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(articles, case note and book review included in this part are linked to the LexisNexis platform)

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Articles

[The Evolution of the Regulatory Framework for Trade Union Training in Australia](#)

— *Renee Burns, Anthony Forsyth, Alice Garner and Mary Leahy*

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Inspired by trade union education programs in the United Kingdom, Europe and Canada, the Trade Union Training Authority (TUTA) and Clyde Cameron College were established with bipartisan support by passage of the Trade Union Training Authority Act 1975. The delivery of trade union education through a publicly funded statutory body was significant internationally and continued until the Howard Government abolished TUTA in 1996. This article explores how the TUTA promise of worker education was delivered at the workplace level, examining the development of union education leave clauses in awards and agreements and the approach of the federal industrial tribunal in considering claims for this form of leave from the early 1970s. It considers the changing position with respect to trade union education leave under the Workplace Relations Act 1996 (Cth), the Workplace Relations Amendment (Work Choices) Act 2005 (Cth) and the Fair Work Act 2009 (Cth), in the context of provisions regulating the institutional and organisational rights of unions more generally. The article aims to examine the nature of various forms of legal support for workers' access to union training and the effects of shifting legal and regulatory frameworks over time.

[No Notice and No Explanation: The Incontestability of Hiring Discrimination by Algorithm](#)

— *Natalie Sheard*

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This article considers whether discrimination by algorithmic systems that use automated reasoning to aid or replace human decision-making at the screening stage in recruitment (algorithmic hiring systems, AHSs) are 'contestable' under federal anti-discrimination laws. It commences with a brief overview of AHSs and their use by employers in recruitment. It then discusses the concept of 'contestability' in ethical guidelines for algorithmic decision-making, before examining how two essential components of a meaningful right to contestability, absent from current laws, might be provided to job applicants: notice that an AHS has been used in the recruitment process; and an explanation of its operation and how it affects protected groups. The article concludes that, until these two components are enshrined in legislation, it cannot be said that discriminatory decisions made by or with the assistance of an AHS are contestable under federal law in Australia.

Case Note

Defining Sexual Harassment: 'A Hint, a Wink or a Nod' *Vitality Works Australia Pty Ltd v Yelda (No 2)* [2021] NSWCA 147

— *Harriet Holowell*

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Book Review

The Future of Unions and Worker Representation: The Digital Picket Line by Anthony Forsyth

— *Shae McCrystal*

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