The Continuing Resonance of Breadwinner Norms in Australian Labour Law
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This paper unpacks Australian developments in work related legal entitlements designed for the purpose of supporting women in paid work, including those designed more broadly to assist workers, including men, with responsibilities to care for others such as children and elderly relatives. It examines the extension of these rights to LGBT workers. The paper reveals ways in which Australian efforts in labour law (including discrimination law) have displaced some markers of the breadwinner ideology of earlier legal regulation, but also examines the continuing resonance of the gender norms of the breadwinner tradition, in the sense of the taken-for-granted, and largely invisible, assumptions that gender exists in a binary framework in which men have a natural and distinct role in life, as do women have a distinctive role, and that the gender roles of men and women are complementary of each other. The concept of heteronormativity, developed in the 1990s but with earlier origins (eg, Adrienne Rich), is used in this paper to uncover the ‘unnoticed’ and ‘often unconscious’ norms of sexuality and gender that are embedded in the mechanisms and legal entitlements of Australian labour law, including discrimination law.