

## Ron McCallum Debate 2025 – Opening Remarks

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### Abstract

*The following is from an address prepared for the 15th Annual Ron McCallum Debate 2025, held at the Wesley Conference Centre, Sydney, on Thursday, 6th November 2025, on the theme 'Now or Never? How Can We Make Workplace Relations Fairer and More Productive?'*

### Key words

*Workplace Relations, Industrial Relations, Fair Work Act, fairness, fairness, productivity, law reform*

Good evening, ladies and gentlemen. I am truly honoured to be here on the twentieth anniversary of this debate. And of course, I am still in awe that this debate bears my name. I wish to thank the Australian Institute of Employment Rights and Michael Harmer and his colleagues for making this debate possible.

May I please acknowledge two people who are present this evening. I am truly honoured that Justice Mordecai Bromberg who was one of my students at Monash University, and who is now the President of the Australian Law Reform Commission. His concern for working women and men has been steadfast. Professor Therese Mac Dermott and I taught labour law together when I took up my professorship at the University of Sydney. I learned a great deal from Therese.

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<sup>1</sup> Emeritus Professor and former Dean of Law University of Sydney. I wish to thank my wife, Professor Mary Crock, for her love for more than forty years.

How can we really make Australian workplaces fairer and more productive? Australian labour law has been peppered with concepts of fairness. In 1971, in *Loty's Case*<sup>2</sup>, Sheldon J sitting in the Industrial Commission of NSW, held that in determining whether a dismissal was unfair the test was whether the employee had been given a “fair go all round”. Subsequently, this test was adopted in the unfair termination regime of the *Fair Work Act 2009*.<sup>3</sup> The first Australian jurisdiction to place fairness in the title of its labour relations statute was South Australia in 1994.<sup>4</sup> And of course we have the Federal *Fair Work Act*<sup>5</sup> which covers most private sector and very many public sector employees in Australia. However, these notions of legislated fairness contain very little detail. This is why I describe it as surface fairness.

If we wish to focus upon deeper forms of fairness, some statistics are useful. In November this year, the Australian Centre for Gender Equality and Inclusion at Work of the University of Sydney published its Gender Equality At Work Index.<sup>6</sup> This fine report deserves close reading. For now, let me write that the report shows there has been some progress in gender equality, however, women are still less safe at places of work. Sadly, forms of harassment and especially of sexual harassment are still significant barriers preventing women from reaching their full potential at work.

Gallagher Benefit and HR Services has produced its Workplace Well Being Index for 2025.<sup>7</sup> Amongst other things, it shows that in the areas of mental health and burnout Australia has been going backwards.

How do we make our workplaces more productive when we are failing in the areas of safety, harassment and mental health? We need to go beyond surface fairness to what I call deep listening by

<sup>2</sup> *Re Loty and Holloway v The Australian Workers' Union* [1971] AR (NSW) 95.

<sup>3</sup> *Fair Work Act 2009* (Cth) s 381.

<sup>4</sup> *Fair Work Act 1994* (SA); and see Fair Employment Bill 2000 (Vic).

<sup>5</sup> *Fair Work Act 2009* (Cth).

<sup>6</sup> Hill, E., Cooper R., Seetahul, S., and Bedi, A., Gender Equality At Work Index: Index Report November 2025, (Australian Centre for Gender Equality and Inclusion At work, University of Sydney, November 2025).

<sup>7</sup> Gallagher Benefit and HR Services, Workplace Well Being Index: Benchmarking data and insights on workplace wellbeing strategy, Australia Edition, 2025.

employers, employees and trade unions. We need to take fairness into deeper areas, including making employees truly welcome at places of work and in ensuring strategies for inclusion. There are also important issues concerning adequate remuneration, appropriate training and of ensuring facilities for childcare.

Work in Australia is facing significant challenges. Places of work are being fragmented, with many employees working from home or at different locations. An increasing number of workers are being employed outside the standard employer-employee framework. There are contractors and consultants of all shapes and sizes, and an increasing number of people undertaking what may be best described as employee-like functions. Artificial intelligence (AI) will soon lead to job losses. Automation and Robotics have been with us for several years and will grow in significance.

If we wish to increase Australia's productivity during this time of change, we must ensure that everybody is looked after, and that the "fair go all round" is individualised so that everyone is listened to and encouraged to rise to their full potential. Fairness begins in ourselves, in our families, in the community, and of course in our places of work.

### **Declaration of interests**

Nil.

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