2001, a Melbourne Research Development Grant was used to fund a case study in the Victorian Department of Human Services. A report on this case study was presented to the Department in May 2002. Following that report, further questions and issues were posed by the Department of Human Services, and a Final Report dealing with these matters was finalised later in 2002. The research group is now considering options for the publication of a series of papers based on this research.

THE LEGAL REGULATION OF INFORMATION AND PRIVACY IN LABOUR MARKETS

A. Chapman and J.C. Tham

This project examines the legal regulation of information in Australian labour markets. It analyses the obligations on employers, employees and trade unions in relation to the collection and dissemination of information such as medical records, job and credit references. The project originated in an invitation by the editors of the *Comparative Labor Law & Policy Journal* (USA) to contribute two articles to an international symposium on this topic. The articles were published in the 2000 and 2001 issues of the Journal, and were additionally published as Centre working papers.

Work on this project continued in 2002. Anna Chapman was invited to prepare an article on workplace privacy and surveillance in Australia for a leading French labour law journal. This article was published in December 2002. In addition, Anna was invited to serve on the Advisory Committee for the Reference on Workplace Privacy and Surveillance currently being undertaken by the Victorian Law Reform Commission. The Commission's Reference, and the work of the Advisory Committee, is continuing into 2003.

HARASSMENT IN THE SOCIO-LEGAL CONTEXT

A. Chapman and G. Mason

In Australia, sexual harassment has developed as a distinct conceptual entity. This recognition of sexual harassment as a legal wrong has largely taken place through anti-discrimination law. Unlike sexual harassment, harassing conduct that is not sexual in nature has not developed as a unified legal concept in Australia. This project seeks to analyse the emerging principles of non-sexual harassment in Australian law and practice. Gail Mason (Centre Associate) and Anna Chapman received funding from the Australian Research Council to undertake this project over three years commencing in 2000.

In 2002 work on this project included:

- A paper examining the history of the sexual harassment provisions in the federal Sex Discrimination Act, and critiques, was finalised in 2002 and has been accepted for publication in the 2003 *Federal Law Review*.
- Gail Mason continued her examination of harassment related to sexual preference, resulting in several conference papers, the delivery of seminars both in Australia and overseas, and the publication of an article in the 2002 *Melbourne University Law Review*.
- Comparative work on the concept of non-sexual harassment continued with an examination of the UK Protection from Harassment Act undertaken by Gail Mason.
- Anna Chapman continued her examination of Australian vilification law. Short pieces on the Victorian and Queensland racial and religious vilification laws were published in 2002 and a further paper on the adjudication of racial hatred under the Racial Discrimination Act (Cth) was completed in early 2003.

A NEW SOCIAL SETTLEMENT: RETHINKING SOCIAL POLICY ACROSS THE LIFE COURSE

R. Mitchell, J. Murray and A. O'Donnell

This project aims to develop a framework for rethinking aspects of social policy in Australia, with an emphasis on labour market and household change. Chief Investigators are Linda Hancock of Deakin University and Brian Howe of the University of Melbourne (Centre for Public Policy). In 2002 funding was obtained from the Ross Trust to conduct a National Consultation Strategy. The objective of this Strategy is to discuss policy directions and refine and develop research undertaken in the earlier stages of the project. Centre members Jill Murray and Anthony O'Donnell prepared background papers for the consultations in the areas of industrial relations, work-family balance and income support for people of workforce age. Both also attended various consultations in Melbourne, Adelaide and Sydney. Results from the consultations will be made available in 2003.

RETHINKING INTERNATIONAL LABOUR STANDARDS: PROSPECTS FOR AUSTRALIA AND THE ASIA-PACIFIC

S. Cooney, R. Mitchell and J. Murray

The project examines private forms of labour regulation, including voluntary codes of conduct.

The theoretical basis of the project is derived from the literature on labour regulation. It is clear that traditional forms of labour regulation (including domestic labour standards) are struggling to cope with the changes in labour market conditions caused by increasing international competition, outsourcing (including international outsourcing) and the demand by firms for 'flexible' workplace practices. Alternatives to traditional labour regulation have thus become more significant. One much discussed alternative is the voluntary code of conduct, a form of regulation which is sometimes claimed to be more effective than traditional 'command and control' labour law because it internalises enforcement. This research, funded by the Australian Research Council, has analysed the codes of conduct, and other forms of legal and non-legal regulation, of the offshore activities of corporations.

The project concluded in 2002, and Sean Cooney, Jill Murray and Richard Mitchell are currently completing publications. Sean Cooney and Jill Murray have presented some of the outcomes to researchers in China and Europe, respectively.

LAW AND LABOUR MARKET REGULATION IN EAST ASIA

S. Cooney, T. Lindsey, R. Mitchell and Y. Zhu

The year 2002 saw the publication of a major study on labour law in East Asia, edited by members of the Centre and Centre Associates. The study, *Law and Labour Market Regulation in East Asia*, was published by Routledge (London) and launched by Justice Peter Gray at the Inaugural National Conference of the Australian Labour Law Association (October 2002). The book consists of seven country studies and two theoretical chapters, addressing issues about both the content of labour market regulation and the role that labour law plays in East Asian societies. The countries studied are Indonesia; Malaysia; the Philippines; Vietnam; China; Taiwan and South Korea. The book represents a major new contribution to comparative labour law. It has sold widely internationally and is already in its second printing.

CORE LABOUR STANDARDS AND THE MINIMUM CORE CONTENT OF TRADE UNION RIGHTS IN AN INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

C. Fenwick

This project was completed in 2002, with two book chapters appearing based on the work carried out. Both the comparative and international elements of the project will continue to influence work in the Centre's research and teaching programmes. The project's activities have implications for the research project 'Labour Law Reform in Anglophone Africa', as well as for two new subjects to be introduced in 2003: 'Labour Rights in International Law' (an optional undergraduate LLB subject to be taught by Colin Fenwick) and 'Economic and Social Rights in International Law' (a graduate subject to be taught by Colin Fenwick together with Associate Professor Dianne Otto, Law School).

PRIVATE PROFITS FROM PRISON LABOUR

C. Fenwick

This project examines prison labour in Australia and internationally from the point of view of ILO Convention 29 concerning forced labour. The interpretation of Convention 29, a fundamental human rights instrument, is increasingly questioned by both governments and employers, in light of the worldwide trend to contract out the operation of prisons. The project will seek to place the present focus on the application of Convention 29 in the broader framework of the relationships between globalisation and universal international standards, particularly those protecting fundamental human rights.

During 2002 work on the project led to the delivery of a conference paper at the Cycles of Labour Regulation conference, held at the Australian National University under the auspices of the Regulatory Institutions Network. Other outcomes include progress on an article on international human rights law as it applies to private prisons, for publication during 2003, and a commission from the editors of the *Australian Journal of Labour Law* to contribute an article on the regulation of prison labour in Australia, also for publication in 2003.

LABOUR LAW REFORM IN ANGLOPHONE AFRICA

C. Fenwick

This project began in 2002, funded by a grant from the Melbourne Early Career Researcher Grant Scheme, together with funding from the Law School. The aim of the project is to explore the trajectory of and influences on labour law reform in selected countries in the Southern African Development Community. At present, the work of the project is focused largely on labour law reform in Namibia. During 2002, Colin Fenwick undertook a research trip to Southern Africa to gather materials and explore connections with interested researchers in that part of the world. It is hoped that later phases of the project will be carried out in collaboration with the Institute of Development and Labour Law at the University of Cape Town, South Africa.

THE LEGAL REGULATION OF CHANNELS OF WORKER RECRUITMENT, PLACEMENT AND SUPPLY

R. Mitchell and A. O'Donnell

Richard Mitchell received an ARC Large Grant commencing in 2001 for funding over two years to conduct a project examining the legal regulation of labour market intermediaries. This includes an examination of the provision by the state of job placement services, private sector job brokers and placement agencies, and various *de facto* methods of worker recruitment, such as the use of trade unions as labour suppliers. The laws regulating these activities necessarily impact on workers in the course of their job seeking, facilitate their finding work, and supply an effective labour force to employers. As the labour market is about the buying and selling of labour power, the regulation of employment agencies – public and private – constitutes state intervention at the core of this process.

Anthony O'Donnell was engaged as the principal researcher on the project. An overview article on the regulatory framework in Australia has been completed as one of a series of country studies for a special edition of the *Comparative Labor Law & Policy Journal*, expected to be published in 2003. Two other papers examining the foundations of the Commonwealth Employment Service and the role of trade unions as labour agencies were completed in 2002.

SUMMARY OF ACCOUNTS

CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

GENERAL ACCOUNT

Income 2002	\$
Brought forward from 2001	20,605
Sponsor Donations	35,500
Editorial Fees, contract payments (etc.)	2,454
Sale of Publications	159
Teaching Fees and Research Consultancy	13,185
Faculty allocation	5,000
Other	1,790
TOTAL	<u>78,693</u>
Expenditure 2002	\$
Salaries (research and other staff)	13,519
Travel	5,453
Printing/Advertising	8,223
Conferences/Seminars	4,587
Purchase of Monographs and Journals	4,101
General Office Expenses	9,757
Entertainment	5,016
TOTAL	<u>50,656</u>
UNCOMMITTED BALANCE	<u>28,037</u>

SPECIAL ACCOUNT: MONOGRAPHS ON AUSTRALIAN LABOUR LAW

Income 2002	\$
Brought forward from 2001	<u>12,275</u>
Expenditure 2002	\$
Consultants Services	0
UNCOMMITTED BALANCE	<u>12,275</u>

SPECIAL ACCOUNT: SUMMER SCHOOLS IN ASIAN LABOUR LAW

Income 2002	\$
Brought forward from 2001	<u>6,556</u>
Expenditure 2002	\$
Travel	142
UNCOMMITTED BALANCE	<u>6,414</u>

GRANTS RECEIVED

AUSTRALIAN RESEARCH COUNCIL (LARGE GRANT)

Harassment in the Socio-Legal Context

G. Mason (University of Sydney) and **A. Chapman** \$25,000 (Allocation for 2002)
(ARC 2000 – over 3 years)

The Legal Regulation of Channels of Worker Recruitment, Placement and Supply

R. Mitchell \$37,734 (Allocation for 2002)
(ARC 2001 – over 2 years)

MELBOURNE EARLY CAREER RESEARCHER GRANT SCHEME

Labour Law Reform in Anglophone Africa

C. Fenwick \$10,000 (Allocation for 2002)

The project received further funding support from the Law School in 2002, in the amount of \$3,300 to assist with travel to southern Africa.



*Centre research assistants
Joel Fetter, Tanya Josev,
Kate Creighton in a
meeting with representatives
of Industrial Relations
Victoria Paul Mangan and
Donna Buttigieg*

CONFERENCE PAPERS AND SEMINARS DELIVERED BY MEMBERS OF THE CENTRE

FEBRUARY 2002

A. Chapman	Conference Paper: <i>'Australian Unfair Dismissal Legislation and the Convention on Termination of Employment: Areas of Non-Compliance'</i>	Annual Meeting, Association of Industrial Relations Academics of Australia and New Zealand, Queenstown, New Zealand
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MARCH 2002

A. Forsyth	Keynote Address: <i>'Regenerating Employee Representative Structures in Australia'</i>	Suncorp Metway Employee Council Conference, Noosa
J. Murray	Paper: <i>'Overview of the Revised OECD Guidelines on the National Contact Point for Multinational Enterprises'</i>	Public consultation conducted by the Department of Foreign Affairs & Trade, Melbourne

MAY 2002

A. Forsyth	Seminar Convenor: <i>'When Corporate Law and Labour Law Collide: Lessons from the Ansett Administration'</i>	Centre for Employment and Labour Relations Law and Centre for Corporate Law and Securities Regulation, University of Melbourne
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JUNE 2002

S. Cooney	Conference Paper: <i>'The Application and Non-Application of Rule of Law Principles in Taiwan'</i>	Rule of Law in Asia: Comparative Conceptions Conference, University of Hong Kong, PRC
C. Fenwick	Conference Paper: <i>'Slaves of the State: The Implications of Private Prisons for International Regulation of Prison Labour'</i>	Cycles of Labour Regulation, Regulatory Institutions Network and the Research School of Social Sciences, Australian National University
R. Mitchell	Workshop Presentation: <i>'Writing a Thesis'</i>	National Postgraduate Law Students' Conference, The University of Melbourne
J. Murray and A. O'Donnell	Conference Paper: <i>'Sweat or Starve: Sweating and the Regulatory Imagination in Australia'</i>	Cycles of Labour Regulation, Regulatory Institutions Network and the Research School of Social Sciences, Australian National University

JULY 2002

- R. Mitchell** Workshop: *'Rethinking Labour Law: Roundtable Discussion'* Socio-Legal Research Centre, Griffith University
- R. Mitchell** Keynote Address: *'Labour Market Deregulation in Australia'* 15th Annual Labour Law Conference, Institute of Development and Labour Law, University of Cape Town and the Centre For Applied Legal Studies, University of Witwatersrand, in association with Butterworths South Africa, Johannesburg, South Africa

SEPTEMBER 2002

- R. Mitchell** Conference Paper: *'Human Resource Management and Individualised Employment Agreements in Australia'* VII European Regional Congress of the International Society for Labour Law and Social Security, Stockholm University, Stockholm, Sweden

OCTOBER 2002

- S. Cooney** Conference Paper: *'Towards More Effective Implementation of Labour Standards in China: The Co-ordination of Non-Governmental Initiatives'* Conference on Workers' Rights and International Labor Standards: Human Rights and Business, Wuhan University, PRC
- A. Forsyth** Conference Paper: *'Corporate Collapses and Employees' Right to Know: An Issue for Corporate Law or Labour Law?'* Practising Australian Labour Law in the New Economy, Inaugural National Conference of the Australian Labour Law Association, The University of Melbourne
- G. Patmore and P. Gollan** Conference Paper: *'Labour Law as a Means of Fostering Workplace Democracy'* Practising Australian Labour Law in the New Economy, Inaugural National Conference of the Australian Labour Law Association, The University of Melbourne
- R. Mitchell** Conference Paper: *'Individualisation of Employment Relations and High Performance Work Systems: Evidence from AWAs'* Practising Australian Labour Law in the New Economy, Inaugural National Conference of the Australian Labour Law Association, The University of Melbourne

NOVEMBER 2002

- A. Forsyth** Conference Paper: *'Information and Consultation: Comparative Law, Corporate Law and Labour Law Issues and Options'* Models for Employee Consultation: New Ways of Thinking About Employee Representation, ACIRRT, University of Sydney
- G. Patmore** Conference Paper: *'Works Councils in Australian Labour Law'* Models for Employee Consultation: New Ways of Thinking about Employee Representation, ACIRRT, University of Sydney

PUBLICATIONS

BOOKS

Sean Cooney, Tim Lindsey, Richard Mitchell and Ying Zhu (eds), *Law and Labour Market Regulation in East Asia*, Routledge, London, 2002.

CHAPTERS IN BOOKS AND REFEREED CONFERENCE PAPERS

Anna Chapman, 'Australian Unfair Dismissal Legislation and the ILO Convention on Termination of Employment: Areas of Non-Compliance', in I. McAndrew and A. Geare (eds), *Celebrating Excellence: Proceedings of the 16th AIRAANZ Conference*, Volume 1: Refereed Papers, pp. 136–145.

Sean Cooney and Huei-ling Wang, 'Taiwan's Labour Law: The End of State Corporatism?', in S. Cooney, T. Lindsey, R. Mitchell and Y. Zhu (eds) *Law and Labour Market Regulation in East Asia*, Routledge, London, 2002, pp. 185–214.

Sean Cooney, Tim Lindsey, Richard Mitchell and Ying Zhu, 'Labour Law and Labour Market Regulation in East Asian States: Problems and Issues for Comparative Inquiry', in S. Cooney, T. Lindsey, R. Mitchell and Y. Zhu (eds), *Law and Labour Market Regulation in East Asia*, Routledge, London, 2002, pp. 1–26.

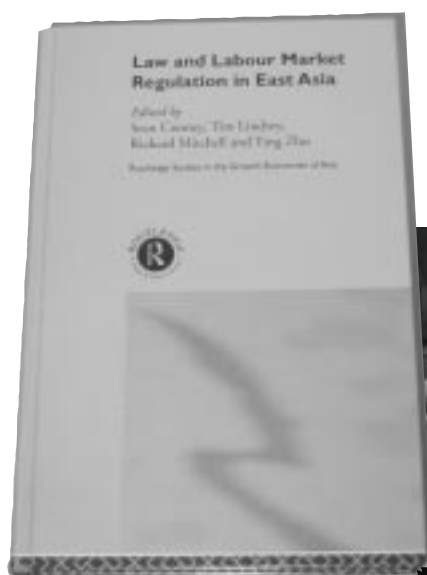
Sean Cooney and Richard Mitchell, 'What is Labour Law Doing in East Asia?', in S. Cooney, T. Lindsey, R. Mitchell and Y. Zhu (eds) *Law and Labour Market Regulation in East Asia*, Routledge, London, 2002, pp. 246–274.

Colin Fenwick, 'Minimum Obligations with Respect to Article 8 of the International Covenant on Economic, Social and Cultural Rights' in A. Chapman and S. Russell (eds) *Core Obligations: Building a Framework for Economic, Social and Cultural Rights*, Intersentia, Antwerp, 2002, pp. 53–86.

Colin Fenwick, 'The Minimum Core Content of Trade Union Rights in the South African Context' in D. Brand and S. Russell (eds) *Exploring the Minimum Core Content of Economic and Social Rights: South African Perspectives*, Protea Publishers, South Africa, 2002, pp. 245–265.

Anthony Forsyth, 'Works Councils in Germany: Are They "Transplantable" to Australia?' in P. Gollan, R. Markey and I. Ross (eds) *Works Councils in Australia: Future Prospects and Possibilities*, The Federation Press, Sydney, 2002, pp. 129–148.

Ron McCallum and Glenn Patmore, 'Works Councils and Labour Law' in P. Gollan, R. Markey and I. Ross (eds) *Works Councils in Australia: Future Prospects and Possibilities*, The Federation Press, Sydney, 2002, pp. 74–100.



Launch of 'Law and Labour Market Regulation in East Asia' (From left to right, Centre Associate Justice Peter Gray, Anthony Forsyth, Centre Associate Tim Lindsey, Richard Mitchell and Sean Cooney)



ARTICLES

Anna Chapman, 'Vie privée et surveillance sur le lieu de travail en Australie' (2002) *Bulletin de droit compare du travail et de la sécurité sociale* pp. 73–92 (translated from English into French).

Richard Mitchell and Jill Murray, 'Legal Regulation of the Employment Relation' (2002) 31 *Industrial Law Journal* 199–205 (review article).

Glenn Patmore and Anna Thwaites, 'Fundamental Doctrines for the Protection of Civil Liberties in the United Kingdom: A. V. Dicey and the Human Rights Act 1998 (UK)' (2002) 13 *Public Law Review* 52–77.

WORKING PAPERS

Richard Mitchell and Joel Fetter, 'Human Resource Management and the Individualisation of Australian Industrial Relations', Centre for Employment and Labour Relations Law, University of Melbourne, *Working Paper No. 25*, August 2002.

Joel Fetter, 'The Strategic Use of Individual Employment Agreements: Three Case Studies', Centre for Employment and Labour Relations Law, University of Melbourne, *Working Paper No. 26*, December 2002.

NOTES, REVIEWS, ETC.

Anna Chapman, 'New Vilification Laws and Victorian and Queensland Work Relationships' (2002) 15 *Australian Journal of Labour Law*, pp. 277–290 (legislative note).

Anna Chapman, 'New Vilification Laws in Victorian and Queensland Workplaces' (2002) 8 *Employment Law Bulletin*, pp. 69–72 (legislative note).

Anthony Forsyth, 'Giving Teeth to the Statutory Obligation to Consult over Redundancies' (2002) 15 *Australian Journal of Labour Law*, pp. 177–183 (case note).

