

Australian Journal of Labour Law

Volume 38 Part 1

(Articles and Book Review included in this part are linked to the LexisNexis platform)

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Articles

[‘A Sword and a Shield’: How Intersectionality in Federal Sexual Harassment Matters Is Approached by Decision-Makers and Legal Practitioners](#)

— *Madeleine Causbrook*

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In Australia, the legislative approach taken to sexual harassment contains a unique provision that appears to recognise intersectional sexual harassment. In 2011, s 28A(1A) was introduced into the Sex Discrimination Act 1984 (Cth) to require specific characteristics of applicants (including their sex, age, religious belief, race and disability) to be considered in determining whether a reasonable person would have anticipated the possibility that they would be offended, humiliated or intimidated by unwelcome sexual conduct. However, there has been limited research on the section, including on what decision-makers and legal practitioners have understood to be its purpose or how it has been applied. This article examines the development of s 28A(1A) and its use in five decisions. It then explores the experiences of 18 practitioners with using the section. Drawing on this, it argues that the section has been underutilised in decisions but has enabled the personal characteristics of applicants in some decisions, and in legal practice, to be used broadly both for and against them in assessing whether a respondent could have anticipated the possibility that they would be harmed from unwelcome sexual conduct.

[Industrial Legislation in Australia in 2024](#)

— *Adriana Orifici*

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This article reviews industrial legislation reform in Australia in 2024 and discusses major changes and key trends. The Commonwealth Parliament passed key statutory reforms with the Fair Work Legislation Amendment (Closing Loopholes No 2) Act 2024 (Cth), the Fair Work (Registered Organisations) Amendment (Administration) Act 2024 (Cth) and the introduction of a ‘modified equal access’ cost model under the Australian Human Rights Commission Act 1986 (Cth). At the state and territory level, 2024 saw the expansion of industrial manslaughter offences and penalties frameworks under state and territory work health and safety statutes, and the extension of portable long service leave schemes to new industries in New South Wales, South Australia and the Northern Territory. Victoria, Western Australia, Queensland and South Australia also engaged in major reforms of their statutory frameworks for state-specific workers’ compensation, industrial relations and anti-discrimination regimes.

[Major Court and Tribunal Decisions, 2024](#)

— *Gabrielle Golding*

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This article examines major 2024 Australian labour law cases, spanning ten distinct themes. The analysis reveals a notable advancement in compensation for employee psychiatric injury arising out

an employer's breach of contract, as well as the deterrent effect of penalties for various forms of employer wrongdoing. The cases provide further judicial guidance on distinguishing between employees and independent contractors, while addressing the contemporary challenges of managing employees' out-of-hours conduct and remote working arrangements. Decisions involving universities and academics highlight sector-specific employment issues, while those examining post-employment restraint of trade clauses serve to clarify the permissible scope of such restraints. The Fair Work Commission's evolving jurisdiction over workplace bullying and sexual harassment through 'stop order' applications is explored, demonstrating the system's continued focus on preventing harmful workplace behaviours. Additionally, emerging 'same job, same pay' decisions mark important developments in addressing wage parity, particularly in relation to labour hire arrangements. Overall, the cases selected for analysis reflect the continual response of Australia's courts and tribunals to both traditional employment challenges and the contemporary workplace.

Book Review

The Origins of Worker Mobilisation: Australia 1788–1850, Michael Quinlan
— John Howe and Richard Mitchell

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