

## CLARS *Seminar*

# The Relational Employment Contract: Australian and UK perspectives



The employment contract is increasingly categorised as relational; both by academics and the judiciary. Recognition of the relevance of relational contract theory has emerged in somewhat different ways in Australia and the UK. In Australia its influence can be seen most clearly in a number of commercial cases and the question then is whether this may prompt doctrinal changes where the employment contract is concerned. Simpson JA in *Bartlett v Australia* [2016] NSWCA 30, for instance, asked whether 'If these authorities can be taken to support the proposition that a term of good faith and fair dealing is to be implied in termination clauses in commercial contracts, it is difficult to see why a similar position ought not to apply to contracts of employment.' In the UK developments in the law of the employment contract in recent years have often been consistent with relational contract theory though whether there is a causal connection is another matter. In addition the commercial courts have been slower than their Australian counterparts to show interest. This paper explores the likely impact of relational contract theory in Australia and the UK and asks how material the differing patterns of developments are likely to be.

### Presenter:

**Professor Douglas Brodie**, Dean of Humanities and Social Sciences, University of Strathclyde

### Chair

**Professor Marilyn Pittard**, Deputy Director, Centre for Commercial Law and Regulatory Studies, Monash Law Faculty and Vice President of the Australian Labour Law Association

### In conclusion

**Mark Irving**, Barrister, Owen Dixon Chambers West

### About the presenter:

Professor Douglas Brodie is an authority on labour law and his main research interests are in the area of the employment contract and the history of labour law. Professor Brodie is currently the Dean of Humanities and Social Sciences at the University of Strathclyde and Professor of Employment Law. Prior to Strathclyde he was Head of the School of Arts and Humanities at the University of Stirling from 2011 to 2014. He was Professor of Employment Law at the University of Edinburgh, and served as Dean from 2007 to 2011. He has published widely in these areas and amongst his publications are: *A History of British Labour Law* (2003), *The Employment Contract* (2005), *The Contract of Employment* (2008), *Enterprise Liability and the Common Law* (2010) and (with N. Busby and R. Zahn) *The Future Regulation of Work* (2016).

**Date:** Monday 20 June 2016

**Time:** 5.45pm registration.  
Event: 6:00 – 7:15pm

**Venue:** Monash University  
Law Chambers, 555  
Lonsdale Street, Melbourne

**RSVP:** Friday 17 June 2016  
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Note: ALLA 8<sup>th</sup> National  
Conference, 4 and 5 November  
2016, Melbourne

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*This event is in conjunction with  
The Australian Labour Law  
Association, Victorian Chapter*