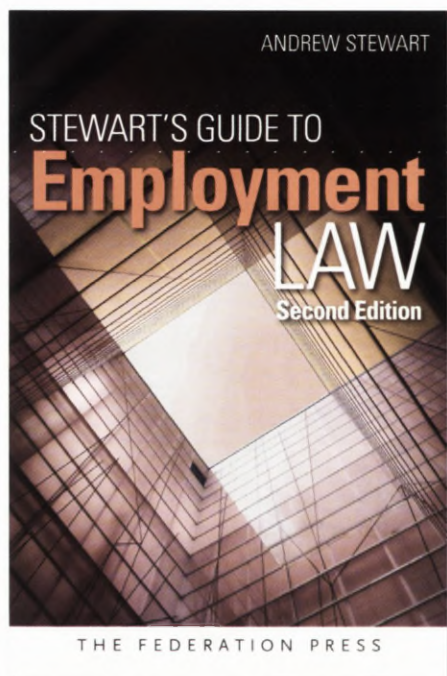


Stewart's guide to employment law by Andrew Stewart (second edition)

Published by the Federation Press

ISBN 978 186287749 8 (paperback)

By Rob Guthrie



The first edition of Andrew Stewart's employment law text was welcomed as a masterpiece of clarity and succinct exposition of the law. The second edition of this most useful text is extremely timely because it is the first published work that attempts to address the key provisions of the newly enacted *Fair Work Act 2009* in a comprehensive way. For this reason alone, Stewart's second edition will be most popular among academics who will certainly be quick to prescribe this edition as a text for their employment law courses. It will be particularly useful for those students who are undertaking courses in industrial relations and human resource management.

For legal practitioners, Stewart's work comes as a refreshing change

to the heavily referenced, sometimes over-footnoted academic texts. The most charming feature of this book is its almost stream-of-consciousness approach to the complex issues of employment law. That said, Stewart manages to cover all of the traditional areas of employment law, commencing with useful and current surveys of the contract of employment, the terms of the employment contract with an easy shift from the common law into the statutory provisions using a discussion of the recently enacted National Employment Standards as a transitional chapter. The text is otherwise separated into very useful chapters on enterprise agreements (Ch 8), dispute resolution (Ch 9) and remuneration (Ch 10), working hours and leave (Ch 11), with this section ending in chapter 12 with a discussion of performance management and discipline. Stewart's well-known expertise in post-employment contractual provisions is highlighted in chapter 13, and chapters 14 and 15 briefly outline workplace discrimination and victimisation and the workplace safety and compensation issues to complete the employment picture. Chapters 16 and 17 deal with issues relating to termination of employment contract and remedies, and the work is completed with the final chapter on industrial action.

Stewart has managed to cover the full gamut of employment issues in a remarkably readable and clear style. It is a generally uncluttered work, with each chapter providing selected further reading. The index provides easy reference to the key issues, and the table of cases provides the citations

that are otherwise omitted throughout the text.

Stewart has been careful to provide a relevant historical background to the current industrial landscape, drawing on his previous work and discussion of the *WorkChoices* legislation. This aspect is particularly useful, because it is impossible to understand the current industrial laws without providing a reference to their *WorkChoices* context. In particular, the chapter dealing with enterprise agreements requires careful reading for both student and practitioner alike, given the importance of the continuation of an employee's terms and conditions under a current agreement and the prospect that that agreement may be renegotiated under a new regime. This chapter is worth the purchase price alone, because Stewart has gone to some trouble to explain how the *WorkChoices* and *Fair Work Act 2009* regimes overlap and operate. Both practitioners and students will be grateful for his efforts in this regard. No doubt there will be a stream of other works appearing in the near future providing an alternative analysis of the developing law in relation to the *Fair Work Act 2009*. It is noticeable that Fair Work Australia has already been particularly active since it commenced operations in July 2009. Stewart's work sets a benchmark by which the clarity of other works will be measured. ■

Rob Guthrie is Professor of Workers' Compensation and Workplace Laws at Curtin University, WA.

PHONE (08) 9266 7626

EMAIL rob.guthrie@cbs.curtin.edu.au