

Curriculum Vitae

Shelley Marshall

Lecturer

Department of Business Law and Taxation

Faculty of Business and Economics

Monash University

PO Box 197, Caulfield East, VIC, 3145, Australia

Tel: (w) +61 3 99031317, (mob) 0425709914

Email: Shelley.Marshall@buseco.monash.edu.au

AREAS OF EXPERTISE AND RESEARCH

- International comparative labour law and industrial relations
- Development studies
- Regulatory theory
- Corporate governance

SKILLS

- Project management: Coordinating large research teams to tight deadlines
- Research-based advocacy
- Design of research methodologies

ACADEMIC QUALIFICATIONS

Candidate for Doctorate of Philosophy in Law, Australian National University

Masters of Science (Development Studies) with Distinction, London School of Economics and Political Science, 2004

Bachelor of Arts with Honours, University of Melbourne, Australia, completed 1995

Bachelor of Laws with Honours, University of Melbourne, Australia, 1998

AWARDS

Commonwealth Scholarship to study Masters Degree in UK, 2004

Raynes Dickson Exhibition: Feminist Legal Theory, 1995

Dean's List Honours Studies: High Academic Achievement 1996, Bachelor of Arts

PROFESSIONAL QUALIFICATIONS

Admitted to practice as a Solicitor, Barrister and Officer of the Court, Victoria, Australia, 2000.

EMPLOYMENT HISTORY

- 2004-2007** **Senior Research Fellow, Corporate Governance and Workplace Partnerships Project, Law School, University of Melbourne**
- 2007** **Lecturer, Graduate Programme, Law School, University of Melbourne**
- 2006** **Tutor, Undergraduate Programme, Law School, University of Melbourne**
- 2002 -Sept
2003** **Research Fellow, Centre for Corporate Law and Securities Regulation, Law School, University of Melbourne**
- 2000- 2001** **National Campaign Coordinator, Homeworkers Code of Practice Committee, Australia, www.nosweatshoplabel.com**
- 1999 - 2000** **Solicitor, Slater & Gordon Solicitors, Melbourne, Australia**
- 1998** **President, Melbourne University Student Union**
- 1997-1998** **Researcher, Slater and Gordon Solicitors, Melbourne, Australia**

LANGUAGES

Fluent in English. Proficient in German, Malaysian and Indonesian.

RESEARCH PROJECTS

Title: Labour Law and Development
--

Description:

The aim of the project is to advise DIALOGUE, the department of the International Labour Organisation that provides technical assistance to member nations, of a new policy and operational framework in order that DIALOGUE can provide more appropriate and effective advice and also to be better positioned to access funding. The academic aspects of the project entail providing an analytical framework for understanding the way that labour law can facilitate economic and social development.

Years: July 2009 to December 2009

Funding Source:

\$95,000 awarded to Shelley Marshall to coordinate project from DIALOGUE, a department of the International Labour Organisation.

My role:

Coordinator and chief investigator.

Other Members of Team:

Collaborators, whom I contracted to work on the project include:

- Professor Simon Deakin, Cambridge University.
- Professor Kevin Kolben, Rutgers University Business School.
- Professor Raymond Atuguba, University of Ghana
- Professor Kamala Sankaran, Delhi.
- Mr Steven Gibbons, Director, Ergon Associates.

Publications:

Pending

Impact:

Pending

Keywords:

Labour Law, Labour Standards, Development, Governance

Research Codes: Up to 3 and allocate % weighting

180118 Labour Law 50%; 160505 Economic Development Policy 50%

Title: Re-Embedding the Market: Crisis and Reinvention?

Description:

As the effects of the global financial and economic crisis have resounded around the globe, politicians and commentators have increasingly viewed the crisis as a systemic shock sufficient in magnitude to invite fundamental re-examination of perennial questions regarding the role of state and societal governance within a capitalist market economy. While critical discussion of the governance deficits associated with an increasingly liberalized global economy has been percolating for some time, the turbulence of recent months has thrust these issues into the spotlight. The challenge of the moment is two-fold: to deepen our understanding of existing capitalism, and the factors that precipitated the current crisis; and to build frameworks for understanding what form reinvented systems of market governance might usefully take. The aim of this project is to contribute concrete proposals to re-embedding markets in principles of fairness and justice to public policy discussions.

Parallel one-day workshops will be hosted by the University of Melbourne and Harvard University on 4 December 2009. The workshop in each location will include a public plenary session that is video-linked between the two locations, as well a day-long series of closed sessions involving invited participants. Years: July 2009 to September 2010

Funding Sources:

\$2,950, Govnet/IEGL
\$3,000.00, Brotherhood of St Laurence
\$3,000.00, Department of Business Law and Taxation, Monash University
\$700.00, Social Justice Initiative, University of Melbourne
\$1000, United Nations Association, Australia

My role:

Co-coordinator with Kate MacDonald, Melbourne University and Sanjay Pinto, Harvard University.

Publications:

An edited volume will follow the workshop.

Impact:

Pending

Keywords:

Labour Law, Labour Standards, Development, Governance

Research Codes: Up to 3 and allocate % weighting

220204 History and Philosophy of Law and Justice 33%; 160505
Economic Development Policy 33%; 180119 Law and Society 33%

Title: Fair Trade and CSR: Experiments in Global Justice

Description:

The aim of the project is to assess the efficacy of variants of state and non-state based governance initiatives in achieving certain labour and social rights, as well as institutional transformation. The project is novel in that it brings together practitioners, activists and academics in the fields of fair trade, corporate social responsibility and corporate accountability. It provides a space for reflection for groups that rarely communicate to each other. The resulting book concludes with an evaluation of different approaches, which should provide a valuable tool for strategists.

Years: 2007-present (near complete)

Funding Source:

\$20,000 as part of Australian Research Council funded project run by Centre for Governance of Knowledge and Development at the Australian National University.
\$3000 from AusAid.

My role:

Co-coordinator and investigator with Kate MacDonald, London School of Economics

Other Members of Team:

The workshop stage of the project was run in association with the Fair Trade Association of Australia and New Zealand and the Centre for Employment and Labour Relations Law, University of Melbourne.

Publications:

Books

Macdonald, K and Marshall S, (eds) *Fair Trade, Corporate Accountability and Beyond: Experiments in Global Justice Governance Mechanisms*, Ashgate, accepted for publication August 2007.

Chapters

Macdonald, K and Marshall S, 'Social governance in a global economy: introduction to an evolving agenda', in Macdonald, K and Marshall S, (eds) *Fair Trade, Corporate Accountability and Beyond: Experiments in Global Justice Governance Mechanisms*, Ashgate, accepted for publication August 2007.

Macdonald, K and Marshall S, 'Experiments in Globalising Justice: Emergent lessons and future trajectories', in Macdonald, K and Marshall S, (eds) *Fair Trade, Corporate Accountability and Beyond: Experiments in Global Justice Governance Mechanisms*, Ashgate, accepted for publication August 2007.

Impact:

Media

Special Programme, The Law Report, ABC Radio, Tuesday 5th February 2008, for a transcript of the report see: <http://www.fairtrade.com.au/node/2006?PHPSESSID=aed2589f05>.

Keywords:

Fair trade, Corporate Accountability, Social Rights, Labour Standards, Governance

Research Codes: Up to 3 and allocate % weighting

220204 History and Philosophy of Law and Justice 33%; 160505 Economic Development Policy 33%; 180119 Law and Society 33%

Title: Corporate Governance and Workplace Partnerships

Years: 2001 to present (near complete)

Description:

This project examines the intersection of industrial relations and corporate governance, studying the impact of changes in corporate governance structures and strategies upon labour regulation. The project has provided new insights into the extent to which Australian businesses adopt 'shareholder primacy' strategies, at the expense of employee interests. It has resulted in two books and a large number of additional publications.

Funding Source:

Australian Research Council Discovery Project Grant: \$640 500 awarded 2001 to Cl Ramsay and Mitchell

My role:

Senior Research Fellow responsible for coordinating project from 2004

Other Members of Team:

Chief Investigators Prof Ian Ramsay, University of Melbourne, and Prof Richard Mitchell, Monash University; Research Fellows Anthony O'Donnell, Meredith Jones, Kerstin Anderson and various research assistants.

Publications:

Books

Marshall, S, Mitchell, R, and Ramsay, I (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.

Journal articles

* Marshall, S., Mitchell, R. and O'Donnell, A. 'Corporate Governance and Labour Law: Situating Australia's 'Regulatory Style' (2009) 47(2) *Asia Pacific Journal of Human Resources* 22. (ERA Rank: Not Listed in ERA list.)

- * Anderson, S., Jones, M., Marshall, S., Mitchell, R., Ramsay, I., Shareholder Primacy and Director's Duties: An Australian Perspective (2008) *Journal of Corporate Law Studies* 161. (ERA Rank: A, Law.)
- * Marshall, S., Anderson K. and Ramsay, I. 'Are Superannuation Funds and Other Institutional Investors in Australia acting like 'Universal Investors'? (2009) *Journal of Industrial Relations*, accepted for publication June 2008. (ERA Rank: Not Listed in ERA list.)
- * Forsyth, A, Korman S., and Marshall, S, 'Joint Consultative Committees in Australia; An Empirical Update', (2008) 16 *International Journal of Employment Studies*, accepted for publication December 2007. . (ERA Rank: Not Listed in ERA list.)
- * Barnes, A, Josev, T, Lenne, J, Marshall, S, Mitchell, R, Ramsay, I, and Rider, C, 'Employee Share Ownership Schemes: Two Case Studies' (2007) 35 *Australian Business Law Review* 73 – 92. (ERA Rank: B, Law.)
- * Jones, M, Marshall, S, and Mitchell, R, 'Corporate Social Responsibility and the Management of Labour in Two Australian Mining Industry Companies' (2007) 15 *Corporate Governance: An International Review* 57 - 67. (ERA Rank: A, Law.)
- * Anderson, K, Marshall, S, Mitchell, R, and Ramsay, I, 'Union Shareholder Activism in the Context of Declining Labour Law Protection: Four Australian Case Studies' (2007) 15 *Corporate Governance: An International Review* 45 - 56. (ERA Rank: A, Law.)
- * Marshall, S, and Mitchell, R, 'Enterprise Bargaining, Managerial Prerogative and the Protection of Workers' Rights: An Argument on the Role of Law and Regulatory Strategy in Australia under the Workplace Relations Act 1996 (Cth)', (2006) 22/3 *The International Journal of Comparative Labour Law and Industrial Relations* 299 - 331. (ERA Rank: C, Law.)
- 'Hedging around the Question of the Relationship Between Corporate Governance and Labour Regulation' (2005) 18 *Australian Journal of Labour Law* 97 - 105. (ERA Rank: A, Law.)
- 'Works Councils and Bargaining with(in) Neo-liberalism' (2003) 16 *Australian Journal of Labour Law* 234 – 245. (ERA Rank: A, Law.)

Book chapters

- Jones, M., and Marshall, S., 'What do Australian Directors think about Partnership Between the Company and its Employees?' in Marshall, S, Mitchell, R, and Ramsay, I (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.
- Korman, K, Marshall, S, and Ramsay, I, 'Do Australian Institutional Investors Aim to Influence the Industrial Relations of Investee Companies?', in Marshall, S., Mitchell, R., and Ramsay, I. (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.
- Marshall, S, Mitchell, R and Ramsay, I, 'Varieties of Capitalism, Corporate Governance and Employment Systems in Australia', in Marshall, S, Mitchell, R, and Ramsay, I (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.
- Jones, M and Mitchell, R, 'Legal Origin, Legal Families and the Regulation of Labour in Australia' in Marshall, S, Mitchell, R, and Ramsay, I (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.
- Jones, M, Marshall, M, Mitchell R, and Ramsay, I, 'Corporate Governance, Shareholder Primacy and the Interests of Employees: Evidence from a Survey of Australian Directors' in

Marshall, S, Mitchell, R, and Ramsay, I (eds) *Varieties of Capitalism, Corporate Governance and Employees*, Melbourne: Melbourne University Publishing, 2008.

Monographs and research reports

I Landau, R Mitchell, A O'Connell, I Ramsay and S Marshall, *Broad-Based Employee Share Ownership in Australian Listed Companies: Survey Report* (Research Report, Employee Share Ownership Project, Melbourne Law School, The University of Melbourne, April 2009), <http://cclsr.law.unimelb.edu.au/index.cfm?objectid=A9840D89-1422-207C-BA2319347B2EE439>.

Meredith Jones, Shelley Marshall, Richard Mitchell and Ian Ramsay, *Corporate Governance and Workplace Partnerships Case Studies* (2008), Centre for Corporate Law and Securities Regulation and Centre for Employment and Labour Relation Law, The University of Melbourne and Department of Business Law and Taxation, Monash University, <http://cclsr.law.unimelb.edu.au/index.cfm?objectid=E3D38F25-B0D0-AB80-E2F1BF648C87997F>, 149pp.

Jones, M, Marshall, S, Mitchell, M, and Ramsay, I. *Company Directors' Views Regarding Stakeholders* (2007), Research Report, Centre for Corporate Law and Securities Regulation and Centre for Employment and Labour Relation Law, The University of Melbourne, 2007, Electronic copy: <http://cclsr.law.unimelb.edu.au/download.cfm?DownloadFile=CACB3BB6-1422-207C-BAC18A70FE260FB8> with 124pp.

Anderson, K, Marshall, S and Ramsay, I. *Do Australian Institutional Investors Aim to Influence the Industrial Relations of Investee Companies?* Research Report, Centre for Corporate Law and Securities Regulation and Centre for Employment and Labour Relation Law, The University of Melbourne, 2006, Electronic copy: <http://cclsr.law.unimelb.edu.au/index.cfm?objectid=E3D38F25-B0D0-AB80-E2F1BF648C87997F>, 84 pp.

Barnes, A, Josev, T, Lenne, J, Marshall, S, Mitchell, R, Ramsay, I, and Rider, C, *Employee Share Ownership Schemes: Two Case Studies*, Research Report, Centre for Corporate Law and Securities Regulation and Centre for Employment and Labour Relation Law, The University of Melbourne, 2006, Electronic copy: <http://cclsr.law.unimelb.edu.au/index.cfm?objectid=E3D38F25-B0D0-AB80-E2F1BF648C87997F>, 33pp.

Marshall, S, *The Stakeholding Theory of Corporate Governance: Can it deliver upon its promises?*, Working Paper No. 17, Centre for Employment and Labour Relations Law, Faculty of Law, University of Melbourne, 2000, 37 pp.

Presentations:

Marshall, S., 'Why Do Companies Prioritise the Interests of Shareholders in Market/Outsider Economies?' British Universities Industrial Relations Association Conference, 26-28 June 2008, University of West England, UK.

Marshall, S., *Do Australian Institutional Investors Aim to Influence the Industrial Relations of Investee Companies?* Paper delivered at Round Table Discussion: Should Institutional Investors Use their Considerable Market Power to Influence the Human Resource Practices of Companies?, Law School, University of Melbourne, 31 May 2007.

Marshall, S., *Corporate Directors, Shareholder Primacy and the Interests of Employees*, Paper delivered for the Department of Management Studies at the University of York, UK, 2nd April, 2007.

Marshall, S., Anderson K. and Ramsay, I, *Do Australian Institutional Investors Aim to Influence the Industrial Relations of Investee Companies?* Paper delivered at Corporate

Governance and the Management of Labour: Australian Perspectives Workshop, Melbourne, Thursday 7th & Friday 8th December 2006.

Jones, M., Marshall, S. and Mitchell, R., *Corporate Directors, Shareholder Primacy, and the Interests of Employees: Evidence from a Survey of Australian Directors*, Paper delivered at Corporate Governance and the Management of Labour: Australian Perspectives Workshop, Melbourne, Thursday 7th & Friday 8th December 2006.

Jones, M. and Marshall, S. *What do Australian Directors think about Partnership Between the Company and its Employees?*, Paper delivered at Corporate Governance and the Management of Labour: Australian Perspectives Workshop, Melbourne, Thursday 7th & Friday 8th December 2006.

Forsyth, A., Korman, S. and Marshall, S., *Joint Consultative Committees in Australia; An Empirical Update*, Paper presented to the 3rd Australian Labour Law Association National Conference, Brisbane, 22-23 September 2006.

Jones, M., Marshall, S. and Mitchell, R., *The influence of 'corporate social responsibility' on the management of labour*, Seminar, Corporate Law and Accountability Research Group, Business and Economics, Monash University, 18 July 2006.

Jones, M., Marshall, S. and Mitchell, R., *The Impact of Corporate Social Responsibility on Business Employment Practices: Two Australian Mining Industry Case Studies*, Paper Delivered at the Re-Embedding the Corporation? Managerial, Regulatory and Financial Perspectives on Corporate Social Responsibility Workshop, ITEC, Doshisha Business School, Doshisha University, Kyoto, Japan, 2006.

Anderson, K., Marshall, S., Mitchell, R., and Ramsay, I., *How Are Australian Trade Unions Responding to an Integration Model of the Company? Union Shareholder Activism in Six Australian Companies*, Paper Delivered at the Re-Embedding the Corporation? Managerial, Regulatory and Financial Perspectives on Corporate Social Responsibility Workshop, ITEC, Doshisha Business School, Doshisha University, Kyoto, Japan, 2006 (with K. Anderson, I. Ramsay and R. Mitchell).

Marshall, S. and Mitchell, R. *Enterprise Bargaining, Managerial Prerogative and the Protection of Workers' Rights: An Argument on the Role of Law and Regulatory Strategy in Australia under the Workplace Relations Act 1996 (Cth.)*, Paper Delivered at the International Society for Labour and Social Security Law, 8th Asian Regional Congress (Special Session II: Restructuring of Industrial Relations in Asia) 2005 (with R. Mitchell).

Related Teaching:

Findings from business case studies have informed a new approach in teaching Commercial Law (BTF1010) at Monash University, which I coordinate, based upon a risk assessment strategy.

Impact:

Media

"Institutional investors banking on good human resources", The Age, Business section, 31 May 2007, page B4

"CEOs grab governance bull by horns", Risk Management, October 2007, page 7, interview with Meredith Jones

"Investors not first priority", The Courier Mail, 15 October 2007, page 36

"Short shrift for investor's gift", The Adelaide Advertiser, 8 October 2007, page 34

"Loyalty scorned", The Sunday Times, 7 October 2007, page 64

"Shareholders don't matter", The Daily Telegraph, 3 October 2007, page 33

"Crunching HR's numbers is critical", Human Resources, 2 October 2007, page 1, interview with Professor Ian Ramsay

"In the back of their minds", The Herald Sun, 1 October 2007, page 33, interview with Professor Ian Ramsay

"Directors balance stakeholder interest", Company Director, October 2007, page 14, interview with Meredith Jones and Professor Ian Ramsay

Chanticleer column, "An arrogant Coles taken to task", Australian Financial Review, 21 September 2007, page 84, interview with Professor Ian Ramsay

"Shareholders the top priority - just", Business Review Weekly, 20 September 2007, interview with Meredith Jones and Professor Ian Ramsay

"Boards walk the talk", Business Review Weekly, 20 September 2007, page 56

"Directors show sense of balance", The Australian Financial Review, 12 September 2007, page 6, interview with Professor Ian Ramsay

"Corporate balancing act reflects broader horizons", The Age, Business section, 12 September 2007, page 2, interview with Professor Ian Ramsay

"Shareholders slip down the pecking order", The Australian, 12 September 2007, page 45, interview with Professor Ian Ramsay

"Directors value customers, staff", The West Australian, 12 September 2007, page 61, interview with Professor Ian Ramsay

"Directors' priorities", The Herald Sun, 12 September 2007, page 37, interview with Professor Ian Ramsay

"Australian company directors rank employees' interests more highly than in USA: survey", Workplace Express, 12 September 2007, interview with Meredith Jones, Shelley Marshall and Professor Ian Ramsay

"Bosses keen for a work of love", MX Melbourne, 12 September 2007, page 6, interview with Shelley Marshall

Policy impact:

Research report *Do Australian Institutional Investors Aim to Influence the Industrial Relations of Investee Companies?* tabled at the *Annual Roundtable on Corporate Responsibility*, The OECD Guidelines for Multinational Enterprises and the Financial Sector, OECD, Paris, 18 June 2007.

Keywords:

Corporate governance, Corporations and Associations Law, Labour Management, Business Systems, Varieties of Capitalism

Research Codes: Up to 3 and allocate % weighting

180109 Corporations and Associations Law 33%; 180118 Labour Law 33%; 180119 Law and Society 33%

Title: Standard Taking in Malaysia: the impact of post-Asian financial crisis corporate governance reform prescriptions
--

Years: 2009 (at methodology design stage)

Description:

The aim of this project is to study the 'standard setting' and 'standard taking and adapting' process that occurred after the 1997-8 financial crisis in Malaysia. The first objective is to discover to what extent the bundle of corporate governance reforms advocated under the auspice of 'good governance' have been adopted. The particular version of the 'Asian Business Model' cultivated in Malaysia has been credited with its developmental success. To the extent that they have been adopted, the study aims to examine the likely 'system' altering effects of these reforms, particularly upon corporate governance and labour management.

Funding Source:

Departmental Grant, Business Law and Taxation, Monash University: \$3226.25.
This project is being undertaken as part of a Doctorate of Philosophy in Law, Australian National University.

My role:

Sole researcher

Keywords:

Economic development Policy, Corporate Governance, Labour Relations, Malaysia

Research Codes: Up to 3 and allocate % weighting

160505 Economic Development Policy 50%; 160606 Government and Politics of Asia and the Pacific 50%

Title: Novel forms of regulation for informal, home-based workers
--

Years: 2003 to present

Description:

This is an on-going project, based upon my earlier work as a lawyer and advocate of home-based workers in Australia. Research has been undertaken in Bulgaria in 2003-4 as well as in Australia from 2004 onwards. The aim is to explore forms of labour and social regulation that improve the working conditions and livelihood of informal, home-based workers.

Funding Source:

Homeworkers World Wide, 2003-2004. A large funding application is currently pending with the Australian Research Council, Linkage Grant, with Industry Partner Homeworkers World Wide and Assoc. Prof Rosaria Burchielli, La Trobe University, Annie Delaney, Phd Candidate, La Trobe University, UK, F. Cooke, The University of Manchester.

My role:

Various

Publications:

Journal articles

'Outwork in Bulgaria' (2005) 23 *International Union Rights* 5 -7.

Book chapters

* Marshall, S. 'An Exploration of Control in the Context of Vertical Disintegration, and Regulatory Responses', Arup, C. et al (eds), *Labour Law and Labour Market Regulation*:

Essays in the Construction, Constitution, and Regulation of Labour Markets and Work Relationships, Sydney, Federation Press, 2006, 542 – 560.

*Marshall, S. 'Australian Textile Clothing and Footwear Supply Chain Regulation', forthcoming in C. Fenwick and T. Novitz (eds), *Legal Protection of Workers' Human Rights: Regulatory Change and Challenge*, Hart, Oxford.

Presentations:

Marshall, S. *An exploration of 'control' in the context of vertical disintegration and its implications for regulation*: Paper Delivered to the Labour Law, Equity and Efficiency: Structuring and Regulating the Labour Market for the 21st Century Conference, The University of Melbourne Law School, 2005.

Marshall, S. *Australian Textile Clothing and Footwear Supply Chain Regulation*, Paper Delivered at the Legal Protection of Workers' Human Rights: Regulatory Changes and Challenges Conference, International Institute for the Sociology of Law, Onati, Spain, May 2006.

Keywords:

Informal economies, Labour Law, Labour Relations, Regulation Theory

Research Codes: Up to 3 and allocate % weighting

180118 Labour Law 50%; 160505 Economic Development Policy 50%

Title: Labour and Labour Related Laws in Small and Micro Enterprises: Innovative Regulatory Responses
--

Description:

This project pushes past the regulation/de-regulation debate to define a range of innovative ways in which labour regulation can be designed and applied to as to promote job quality and higher levels of productivity in small and micro-enterprises and contribute to economic development.

There are strong indications that this research is playing a role in shaping a new policy direction for the ILO Governing Body in relation to labour regulation in SMEs and informal economies.

Years: 2005-6 (Completed)

Funding Source:

\$52,313.11 from SEED, International Labour Organisation awarded to CELRL team Shelley Marshall, Colin Fenwick and John Howe.

My role:

Project Coordinator: in charge of recruitment, research methodology design and project management

Other Members of Team:

Colin Fenwick (now ILO); Assoc Prof John Howe, University of Melbourne; Ingrid Landau (now Australian Council of Trade Unions) and a team of around 10 research assistants

Publications:

Monographs and research reports

Fenwick, C, Howe, J, Marshall, S, and Landau, I, *Labour and Labour Related Laws in Small and Micro Enterprises: Innovative Regulatory Responses*, SEED Working Paper 81, International Labour Organisation, Geneva, 2008, 159 pp.

Policy impact

Cited in the preparatory material for the ILO Governing Body's (the highest body of the ILO) 2006 conference (referred to as C Fenwick and J Howe): <http://www.ilo.org/public/english/standards/relm/gb/docs/gb297/pdf/esp-1.pdf>

Cited in the preparatory material at the International Labour Conference - 'Report VI, The Promotion of Sustainable Enterprises', International labour Conference, 96th Session, 2007, International Labour Office, Geneva.

Related teaching:

Labour Law and Development, Masters of Law, Law School, University of Melbourne, taught 2005 with Colin Fenwick (now ILO).

Keywords:

Informal Economies, Micro and Small Enterprises, Labour Law, Labour Relations, Regulatory Theory

Research Codes: Up to 3 and allocate % weighting

180118 Labour Law 33%; 160505 Economic Development Policy 33%;
140211 Labour Economics 33%

Title: The Impact of the Coalition Government's WorkChoices Legislation on Vulnerable Workers in Australia

Description:

This project, which was commissioned by JobWatch Inc. which runs an advice service regarding working rights, empirically assessed the impact of WorkChoices on non-unionised workers in Victoria, Australia. The project utilised both phone surveys and focus groups to provide a thorough picture of the impact on both employment levels, experiences in the workplace and future expectations.

Years: 2006 (Completed)

Funding Source:

\$16,000 from Jobwatch Inc. received by Shelley Marshall and Santina Bertone.

My role:

Co-coordinator with Assoc Prof Santina Bertone, La Trobe University

Other Members of Team:

Assoc Prof Bertone, S., La Trobe University, Zuhair, S., La Trobe University, Babacan, H., RMIT, Fenwick, C. University of Melbourne (now ILO)

Publications:

Monographs and research reports

Bertone, S., Marshall, S., Zuhair, S., Babacan, H., Fenwick, C., *WorkChoices The Victorian experience*, JobWatch Inc, Melbourne, 2007, 57pp.

Presentations

Bertone, S. Marshall, S and Zuhair, S., 'What Impact has WorkChoices had on the Wages, Working Conditions, Working Lives and Well-being of Victorian non-Union members?' 2008 AIRAANZ Conference, Refereed Stream.

Keywords:

Labour law, Labour Standards, Working Conditions,

Research Codes: Up to 3 and allocate % weighting

180118 Labour Law 50%; 140211 Labour Economics 50%

Title: Reforming Not-for-Profit Regulation in Australia
--

Description:

The project aims are to:

- obtain the views of those in the NFP sector, in particular those in NFP companies
- identify what is working in the current regulatory regime and what is not – for example, is a company limited by guarantee the most appropriate legal structure, what type of information should be disclosed and to whom and who is the most appropriate regulator for NFP organisations?
- make law reform recommendations and engender further debate.

The resulting report has been one of the most influential pieces of research upon not for profit state and national policy formation in Australia in the last decade.

Years: 2002 to 2004 (Completed)

Funding Source:

Australian Research Council Linkage Grant with Industry Partner Philanthropy
Australia: \$300,000 awarded 2001 to CI Susan Woodward and Prof Ian Ramsay

My role:

Research Associate

Other Members of Team:

CI Susan Woodward

Publications:

Journal articles

* Woodward, S, and Marshall, S, 'The more the merrier: stakeholders in not-for-profit companies' (2004) 10 *The Third Sector Review*, 101 - 28, *The Australian and New Zealand Third Sector Research Ltd.* (ERA Ranking: C, gen ss/hum)

Monographs and research reports

Woodward, S, and Marshall, S, *A Better Framework: Reforming Not-for-profit Regulation*, Centre for Corporate Law and Securities Regulation, 2004, Electronic copy: <http://cclsr.law.unimelb.edu.au/activities/not-for-profit/>.

Related Teaching:

The research has informed the development of two subjects:

Governance of Not for Profit Organisations, Masters of Law, Law School, University of Melbourne, taught 2008 and 2009.

Good Governance in Not for Profit Organisations, Masters of Business Law, Business and Economics, Monash University, taught 2009.

Impact:

Media

'Non-profit tangle carries risks: report', *The Age*, 19 February 2004, Business, p.1.

'Charity proceeds wasted on red tape', *Australian Financial Review*, 19 February 2004, p.6.

NGOs watching NGOs, *ABC Radio National*, Background Briefing, 28 March 2004. "Issue of the week - people investors", *The Sydney Morning Herald*, 9 June 2006, Careers section, page 6

"Fund watch on workers", *The Herald Sun*, 1 June 2007, page 42

Policy Impact:

Cited numerous times in *Disclosure Regimes for Charities and Not-For-Profit Organisations*, The Senate Standing Committee on Economics, December 2008: http://www.aph.gov.au/Senate/committee/economics_ctte/charities_08/report/index.htm. Had a clear impact upon the recommendations of the Senate Economics Committee.

Informed the lobbying position of the National Roundtable of NonProfit Organisations - a coalition of NFP peak bodies from all parts of the sector has adopted our recommendations for reform. Between them, these peaks have tens of thousands of NFP organisations as their members. See <http://nfproundtable.org.au/> and their Media Release dated 21 May, 2005 and related Statement on Nonprofit Regulation Reform Program:

<http://nfproundtable.org.au/Initial%20Statement%20Reg%20Reform.doc>, and their submission to the Regulation Taskforce:

<http://www.regulationtaskforce.gov.au/submissions/sub110.rtf>

Cited in the Allens Consulting Group, *Improving Not-for-Profit Law and Regulation*, independent report commissioned by Department for Victoria Communities: [http://www.dvc.vic.gov.au/Web14/dvc/rwpgslib.nsf/GraphicFiles/0706-38Regulation_ACG_Options_Paper/\\$file/0706-8Regulation_ACG_Options_Paper.pdf](http://www.dvc.vic.gov.au/Web14/dvc/rwpgslib.nsf/GraphicFiles/0706-38Regulation_ACG_Options_Paper/$file/0706-8Regulation_ACG_Options_Paper.pdf)

Cited in 'Cabinet in confidence' advice to the Minister for Consumer Affairs re reform of the Victorian Associations Incorporation Act.

The Federal Prime Minister's *Community Business Partnership* website has a link to our report: <http://www.partnerships.gov.au/index.htm>

The report has been widely cited in submissions to various inquiries into financial reporting and NFP regulation. See for example, Australian Not for Profit Network submission to the Financial Reporting Council:

http://www.frc.gov.au/reports/other/sector_neutral_submissions/ANFPN.pdf

The report is also widely used by not-for-profit organisations to inform their governance structures and is cited extensively in the academic literature on the topic.

Keywords:

Regulation, Law reform, Corporations and Associations Law, Not for Profit, Voluntary Sector

Research Codes: Up to 3 and allocate % weighting

180109 Corporations and Associations Law 50%; 180119 Law and Society 50%

MEMBERSHIPS/ADVISORY POSITIONS

- 2009-
continuing** Co-convener, Victorian Chapter, Australian Labour Law Association
- 2008 –
continuing** National Committee Member, Australian Labour Law Association
- 2006 - 2007** The University of Melbourne Staff Consultative Committee
- 1999 -
continuing** Centre for Labour Law and Employment Relations, University of Melbourne, Australia
- 1996 –
continuing** FairWear Administrative Committee and International Fair Work Standard Advisory Board
- 2006** Brotherhood of St Laurence Garment Industry Research Project Advisory Committee
- 2001 - 2002** Amnesty International Coordinating Group on Indonesia and East Timor, Berlin, Germany