

Employment law topics:

1. Intro & sources of employment law

- a. Contract
- b. Common law
- c. Policies and procedures
- d. Awards and enterprise agreements
- e. International labour standards
- f. Statutory regulation

2. Employment relationship

- a. Employment (of service)
- b. Independent contractor (for service)

i. Legal test:

1. Control – *Zuijs v Wirth Brothers Pty Ltd* (1955) 93 CLR 562
2. Multi-factor test: *Stevens v Brodribb Sawmilling Co Pty Ltd* (1986) 160 CLR 16 per Mason J.
3. Labour Hire Agreements (ODCO arrangements): *loo BWIU v Odco Pty Ltd* (1991) 29 FCR 104
4. Multi-factor – independent vs employee: *Hallis v Vabu Pty Ltd* [2001] 207 CLR 21; HCA 44

3. Employment contract

Restraint of trade

- ***Koops Martin Financial Services Pty Ltd v Reeves* [2006] NSWSC 449**
- ***Miles v Genesys Wealth Advisers* [2009] NSWCA 25**

- Remedy: Interlocutory injunction to stop the employee from engaging in the conduct, pending final hearing seeking a permanent injunction and/or damages.

○

Employment Contract Terms : Express and Implied

4. Employment duties

a. Implied by law

- i. Obey: duties related to change of work type, location and methods
- ii. Care and skill: duty to indemnify
- iii. Fidelity and loyalty

5. Mutual and employer duties

6. Termination of the employment contract

7. Remedies for breach of the employment contract

8. Statutory regulation

9. Unfair dismissal

10. General protections and other termination rights

11. Industrial action and freedom of association

Employment Law Paper Topics

Anthony S. Fauci



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Employment Research and State Traditions Carola Frege, 2007-09-06 Frege explores the evolution of employment research showing how the field of study we know today grew out of industrial and democratic transformations in the 19th century She traces the influence of distinct state traditions and draws out the implications for contemporary and future research

Creative Labour Regulation D. McCann, S. Lee, P. Belser, C. Fenwick, J. Howe, M. Luebker, 2014-02-12 The volume is at the forefront of the academic and policy debates on effective labour regulation offering innovative approaches to research and policy It is an interdisciplinary response to the central challenges that face modern labour regulation and draws on contributions by leading experts in a range of disciplines

Hot Topics and Current Developments in Labor and Employment Law in 2007 Marc A. Antonetti, 2007

Helping State and Local Governments Comply with the ADA United States Commission on Civil Rights, 1998 This report provides the first evaluation of the enforcement of the Americans with Disabilities Act ADA Focuses specifically on the efforts of the Justice Dept DOJ to enforce Title II Subtitle A of the ADA which prohibits discrimination based on disability by public entities such as State and local governments It evaluates DOJ's regulations and policies clarifying the language of the statute processing of complaints of discrimination based on disability litigation and outreach education and technical assistance efforts relating to the act Assesses DOJ's effectiveness as coordinator of the ADA enforcement efforts of 7 other Federal agencies

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University of Michigan Official Publication University of Michigan, 1989 Each number is the catalogue of a specific school or college of the University

Helping Employers Comply with the ADA Roy G. Moy, 2000 This report reflects the commitment of the U S Commission on Civil Rights to ensure that Americans with disabilities are afforded equal opportunity This report focuses specifically on the efforts of the EEOC to enforce title I of the ADA which prohibits discrimination based on disability in employment It evaluates litigation activities under title I of the ADA outreach education technical assistance efforts relating to the act Offers findings recommendations

Justice Connections Patricia Easta, 2014-10-16 Former High Court judge of Australia the Hon Michael Kirby AC CMG in addressing the symposium that has evolved into this book stressed the need for vigilance in the pursuit and protection of justice Justice Connections is evidence of such vigilance The book is a veritable smorgasbord of subjects violence against women Indigenous people sentencing genetic profiling cultural exceptionalism arbitral proceedings and environmental law However certain themes are constant The notion of respect for the individual and their personal characteristics underpins the analyses in the book Accordingly a number of contributors examine the need to recognise and protect the potentially vulnerable in society There is recognition too of the significance of the public interest and public participation in just policy and decision making Whilst the principle of the rule of law is a constant in civilised society another

message of the book is that its form is very much an evolving beast Furthermore the book illustrates that justice is not synonymous with law but more as Professor Margaret Thornton concludes a performative idea that is played out differently in different sites by different actors

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