

LABOUR LAW SEMINAR

Unfair Dismissal Law: From Work Choices to the Fair Work Act 2009

Unfair dismissal law refers to the legal entitlement of certain closely defined categories of employees to make a claim that their dismissal was 'harsh, unjust or unreasonable'. Over the last 15 years or so this area of law has been the subject of much revision by successive governments, particularly in relation to the question of which employees ought to have access to the right to claim unfair dismissal. Major changes were introduced federally in 2005 with the former Coalition government's Work Choices package. Most notably that legislation enacted a number of broad exemptions which had the effect of substantially shrinking the coverage of unfair dismissal law, both federally and at State level, including the controversial exemptions for employers with 100 or fewer employees, and where the reasons for dismissal included a 'genuine operational reason'. The Rudd government's 2009 Fair Work package expands coverage of unfair dismissal law by replacing the main constrictions imposed by Work Choices with narrower exclusion provisions.

In this seminar the federal unfair dismissal jurisdiction under Work Choices will be briefly reviewed, and the 'new' regime of the Fair Work framework will be explored. Thoughts on the direction of law reform in this area, and the importance of clarifying the normative framework of an unfair dismissal scheme, will be offered.

Anna Chapman is a senior lecturer in the Melbourne Law School and a member of the Centre for Employment and Labour Relations Law. She is a Co-Editor of the *Australian Journal of Labour Law*. Anna has authored a number of papers on termination of employment and Australian law, the most recent of which is 'The Decline and Restoration of Unfair Dismissal Rights', in A Forsyth and A Stewart, *Fair Work: The New Workplace Laws and the Work Choices Legacy*, Federation Press, publishing late March 2009.

DATE: Wednesday 22 April 2009
TIME: 1:00 pm
PLACE: Room G27 (Ground Floor)
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RSVP: Tessa Dermody
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A light lunch will be served