



# Berkeley Comparative Equality and Anti-Discrimination Law Study Group Annual Conference 2018

Melbourne Law School  
Monday 11 – Tuesday 12 June 2018

*WiFi username:* berkeley

*password:* @h3PgR

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## Sunday 10 June

**7:00 pm**      **Speakers' dinner at Wokks**  
607 Swanston St, Carlton VIC 3053 (Pay your own way)

## Day 1: Monday 11 June

**9:30 am**      **Registration and welcome tea and coffee**  
Room 102 Foyer

**9:50 am**      **Welcome to Melbourne Law School / Acknowledgement of country**  
Room 102

**10:00 am**      **Session 1: Keynote presentation (Chair: Beth Gaze)**  
**Professor Susan Sturm, Columbia Law School**  
Room 102

**11:00 am**      **Morning tea**  
Room 102 Foyer

**11:30 am**      **Session 2: Plenary session - Defining equality and discrimination in law: The courts (Chair: Dominique Allen)**

Room 102

- Mechanisms for meaning: Exploring ways to make anti-discrimination laws more effective by focussing on prevention rather than breach - Simon Rice and Belinda Smith
- Can you prove it's discrimination? A comparative review of direct discrimination and the shifting onus of proof - Beth Gaze
- The many purposes of Australian anti-discrimination law - Alice Taylor

**1:00 pm**      **Lunch**

Room 102 Foyer

**2:00 pm**      **Session 3: Parallel sessions**

**A. Defining equality and discrimination in law: Theory (Chair: Shreya Atrey)**

Room 102

- The “causation” requirement in direct discrimination - Colin Campbell and Dale Smith
- The place of religion in human rights law: Distinguishing Freedom of Religion from the right against Religious discrimination - Tarun Khaitan and Jane Norton
- On the need to rethink the concept of discrimination in anti-discrimination law: Discrimination as a stigma and the antisubordination paradigm - Maggy (M<sup>a</sup> Ángeles) Barrère Unzueta

**B. Intersectionality and gender (Chair: Belinda Smith)**

Room 920

- Thinking about discrimination and equality through the menstruating body - Beth Goldblatt and Linda Steele
- Gentle women and strong men - The recruitment of supreme court judges in Iceland - Brynhildur G. Flóvenz
- An interdisciplinary approach to equality and discrimination: Business, psychology and law - Greta Bosch

**C. Discrimination and the labour market 1 (Chair: David Oppenheimer)**

Room 609

- Can anti-discrimination law improve the position of people with intellectual disabilities in the labour market? Learning from experience in the USA – Mark Bell
- Inventions at the work place and discrimination of vulnerable workers: Can intellectual property law prevent the weak from being eaten? – Joelle Nwabueze
- A research on the legal issues related to employment tests – Yun-Hao Hsin



**3:30 pm**      **Afternoon tea**

Room 102 Foyer

**4:00 pm**      **Session 4: Plenary session - Intersectionality (Chair: Dale Smith)**

Room 102

- Women's human rights: From progress to transformation: An intersectional response to Nussbaum - Shreya Atrey
- Complex identities in the courtroom: Operationalising equality through an intersectional approach to justice - Puja Kapai
- Rethinking the stress of inequality as an intersectional and intergenerational harm - Isabel Karpin and Karen O'Connell

**6:00 pm**      **Walking tour of Carlton and the University District**

**7:00 pm**      **Dinner at University Café**

## Day 2: Tuesday 12 June

**9:00 am**      **Session 5: Keynote presentation (Chair: Alysia Blackham)**

**Professor Colm O'Cinneide, University College London**

Room 102

**10:00 am**      **Morning tea**

Room 102 Foyer

**10:45 am**      **Session 6: Parallel sessions**

**A. Discrimination and the labour market 2 (Chair: Susanne Burri)**

Room 102

- Gender equality in employment in Turkey revisited: One step forward two steps backward in the last decade - Kadriye Bakirci
- Twenty years after *Faragher and Ellerth*, is it time to re-visit strict vicarious liability for on-the-job sexual harassment? - David Oppenheimer

**B. Discrimination in public life (Chair: Robin Banks)**

Room 920

- Integrating Marseille: Redevelopment design as a way to accomplish racial integration, equality in housing and avoid gentrification? - Kristen Barnes
- Are African Americans candidates for refugee status? - Susan Banki and Leila Morsy

**12.00 pm**      **Lunch**

Room 102 Foyer

**1.00 pm**      **Session 7: Plenary session – Process and enforcement (Chair: Anna Chapman)**

Room 102

- Confidentiality and settlement: Uncovering the hidden secrets of the enforcement of equality law in Australia and the UK - Dominique Allen and Alysia Blackham
- The role of equality bodies in enforcing anti-discrimination law in the EU: Combatting gender discrimination in the Netherlands - Susanne Burri
- Access to justice in Sweden from a comparative perspective - Laura Carlson

**2:30pm**      **Short break**

**2:45 pm**      **Session 8: Parallel sessions**

**A. Sexual orientation and gender identity (Chair: Mark Bell)**

Room 102

- Sexual orientation, gender identity and equality in Hong Kong: Rights, resistance and possibilities for reform - Amy Barrow
- An unlikely queer rights advocate? Rethinking the CJEU's case law on sexual orientation and gender identity equality - Peter Dunne
- Discrimination in sport: Should transgender and intersex athletes be eligible to play AFLW? - Liam Elphick

**B. Education and teaching (Chair: Karen O'Connell)**

Room 920

- Faith based education and equality: Towards an education of prejudice? – The example of faith schools in England - Kyriaki Topidi
- Chinese special university admission policy towards the poor rural areas students: Equal education rights protection or not? - Bin Wang

**4:15 pm**      **Closing Discussion**

Room 102

**4:30 pm**      **Afternoon Tea**

Room 102 Foyer

**5:00 pm**      **Debrief with state and federal equality commissions**

Room 920

**6:00 pm**      **Keynote lecture**

Lecture Theatre G08

**7:00 pm**      **Drinks reception**

Ground Floor Foyer