

Discussion Group

Choosing the Corporation - A Corporate Lawyer Looks at Work Choices

Professor Harry Glasbeek
Osgood Hall Law School, York University

Thursday 3 May 2007, 1.00pm (Sandwiches served from 12.45pm)

Staff Library Level 1, ANU College of Law, Cnr Fellows & East Roads, The ANU

RSVP to cipl@law.anu.edu.au by 30 April 2007 for catering purposes

Work Choices has provoked an unusually bitter public and academic debate. Its proponents herald it as necessary reform of an antiquated system that inhibited efficiency and individual freedom. Their opponents characterize it as an ill-willed return to an anti-trade union, anti-worker regime. Much of the controversy is pre-occupied with the motivation of the government and its allies and the likely material outcomes of the new capital/labour regulatory framework.

Work Choices is intended to put paid, once and for all time, to the conciliation and arbitration scheme that governed labour relations for nearly a century. It was more than an instrument, more than an institution to resolve inevitable disputes between employers and their workers. It played an integral part in the construction of a very special political, social and cultural milieu. The argument attempted will be that the (perhaps reflexive) choice of the corporations power to validate the replacement regime, is a significant step in the already palpable push to create a radically different Australian polity. It is the intuitive feeling that Work Choices is really about that, rather than the considerable differences about the probable material outcomes of its operation, that explains the heat and anger of the debate. From a corporate law's vantage point, the enhanced legal and political standing of the corporation has menacing potential. It suggests that Work Choices is not a reform of the IR system, but a politically, socially and culturally radicalizing measure.

Harry Glasbeek is Professor Emeritus and Senior Scholar at Osgoode Hall Law School, York University, Toronto. He is currently a Visiting Professorial Fellow at Victoria University. He taught at the law schools of Monash and Melbourne universities before taking up his position in Toronto. He has written books on both Australian and Canadian Evidence law and on both Australian and Canadian labour law, as well as over 100 articles on diverse subjects. His tenth and latest book is *Wealth by Stealth: Corporate Crime, Corporate Law and the Perversion of Democracy*.



This discussion group is held in conjunction with the ACT branch of the Australian Labour Law Association.