



THE UNIVERSITY OF
MELBOURNE

CENTRE FOR EMPLOYMENT
AND LABOUR RELATIONS LAW

LAW SCHOOL, THE UNIVERSITY OF MELBOURNE

ANNUAL REPORT
JANUARY – DECEMBER 2001



Enquiries concerning the Centre's activities and publications may be directed to:

The Administrator
Centre for Employment and Labour Relations Law
Law School
The University of Melbourne
Victoria 3010

(Ph) 8344 8924 (Fax) 9349 4623
e-mail: e.goodey@unimelb.edu.au

Report prepared and edited by Elena Goodey and Anna Chapman of the Centre for Employment and Labour Relations Law, and Judy Bennett of Judy Bennett Design.

Printed in Australia by

CONTENTS

FOREWORD.	2
GOALS OF THE CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW.	5
STAFF, ASSOCIATES, RESEARCH STUDENTS AND VISITORS	6
THE ADVISORY BOARD.	10
THE SPONSORS' PROGRAMME	11
THE CENTRE'S INTERNAL SEMINAR SERIES	11
SERVICE TO THE PROFESSION, THE UNIVERSITY AND THE COMMUNITY	12
TEACHING PROGRAMMES	15
RESEARCH PROGRAMMES.	17
SUMMARY OF ACCOUNTS	23
GRANTS RECEIVED.	24
CONFERENCE PAPERS AND SEMINARS DELIVERED BY MEMBERS OF THE CENTRE.	25
PUBLICATIONS.	27

FOREWORD

The year 2001 saw a period of consolidation in the Centre's research and other activities. Several new members of staff took up positions in late 1999 and 2000 (Helen Askew, Colin Fenwick, Anthony Forsyth, Jill Murray) and as a consequence, 2001 saw a continued strengthening in both the breadth and depth of the Centre's research programmes. Towards the end of 2001 John Howe accepted a position as a lecturer in the Law Faculty at Monash University. John remains an Associate of the Centre. We wish him well in his position at Monash University. Substantial work was undertaken in most of the Centre's research projects during 2001. An overview of these projects is provided in this annual report.

Research outcomes for the year included:

- The preparation of a major edited study on labour law in East Asia (to be published by Routledge in 2002);
- The publication of Jill Murray's book examining the relationship between the ILO and the EU (Kluwer Law International);
- The preparation of refereed articles including several papers accepted for a special issue of the Australian Journal of Labour Law on aspects of the legal regulation of labour markets, articles commissioned by the editors of the Comparative Labor Law & Policy Journal, and several articles in Growth (the annual publication of the Committee for Economic Development of Australia);
- Conference papers delivered at a range of conferences, including annual meetings of the Australian Society of Legal Philosophy, the Industrial Relations Research Association (US), and the International Centre for Trade Union Rights;
- Research reports prepared for various bodies, including the International Confederation of Free Trade Unions, the International Institute of Labour Studies (ILO), the UK Department of Foreign Affairs and Industrial Development, and the Victorian Department of Human Services; and
- Submissions to Parliamentary Inquiries (on the Corporate Code of Conduct Bill 2001).

The Centre was successful in obtaining funding in 2001 from two research grants schemes. An ARC Large Grant was awarded to Richard Mitchell to fund a project examining the legal regulation of channels of worker recruitment, placement and supply in Australia. This project will assess the legal regulation of both public and private employment agencies and various de facto methods of worker recruitment such as the use of trade unions as labour suppliers. Anthony O'Donnell has been engaged as the principal researcher on this project. In addition, Glenn Patmore, in conjunction with Centre Associates, Michelle Brown and Christina Cregan (Department of Management, University of Melbourne), was successful in obtaining research funding from the Melbourne Research Development Grants Scheme. This funding supported a case study examining management and employee attitudes to worker participation in workplace decision-making within the Victorian Department of Human Services. This project was conducted in furtherance of the Centre's research programme examining 'Employee Participation in Workplace Governance'.

In addition to the Centre's research programmes, other activities in which Centre members were involved in 2001 were consolidated. Several members of the Centre played key roles in the establishment of the Australian Labour Law Association ('ALLA') in November 2000. The principal objective of ALLA is to promote the professional interests of lawyers and others working in the fields of labour law and social security in Australia. In 2001, State chapters were established and a number of successful seminars were held. Richard Mitchell holds the position of Vice-President, Anthony Forsyth, Secretary, and John Howe is an ordinary member of ALLA's 2001/2002 National Committee. The National Committee is currently planning the Inaugural National Conference of ALLA, to be held at the University of Melbourne in October 2002. Further information about ALLA is contained in this annual report.

The Centre's teaching programme was expanded in 2001 with the addition of a new subject, 'Law of Work' which is taught to students enrolled in the Melbourne JD (Juris Doctor) programme offered by the Law School. This subject provides a complete coverage of the Australian labour law subject matter.

The Centre welcomed three academic visitors in 2001: Emeritus Professor Harry Glasbeek, York University (Canada), Professor Ulrike Wendeling-Schroeder, University of Hanover (Germany) and Professor Hag-Chun Lee, Dong-A University (Pusan, South Korea).

Kim Huguen took up the position as the Centre Administrator in November 2000. We thank Kim for her hard work, initiative and ability to take on the hard tasks. Unfortunately for the Centre, Kim resigned her position in February 2002 to take up a more senior role in the University. We are very pleased to announce that the Centre has been fortunate to secure an outstanding candidate for the position of Administrator in the Centre. Elena Goodey took up this position in March 2002.

The Centre obtained the support of one new sponsor in 2001: Pricewaterhouse-Coopers Legal. On behalf of all the members of the Centre, we thank our new sponsor and all our sponsors, for their continuing support of our work. In addition, we thank the Centre's Associates, Teaching and Research Associates, and the members of the Advisory Board for the contribution of their ideas and time to our work here at the Centre. The support of our sponsors, Associates and Advisory Board members is essential for the continuing viability of the Centre.

It is with great sadness that we report the death of our colleague, Sally Ball. Sally was a fellow in law at Trinity College, Oxford, and had completed her doctorate in European labour law. She had arranged to spend her sabbatical from Oxford University at the Centre, working with Jill Murray on a project concerning the European Union's external relations in the labour field. Our condolences go to her partner, her friends and her work colleagues.



Anna Chapman
Centre Member



Richard Mitchell
Centre Director

27 June 2002



From left to right, Centre Members Anna Chapman, Sean Cooney, Richard Mitchell, Glenn Patmore and Colin Fenwick

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. He has studied labour law and industrial relations at The University of Melbourne and the London School of Economics and Political Science. He is joint editor of the Australian Journal of Labour Law, and 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 was admitted to practice in 1990, and completed her LLM in 1995. Her research interests lie primarily in discrimination law and practice, and unfair dismissal law. She has published in a range of Australian and international journals and has recently been awarded an ARC Large Grant (over three years) to examine the concept of harassment in a socio-legal context (with Dr. Gail Mason, University of Sydney). Anna is an Anti-Discrimination Adviser at the University of Melbourne. She is an editorial committee member of the Australian Journal of Labour Law, and a former senior associate editor of the Journal.

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

Sean is a graduate in Arts and Law from The University of Melbourne. He worked as a solicitor in the industrial and employment law section of Maurice Blackburn and Co for four years. In 1993 he completed his LLM in Asian law. His research interests are in international and comparative labour law, with a particular focus on East Asia. He holds Masters degrees in law from Columbia University and the University of Melbourne and is fluent in several languages. 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. Sean is also a member of the Asian Law Centre in the Faculty and an editorial committee member of the Australian Journal of Asian Law.

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 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. He has worked as a consultant in international labour standards and human rights law, based in Washington, DC. His clients included US Government agencies, the International Confederation of Free Trade Unions, the American Federation of Labour and Congress of Industrial Organisations, and human rights NGOs. Colin has recently worked as a labour law and labour relations specialist for the International Labour Office in Geneva, and continues to work for the ILO as an external consultant. His principal research interests lie in international and comparative labour law. 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 now a lecturer and PhD candidate at the University of Melbourne. He has also completed the Graduate Diploma in Labour Relations Law at Melbourne. He has worked in practice 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 teaches Principles of Labour Law and Democracy at Work at undergraduate level in the Law Faculty, is an associate editor of the Australian Journal of Labour Law and secretary of the Australian Labour Law Association.

Mr John Howe BA, LLB (MONASH), LLM (TEMPLE)

John is a PhD candidate at the University of Melbourne. He graduated in Arts and Law from Monash University and completed his LLM at Temple University in the USA in 1997. He is an associate editor of the Australian Journal of Labour Law, and his main research interests lie in the legal regulation of labour markets, in particular the implementation of employment and industry policy, and in US labour law.

Dr Jill Murray BA(HONS)(MELB), MA(MELB), MSc(OXFORD), 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. He was a senior tutor in the Law Faculty at Monash University before taking up a lecturing position at Melbourne University. Admitted as a Barrister and Solicitor of the Supreme Court of Victoria, his principal fields of interest are democratic theory and practice, workplace democracy and labour relations, constitutional and administrative law and human rights law.

RESEARCH STAFF

Ms Helen Askew BA(LATROBE), LLB(HONS)(MELB)

Helen holds a BA (with majors in legal studies and history) from LaTrobe University and an LLB (Hons) from Melbourne University. Helen is working with Anna Chapman (and Gail Mason, University of Sydney) on an ARC Large Grant examining the concept of harassment in a socio-legal context. Prior to joining the Centre, Helen was a tutor in legal studies at La Trobe University.

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

Anthony is a graduate in Arts and Law from the University of Melbourne and his current research interests include the legal regulation of labour markets, the Australian welfare state and the history of Australian social policy. In 2001 he was also engaged as a senior research assistant at the University of Melbourne's Centre for Public Policy. He is currently completing his LLM by coursework and minor thesis at the University of Melbourne.

Mr Joel Fetter

Joel is an undergraduate student enrolled at the University of Melbourne in both the Law School and the Arts Faculty. Joel is assisting Richard Mitchell in a number of research projects. Joel is currently an editor of the Melbourne University Law Review.

Ms Lucy Kirwan

Lucy holds a B Sc (Hons) from the University of Melbourne and is currently enrolled in an LLB degree at the University. Lucy is working with Richard Mitchell and Colin Fenwick on a number of different projects. Lucy is a former Executive Member of the Melbourne University Law Review and a member of the Law School's Jessup Moot team.

ADMINISTRATOR

Ms Kim Hugen MA (ROTTERDAM)

Kim is the Administrator of the Centre. She joined the Centre in November 2000, replacing Mary Greco who was on maternity leave throughout 2001. Kim has a Masters degree in history from the Erasmus University in the Netherlands and has worked as a researcher at the Centre for Business History (Erasmus University of Rotterdam) prior to joining the Centre.

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
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
Professor Marilyn Pittard	Monash University
Professor Ian Ramsay	The University of Melbourne
Professor Andrew Stewart	Flinders University of South Australia
Mr Joo-Cheong Tham	Victoria University
Dr Zhu Ying	The University of Melbourne

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
Emeritus Professor Harry Glasbeek	York University, Canada
Justice Peter Gray	Industrial Relations Court of Australia and Federal Court of Australia
Mr Damian Murphy	Victorian Bar
Mr Richard Naughton	Allens Arthur Robinson, Solicitors
Ms Moira Rayner	Office of Children's Rights Commissioner for London
Mr Peter Rozen	Victorian Bar
Dr Graham Smith	Clayton Utz, Solicitors

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'

LLM (MAJOR THESIS)

- Ms L. Liao 'The Legal Protection of Insecure Employees Against Dismissal in China'
Ms K. Murray 'Sex Work as Work: Industrial Issues in the Legal Sex Work Industry in Victoria' (completed and passed in 2001)
Mr T. Zhang 'The Legal Regulation of Temporary Skilled Immigration: Australia and China'

LLM (MINOR THESIS)

- Mr A. O'Donnell 'Inventing Unemployment: Labour Market Regulation and the Birth of the Commonwealth Employment Service'

LLB (ADVANCED LEGAL RESEARCH)

- Ms L. Kirwan 'Australian Workplace Agreements, Collective Bargaining & Freedom of Association - Is Australia Complying with its International Obligations?'

ACADEMIC VISITORS TO THE CENTRE

- Emeritus Professor Harry Glasbeek, York University, Canada (January - May)
Professor Ulrike Wendeling-Schroeder, University of Hanover, Germany (December)
Professor Hag-Chun Lee, Dong-A University, Pusan, South Korea (February-August)



Anthony Forsyth and Sean Cooney.

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 of the Centre's sponsoring firms.

The members are as follows:

Justice Peter Gray (Chair) *Industrial Relations Court of Australia and Federal Court of Australia*

Senior Deputy President Jennifer Acton *Australian Industrial Relations Commission*

Ms Carol Andrades *Ryan Carlisle Thomas*

Mr Josh Bornstein *Maurice Blackburn Casham*

Justice Alan Boulton *Australian Industrial Relations Commission*

Mr Richard Bunting *Blake Dawson Waldron*

Professor Michael Crommelin *The University of Melbourne*

Mr John Denton *Corrs Chambers Westgarth*

Ms Rachel Doyle *Victorian Bar*

Mr Philip Gardner *Ryan Carlisle Thomas*

Mr Ross Jackson *Maddock Lonie & Chisholm*

Mr Bruce Moore *Mallesons Stephen Jaques*

Mr Charles Power *Holding Redlich*

Mr Julian Riekert *Allens Arthur Robinson*

Ms Linda Rubinstein *Australian Council of Trade Unions*

Mr Nick Ruskin *Phillips Fox*

Mr Jim Young *National Australia Bank*

Ms Susan Zeitz *EMA Legal*

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 2001 were:

Andersen Legal
Blake Dawson Waldron
Corrs Chambers Westgarth
Holding Redlich
Maddock Lonie & Chisholm
Maurice Blackburn Cashman
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. Three seminars were held in the Sponsors' Seminar Series during 2001. These were as follows:

- **Ms Carol Andrades** (Consultant, Ryan Carlisle Thomas, Solicitors) 'Quirks Dilemmas and Quandaries – Brain Teasers in Anti-Discrimination Law' (February)
- **The Hon. Monica Gould MLC** (Victorian Minister for Industrial Relations) 'Victoria's Fair Employment Bill' (March)
- **Mr Jonathan Hamberg** (Employment Advocate) 'AWAs and Freedom of Association' (May)

THE CENTRE'S INTERNAL SEMINAR SERIES

A number of internal seminars were held in the Centre in 2001. Most of these seminars were presented by academic visitors to the Centre.

- '*Business Performance and Institutional Form*', **Emeritus Professor Harry Glasbeek**, York University, Canada
- '*Labour law in German: The New Law in Relation to Works Councils and Employment Safeguards*', **Professor Ulrike Wendeling-Schröder**, University of Hanover, Germany (December)
- '*Dust to Dust or the Phoenix Rising? Workplace Safety Reform in Thailand following the Kader Toy Factory Fire*', **Dr Fiona Haines**, Department of Criminology, University of Melbourne (December)
- '*Welfare to Work and the British New Deals for the Unemployed*', **Dr Dan Finn**, the University of Portsmouth, U.K. (April)

SERVICE TO THE PROFESSION, THE UNIVERSITY AND THE COMMUNITY

JOURNALS

Members and Associates of the Centre form 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 are joint editors of the Journal, Colin Fenwick is senior associate editor and Anthony Forsyth and John Howe are associate editors. Anna Chapman is a member of the editorial committee.

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 published Working Paper Series. Four working papers were published in 2001, 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 (Glenn Patmore is chair of the Research Committee), Australian Centre for Gay and Lesbian Research (Sydney University), Australasian Law Teachers Association (Anna Chapman is the convenor of the Labour Law Interest Group), 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

Anna Chapman is a member of the Attorney General's Advisory Committee on Gay, Lesbian and Transgender Legal Issues (Victoria) and an Anti-Discrimination Adviser for the University of Melbourne.

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 2001, Jill Murray and Sean Cooney 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. Jill Murray was invited to present an overview of the OECD guidelines at one of these public consultations.

Sean Cooney and Anna Chapman each provided consultancy services to the University Compliance Officer (University of Melbourne). These services were provided as part of developments in the University's compliance program. Sean Cooney provided consultancy on contracts and trade practices issues and Anna Chapman on discrimination and occupational health and safety issues. This consultancy work is continuing.

Opinion pieces authored by Centre members were published in The Age newspaper in 2001. Anthony Forsyth, John Howe and Jill Murray authored articles on trade union consultation in relation to redundancy, and proposed amendments to unfair dismissal law.

Colin Fenwick, assisted by Chriss Haan, compiled information on the use of International Labour Standards in Australian courts and tribunals, on behalf of the Human Rights Programme of the ILO Training Centre in Turin. The information was subsequently used in the Training Centre's publication 'Use of International Law in National Courts' (May 2002).

COMMISSIONED REPORTS AND SUBMISSIONS TO PUBLIC INQUIRIES

S. Cooney, *Submission on the Corporate Code of Conduct Bill*, Submission to Parliamentary Joint Statutory Committee on Corporations and Securities, December 2001.

C. Fenwick, *Private Benefit From Forced Prison Labour: Case Studies on the Application of ILO Convention 29*, Report commissioned by the International Confederation of Free Trade Unions (with the assistance of the ILO Bureau for Workers' Activities), June 2001.

A. Forsyth, *The Decline of Social Dialogue in the Australian Public Service*, Report prepared for the Government and Labour Law and Administration Department, International Labour Office, January 2001.

R. Mitchell and A. Thwaites, *Independent Contracting of Minors Under Age 15*, Report commissioned by the Department of State and Regional Development (Victoria), June 2001.

J. Murray, *ACTU's Call Centre Charter for the Victorian Government's Effective Organisations Unit*, Briefing Note prepared for the ACTU, May 2001.

J. Murray et al, *Prevention of Less Favourable Treatment, Submission on the UK Government's Proposals Regarding Fixed-Term Employees*, May 2001.

J. Murray, *Role of the ILO in Providing Technical Assistance*, Report prepared for the UK Department of Foreign Affairs and Industrial Development, December 2001.

THE AUSTRALIAN LABOUR LAW ASSOCIATION

Following its formation in November 2000, several Centre members were closely involved in the ongoing development of the Australian Labour Law Association ('ALLA') in 2001. ALLA is the first organisation formed specifically for the purpose of promoting the professional interests of lawyers and others working in the fields of labour law and social security law in Australia, and to provide a forum for the exchange of ideas in these fields.

By the end of 2001, ALLA had around 400 members including academics, practitioners, tribunal members and others drawn from around Australia. During the year, state chapters of ALLA were established in New South Wales, Queensland, South Australia, Western Australia and the ACT, with the Queensland and South Australia chapters holding a number of highly successful seminars.

Other major activities of ALLA in the past year included:

- The Official Launch of the Association at Victoria's Parliament House on 18 July 2001. Justice Michael Kirby of the High Court of Australia delivered the main address, 'Industrial Relations Law – Call Off the Funeral'. Other speakers were Professor Richard Mitchell (then Interim Vice-President of ALLA), the Hon. Jeff Shaw (former Attorney General of NSW) and the Hon. Monica Gould (Victorian Minister of Industrial Relations).
- ALLA's first Annual General Meeting was held at Corrs Chambers Westgarth in Melbourne on 14 November 2001. Justice Geoffrey Giudice, President of the Australian Industrial Relations Commission, delivered an address on 'The Industrial Relations Commission's Powers of Private Arbitration'. At the AGM, elections were held for ALLA's National Committee for 2001/2002. As a result, the Committee now consists of the following members:

-
- President:** Ron McCallum (University of Sydney)
- Vice-President:** Richard Mitchell (University of Melbourne)
- Treasurer:** Rosemary Owens (University of Adelaide)
- Secretary:** Anthony Forsyth (University of Melbourne)
- Ordinary Members:** Jeff Shaw QC (NSW Bar)
Phillipa Weeks (Australian National University)
Richard Bunting (Blake Dawson Waldron, Melbourne)
Amanda Coulthard (Corrs Chambers Westgarth, Brisbane)
Bill Ford (University of Western Australia)
John Howe (Monash University)
Samantha Kennedy (Corrs Chambers Westgarth, Melbourne)
Richard Naughton (PricewaterhouseCoopers Legal, Melbourne)
Bernadette O'Neill (Maurice Blackburn Cashman, Melbourne)
Marilyn Pittard (Monash University)
Malcolm Harding (Association of Professional Engineers,
Scientists and Managers, Australia)
Adam Bandt (Slater and Gordon, Melbourne)

The National Committee is now planning the Inaugural National Conference of ALLA, 'Practising Australian Labour Law in the New Economy', to be held at the University of Melbourne Law School on Friday 4th and Saturday 5th October 2002. Speakers at the conference will include Professor Joanne Conaghan of The University of Kent, U.K. and Commissioner Pru Goward, Federal Sex Discrimination Commissioner. Details about the conference, and ALLA more generally, can be obtained from our web-site: www.alla.law.unimelb.edu.au or contact Anthony Forsyth: a.forsyth@unimelb.edu.au.



Colin Fenwick and Anna Chapman

TEACHING PROGRAMMES

Members of the Centre teach in a number of undergraduate subjects in both the Law School and in 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 and social 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, Faculty of Economics and Commerce).

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

There were six postgraduate subjects offered in 2001. These 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* (R. Mitchell)
- 730-630 *Discrimination and Dismissal Law* (A. Chapman, C. Andrades, D. Murphy and M. Rayner)
- 730-853 *Aspects of International and Comparative Labour Law* (J. Murray, S. Cooney, C. Fenwick and R. Mitchell)
- 730-664 *Workplace Health and Safety* (C. Fenwick and R. Johnstone)

In addition, in 2001 students were able to enrol in a range of other accredited subjects, including Alternative Dispute Resolution, Comparative Law, Superannuation Law and Sports Labour Law.

FACULTY OF ECONOMICS AND COMMERCE

Members of the Centre also participate in the graduate programmes offered by the Department of Management in the Economics and Commerce Faculty. In addition to the two subjects described above (732-307 Law and Labour Relations in East Asia and 732-304 Labour Law), the following subject is offered at fifth year level to students undertaking a Masters Degree in Industrial Relations:

- 732-624 *Advanced Labour Law* (R. Mitchell and A. Chapman)

This subject offers a comprehensive study of Australian labour law, at an advanced level.



Richard Mitchell, Centre Director

RESEARCH PROGRAMMES

In 2001 members of the Centre were engaged in the following interlocking research projects (in broadly chronological order).

GROUP PARTICIPATION	Law and Labour Market Regulation	Individualisation and Forms of Labour Contracting	Labour Law and Social Security	Employee Participation in Workplace Governance	The Legal Regulation of Information and Privacy in Labour Markets	Harassment in the Socio-Legal Context
CENTRE MEMBERS	R. Mitchell J. Murray J. Howe	R. Mitchell	A. O'Donnell	A. Forsyth R. Mitchell G. Patmore	A. Chapman	A. Chapman
RESEARCH STAFF		A. O'Donnell				H. Askew
ASSOCIATES	C. Arup J.-C. Tham R. Johnstone	S. Deery	C. Arup J.-C. Tham	M. Brown C. Cregan L. Waters	J.-C. Tham	G. Mason
RESEARCH STUDENTS	A. Thwaites	J. Fetter A. Thwaites				

	A New Social Settlement: Rethinking Social Policy Across the Life Course	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 Content of Trade Union Rights in an International Human Rights Perspective	Private Profits from Prison Labour	The Legal Regulation of Channels of Worker Recruitment, Placement and Supply
GROUP PARTICIPATION						
CENTRE MEMBERS	R. Mitchell S. Cooney A. Forsyth J. Howe J. Murray	S. Cooney J. Murray R. Mitchell	S. Cooney R. Mitchell	C. Fenwick	C. Fenwick	R. Mitchell
RESEARCH STAFF	A. O'Donnell					A. O'Donnell
ASSOCIATES			T. Lindsey Y. Zhu			
RESEARCH STUDENTS					L. Kirwan	E. Stacey

LAW AND LABOUR MARKET REGULATION

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

This ongoing research 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 of the traditional labour law system. The project has its origins in the 'Redefining Labour Law' conference convened by the Centre in 1995 and 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.

In 2001, Centre members John Howe, Jill Murray and Anthony O'Donnell attended the Australian Society of Legal Philosophy Annual Conference in Canberra to present papers on aspects of labour law and regulatory theory. John, Jill, Anthony and Richard Mitchell also contributed articles to an issue of the *Australian Journal of Labour Law* devoted to aspects of the legal regulation of labour markets, with a guest editorial provided by Centre Associate Chris Arup. In May 2001, Richard was commissioned by the Department of State and Regional Development (Victoria) to produce a report on aspects of the present law in Victoria pertaining to child employment. Anna Thwaites was engaged as a research assistant on this project.

Richard, Jill, Anthony and Centre Associate Richard Johnstone are engaged in planning a workshop of labour law scholars to revisit the theme 'Redefining Labour Law' to be held at Griffith University's Socio-Legal Research Centre in mid-2002. The Centre has also been invited to contribute to an international conference on 'Cycles of Labour Regulation', sponsored by the Regulatory Institutions Network and the History Program of the Research School of Social Sciences at the Australian National University in 2002.

INDIVIDUALISATION AND 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*. The next meeting of the international collaborators in this project took place in Tokyo in June 2000 at the 12th World Congress of the International Industrial Relations Association. Stephen Deery, Richard Mitchell and Joel Fetter are currently working on an analysis of several hundred Australian Workplace Agreements approved by the Employment Advocate under the terms of the Workplace Relations Act 1996 (Cth). This analysis will form the basis of a major study on the relationship between the process of individualisation, and high performance work systems. An interim report on the subject matter was presented by Richard Mitchell at a one-day conference on *The AWA Experience: Evaluating the Evidence* organised by the Australian Centre for Industrial Relations Research and Training, held at the University of Sydney in September 2001. In addition to this research on Australian Workplace Agreements, in 2001 Richard Mitchell was commissioned by the Department of State and Regional Development (Victoria) to provide a report on independent contracting and children. This report, co-authored with Anna Thwaites, was delivered in June. The title is: *Independent Contracting of Minors Under Age 15*.

LABOUR LAW AND SOCIAL SECURITY

C. Arup, A. O'Donnell and J.-C. Tham

Research undertaken in this area in 2001 resulted in various conference papers and a Centre working paper. A paper exploring the historical and contemporary links between labour market regulation and unemployment benefit provision by A. O'Donnell and C. Arup was presented at the Australian Legal Philosophy Society conference in Canberra in June and an expanded version published as a Centre working paper in December. A conference paper by J.-C. Tham examining aspects of the receipt of unemployment benefit in the context of industrial disputes was delivered at the Law and Society Conference in Melbourne in December.

EMPLOYEE PARTICIPATION IN WORKPLACE GOVERNANCE

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

In this project, the research group (consisting of members of the Centre, and several researchers from the Department of Management at the University of Melbourne) is examining 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, which was carried out in the later part of that year. The research group has presented several reports to the Department, and is now considering options for publication of a series of papers based on the survey results.

THE LEGAL REGULATION OF INFORMATION AND PRIVACY IN LABOUR MARKETS

A. Chapman and J.-C. Tham

In late 1999 the Centre was invited by the editors of the *Comparative Labor Law & Policy Journal* (University of Illinois, USA) to contribute a manuscript examining the legal regulation of information in Australian labour markets. Work on this project was undertaken by Anna Chapman and Centre Associate, Joo-Cheong Tham.

Two articles have been accepted for publication in the Journal. The articles form part of a symposium examining the rights and responsibilities of employers and employees in relation to the collection, use and provision of information such as medical records, job references, and credit references. The papers have also been published as Centre Working Papers.

Since these papers have been completed, Anna Chapman has been invited to serve on the Advisory Committee for the Reference on Workplace Privacy and Surveillance currently being undertaken by the Victorian Law Reform Commission. In addition, Anna has been invited to contribute an article on the legal regulation of workplace privacy and surveillance in Australia by *The Bulletin de Droit Comparé du Travail et de la Sécurité Sociale*, a journal published by the University of Bordeaux (France).

HARASSMENT IN THE SOCIO-LEGAL CONTEXT

A. Chapman, G. Mason and H. Askew

Gail Mason (Centre Associate) and Anna Chapman received an ARC Large Grant (2000) for funding over three years to conduct a project examining the concept of harassment in Australia. Helen Askew was engaged as a researcher on the project in 2001.

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 discrimination law. Unlike sexual harassment, harassing conduct that is not sexual in nature has not developed as a unified legal concept in Australia. The project seeks to analyse these emerging principles of non-sexual harassment in Australian law and practice. It builds on earlier research conducted by Anna Chapman and Gail Mason into the NSW discrimination jurisdiction. An ARC Small Grant (1997) funded this earlier project.

A paper providing a history and critique of the concept of sexual harassment in the Sex Discrimination Act 1984 (Cth) was prepared in 2001. This paper is expected to be finalised by mid 2002. Work on further papers was also conducted in 2001. These papers are expected to be completed in 2002 and 2003.

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

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

A two-year project commencing in 2000, this project aimed to develop a framework for rethinking aspects of social policy in Australia, with an emphasis in labour market and household change. The project was funded under the ARC's Strategic Partnerships with Industry (Research and Training) Scheme. Chief Investigators were Linda Hancock of Deakin University and Brian Howe of the University of Melbourne, with Maryann Wulff of Monash University as Associate Investigator and the Brotherhood of St Lawrence and the Committee for Economic Development of Australia (CEDA) as industry partners. Centre member Anthony O'Donnell was employed as a researcher on the project across 2001. He and fellow Centre members Richard Mitchell and Jill Murray participated in a Round table discussion held in Melbourne in September. The three contributed articles to CEDA's annual publication, *Growth*, which carried a collection of papers generated by the project. The Centre also contributed to a series of policy papers in key areas during 2001. It is expected that a revised and expanded version of that article will be published as part of a book arising from the project in late 2002 or 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 of '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. It can also be used to establish labour norms along supply chains. Little empirical research has been undertaken into the effectiveness of these codes, particularly in Australia. We aim to address this gap in the research. The research is funded by a large Grant from the Australian Research Council.

The empirical aspect of this project involves an assessment of voluntary codes of conduct relating to labour standards. In 2001, work continued on case studies examining the operation of the Sydney Olympic Games code of conduct and a number of other 'ethical trading initiatives'. A number of new developments have been encompassed within the scope of the project, including the proposal for a Corporate Code of Conduct Bill before the Federal Parliament. Both Sean Cooney and Jill Murray made submissions to the Senate Committee considering the Bill and a paper placing the Bill in its legal and economic context has been prepared in draft form. Work continues on the empirical research conducted in conjunction with a small enterprise that imports goods from China. This aspect of the project has provided valuable insights into the nature of decision-making on corporate ethics.

LAW AND LABOUR MARKET REGULATION IN EAST ASIA

S. Cooney, T. Lindsey, R. Mitchell and Z. Ying

During 2001 a major edited study on labour law in East Asia was completed by members of the Centre and Centre Associates. Routledge (London) will publish the study in August 2002. It consists of seven country studies and two theoretical chapters, addressing issues about both the content of labour market regulation and the role labour law plays in East Asian societies. The country studies are: Indonesia; Malaysia; the Philippines; Vietnam; China; Taiwan, and South Korea. The book represents a major new contribution to comparative labour law.

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

C. Fenwick

This project explored the concepts of core labour standards and the minimum core content of trade union rights from an international human rights point of view. Research in 2001 focused on three main themes:

- The meaning and content of Article 8 of the International Covenant on Economic, Social and Cultural Rights (the Covenant), identifying the minimum core content of the obligations of state parties in respect of trade union rights;
- The development of an understanding of the extent to which it is possible to identify core labour standards in international human rights law; and
- An analysis of South African constitutional and legislative protection for core labour standards as recognised in international law, with particular attention to freedom of association and the right to organise.

Two book chapters based on this work will be published during 2002.

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 2001 work on the project led to a conference paper on the application of Convention 29 in Australia, and a commission to carry out a multi-country study of prison labour for private benefit on behalf of the International Confederation of Free Trade Unions (ICFTU). The study examined prison labour in Australia, Cameroon, China, Russia, the United Kingdom and the United States. The report was delivered to the ICFTU in April 2001, and used during discussions at the ILO conference in June 2001.

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 has been engaged as the principal researcher on the project. An overview article on the regulatory framework has been prepared in response to an invitation from the editors of the *Comparative Labor Law and Policy Journal*. It is expected this will be published in 2002. A series of further papers arising from the research will be prepared in 2002.

SUMMARY OF ACCOUNTS

CENTRE FOR EMPLOYMENT AND LABOUR RELATIONS LAW

GENERAL ACCOUNT

Income 2001	\$
Brought forward from 2000	21,260
Sponsor Donations	20,000
Editorial Fees, contract payments (etc.)	3,300
Sale of Publications	8,210
Teaching fees and Research Consultancy	7,000
Faculty allocation	5,000
TOTAL	<u>64,770</u>
Expenditure 2001	\$
Salaries (research and other staff)	15,417
Travel	4,806
Printing/Advertising	5,092
Conferences/Seminars	1,142
Purchase of Monographs and Journals	901
General Office Expenses	15,150
Entertainment	1,657
TOTAL	<u>44,165</u>
UNCOMMITTED BALANCE	<u>20,605</u>

SPECIAL ACCOUNT: MONOGRAPHS ON AUSTRALIAN LABOUR LAW

Income 2001	\$
Brought forward from 2000	<u>12,275</u>
Expenditure 2001	\$
Consultants Services	0
UNCOMMITTED BALANCE	<u>12,275</u>

SPECIAL ACCOUNT: SUMMER SCHOOLS IN ASIAN LABOUR LAW

Income 2001	\$
Brought forward from 2000	<u>6,556</u>
Expenditure 2001	\$
Travel	0
UNCOMMITTED BALANCE	<u>6,556</u>

GRANTS RECEIVED

AUSTRALIAN RESEARCH COUNCIL (LARGE GRANT)

Harassment in the Socio-Legal Context G. Mason (University of Sydney) and A. Chapman <i>(ARC 2000 – over 3 years)</i>	\$25,000 (Allocation for 2001)
Rethinking International Labour Standards: Prospects for Australia and the Asia Pacific S. Cooney and R. Mitchell <i>(ARC 2000 – over 2 years)</i>	\$57,163 (Allocation for 2001)
The Legal Regulation of Channels of Worker Recruitment, Placement and Supply R. Mitchell <i>(ARC 2001 – over 2 years)</i>	\$37,734 (Allocation for 2001)

MELBOURNE RESEARCH DEVELOPMENT GRANTS SCHEME

Employee Willingness to Participate in Organisational Decision-Making Systems: Causes and Consequences M. Brown , C. Cregan and G. Patmore	\$7,000 (Allocation for 2001)
---	----------------------------------

MELBOURNE EARLY CAREER RESEARCHER GRANT SCHEME

Labour Law Reform in Anglophone Africa C. Fenwick	\$10,000 (Allocation for 2002)
---	-----------------------------------



CONFERENCE PAPERS AND SEMINARS DELIVERED BY MEMBERS OF THE CENTRE

JANUARY 2001

A. Chapman	Conference Paper: <i>'Protection Against Unfair Dismissal as a Human Right: ILO Standards in Australia'</i>	Annual Meeting, Industrial Relations Research Association (US), New Orleans
-------------------	---	---

FEBRUARY 2001

S. Cooney	Workshop Participant	Melbourne University Law School Collaborative Project on Globalisation
C. Fenwick	Conference Paper: <i>'Forced labour in Private Prisons'</i>	International Labour Rights & Human Rights Conference, hosted by the Centre for Trade Union Rights & the University of NSW

MARCH 2001

J. Murray	Seminar <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
------------------	--	--

APRIL 2001

A. Forsyth	Closing address <i>'Works Councils for Australia: The State of the Debate and Where to Next?'</i>	ACTU/Australian Services Union Seminar <i>'Works Councils in the Australian Context'</i> , RMIT University
P. Rozen	Seminar <i>'Occupational Health and Safety'</i>	<i>'Employment Law & Industrial Relations Seminar Series'</i> , Leo Cussens Institute

JUNE 2001

J. Howe	Conference Paper: <i>'Howe Leather and the potential impact of WTO dispute resolution procedures on domestic industry policy'</i>	Australia and New Zealand Society of International Law, Annual Conference, Canberra
J. Howe	Conference paper: <i>'Regulating For Accountability in Employment Creation'</i>	Australian Society of Legal Philosophy, Annual Conference, Australian National University
J. Murray	Conference Paper: <i>'Fixed Rules & Australian Labour Standards'</i>	Australian Society of Legal Philosophy, Annual Conference, Australian National University
A. O'Donnell and C. Arup	Conference Paper: <i>'Welfare Reform as Labour Market Regulation'</i>	Australian Society of Legal Philosophy, Annual Conference, Australian National University
G. Patmore	Welcome, Introduction and Concluding Comments	<i>'Marking the Constitutional Centenary: An Agenda for Reform'</i> , University of Melbourne

G. Patmore	Conference Paper: <i>'Should the Head of State Be a Guarantor of Democratic Government?'</i>	'Marking the Constitutional Centenary: An Agenda for Reform, University of Melbourne
------------	--	--

AUGUST 2001

S. Cooney	Seminar: <i>'Comparative Law and Labour Standards'</i>	Asian Law Centre Brown Bag Seminar, University of Melbourne
-----------	--	---

SEPTEMBER 2001

R. Mitchell	Panel discussant	'The AWA Experience: Evaluating the Evidence', ACIRRT, University of Sydney
-------------	------------------	---

NOVEMBER 2001

R. Mitchell	Seminar: <i>'Labour Law in the Asian States: Some Problems & Issues for Comparative Study'</i>	Law School Seminar Series, Victoria University
-------------	--	--

DECEMBER 2001

J. Howe	Conference Paper: <i>'The Job Creation Function of the State: A New Subject for Labour Law'</i>	Australian Law and Society Association, Annual Conference, Victoria University
---------	---	--

PUBLICATIONS

BOOKS AND MONOGRAPHS

Jill Murray, *Transnational Labour Regulation: The ILO and EU Compared*, Kluwer Law International, The Hague, 2001.

Glenn Patmore and D Glover (eds), *For the People: Reclaiming Our Government, Labour Essays 2001*, Pluto Press, Sydney, 2001.

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), *The Proceedings of the 16th Association of Industrial Relations Academics of Australia and New Zealand (AIRAANZ) Conference (Feb 2002): Volume 1: Refereed Papers*, 2001 (refereed conference paper), pp 136-145.

Breen Creighton and Colin Fenwick, 'The Evolving Employment Relationship and the New Economy: An Australian View', in R. Blanpain (ed), *The Evolving Employment Relationship and the New Economy: The Role of Labour Law and Labour Relations – A Report From 5 Continents*, *Bulletin of Comparative Labour Relations No. 41*, Kluwer, 2001, pp 1-27.

Joo-Cheong Tham, 'Industrial Action and Unemployment Income Support in Australia' in I McAndrew and A Geare (eds), *The Proceedings of the 16th AIRAANZ Conference (Feb 2002): Volume 1: Refereed Papers*, 2001 (refereed conference paper), pp 476-486.

ARTICLES

Chris Arup, 'Labour Law as Regulation: Promise and Pitfalls' (2001) 14 *Australian Journal of Labour Law* (Editorial) 229.

Anna Chapman and Joo-Cheong Tham, 'The Legal Regulation of Information in Australian Labour Markets: Disclosure to Employers of Information about Employees' (2000) 21 *Comparative Labor Law & Policy Journal* 101.

John Howe, 'The Job Creation Function of the State: A New Subject for Labour Law' (2001) 14 *Australian Journal of Labour Law* 242.

Richard Mitchell, Jill Murray and Anthony O'Donnell, 'Labour Law and a New Social Settlement' (2001) 49 *Growth* (Special Issue – Future Direction in Australian Social Policy: New Ways of Preventing Risk) 66.

Jill Murray, 'A New Phase in the Regulation of Multinational Enterprises: The Role of the OECD' (2001) 30 *Industrial Law Journal* 255.

Jill Murray, 'The International Regulation of Maternity: Still Waiting for the Reconciliation of Work and Family Life' (2001) 17 *International Journal of Comparative Labour Law and Industrial Relations* 25.

Jill Murray, 'The Sound of One Hand Clapping? The Ratcheting Labour Standards Proposal and International Labour Law' (2001) 14 *Australian Journal of Labour Law* 306.

Anthony O'Donnell and Richard Mitchell, 'Immigrant Labour in Australia: The Regulatory Framework' (2001) 14 *Australian Journal of Labour Law* 269.

Anthony O'Donnell, 'Savings, Risk and Redistribution: Some Options for Working-Age Income Support' (2001) 49 *Growth* (Special Issue – see above) 41.

Glenn Patmore, 'A New Light on an Old Hill – Building Industrial Democracy in Australia' (June-July 2001) *Arena* 45.

Joo-Cheong Tham and Anna Chapman, 'The Legal Regulation of Information in Australian Labour Markets: Information That is Required to be Disclosed by Employers to Employees and Trade Unions' (2001) 22 *Comparative Labor Law & Policy Journal* (forthcoming).

WORKING PAPERS & DISCUSSION PAPERS

Anna Chapman and Joo-Cheong Tham, 'The Legal Regulation of Information in Australian Labour Markets: Disclosure to Employers of Information about Employees', Centre for Employment and Labour Relations Law, *Working Paper No. 22*, April 2001.

Anthony Forsyth, 'Re-Regulatory Tendencies in Australian and New Zealand Labour Law', Centre for Employment and Labour Relations Law, *Working Paper No. 21*, March 2001.

Jill Murray, 'The ILO On-line Conference on Organized Labour in the 21st Century', *International Institute of Labour Studies Discussion Paper Series*, DP/125/2000, Geneva, 2001.

Anthony O'Donnell and Christopher Arup, 'Social Security and Labour Law: Constructing the Labour Market Subject', Centre for Employment and Labour Relations Law, *Working Paper No. 24*, December 2001.

Joo-Cheong Tham and Anna Chapman, 'The Legal Regulation of Information in Australian Labour Markets: Information that is Required to be Disclosed by Employers to Employees and Trade Unions', Centre for Employment and Labour Relations Law, *Working Paper No. 23*, September 2001.

NOTES, REVIEWS, ETC.

Anna Chapman, Update on 'Australia' in the ILO, *Termination of Employment Digest* (January 2001).

Anthony Forsyth, 'Corporate Collapses and Business Restructuring: Employer Obligations to Inform and Consult with Employees' (2001) *CCH Australian Industrial Law Update* 1.

Anthony Forsyth, 'New Zealand's Good Faith Bargaining Laws: What Prospects for Australia?' (2001) *CCH Australian Industrial Law Update* 1.

Anthony Forsyth, 'Outsourcing and Insourcing: The "ins" and "outs" – Part 1' (2001) *CCH Employment Law Bulletin* 1.

Anthony Forsyth, 'Outsourcing and Insourcing: The "ins" and "outs" – Part 2' (2001) *CCH Employment Law Bulletin* 2.

Jill Murray, book review of 'The Transformation of Australian Industrial Relations' by Mark Wooden (2001) 14 *Australian Journal of Labour Law* 223.

Jill Murray, book review of 'The Global Business Regulation' by John Braithwaite and Peter Drahos (2001) 30 *Australian Law Journal* 246.

Peter Rozen, 'Suppliers' Duties Under OHS Legislation' (2001) 14 *Australian Journal of Labour Law* 202 (case note).

