

Our  
Services

**Sladen eliminates  
Legal risk**

# **Employment, Industrial Relations and Work Health & Safety**





**The most  
effective way to  
do it, is to do it.**

Amelia Earhart

# Employment, Industrial Relations and Work Health & Safety

The frequently changing and complex nature of employment, industrial relations and work health & safety law has meant that businesses increasingly need the assistance of expert legal advice and representation.

At Sladen Legal, our team of experienced employment lawyers will assist you to navigate the complexities of these areas of the law. We work with our clients to ensure they understand their rights and obligations, and provide strategic assistance to minimise and manage the risk of disputes, employee claims and risks to employee health and safety.

We can help you with:

- preparing and implementing employment contracts, HR policies and procedures
- industrial disputes and union issues, including disputes before the Fair Work Commission
- independent contractor issues, preparing Service Agreements and defending claims of sham contracting
- advising on all employee issues associated with buying and selling businesses
- award and enterprise agreement interpretation
- all aspects of enterprise agreement making from formulating strategies to drafting agreements to assisting with the approval process, and providing representation in the Fair Work Commission for all related matters
- attending enterprise bargaining meetings
- conducting workplace investigations
- managing ill and injured workers, including assistance in managing workers' compensation claims and disputes with your workers' compensation insurer
- developing appropriate performance management systems and conducting performance and conduct management training
- developing anti-discrimination, harassment and workplace bullying policies and training staff
- all aspects of termination of employment
- representation in all employment related litigation including unfair dismissal and general protections claims as well as contractual claims
- assisting with workforce restructuring and any resulting redundancies
- Fair Work Ombudsman investigations and prosecutions
- restraints of trade, including preparing appropriate documentation and the enforcement of rights
- work health & safety including developing appropriate policies and procedures, providing training from board level to shop front staff

## We are here to help

Our experienced team prides itself on providing practical advice to assist our clients in the most commercial way possible. We enjoy the strength of our client relationships and take the time to understand what makes our clients tick. Our job is to fix your problem, so the business can get back to doing what it does best.

# Employment Contracts, Enterprise Agreements and Policies

## In brief

We develop tailored employment contracts, enterprise agreements and HR policies for our clients, that assist managers and HR professionals deal with issues as they arise.

Ensuring the employment documentation in place is both legally compliant and tailored for the workforce is critically important.

## Employment Contracts

We assist with:

- reviewing and advising on existing contracts
- amending, drafting and tailoring employment contracts for clients
- preparing template agreements for use with various types of employees in an organisation
- advising on post-employment obligations including restraints, confidentiality and IP protection

## Enterprise Agreements

We advise and represent our clients in all aspects of enterprise agreement making, including:

- providing legal, operational and commercial advice on agreement terms
- issuing Notice of Representational Rights
- drafting enterprise agreements
- preparing amendments to existing enterprise agreements
- negotiating with employees, unions and other bargaining representatives
- advising on industrial action, including preparing industrial action contingency plans
- facilitating an agreement's progress through the Fair Work Commission including drafting approval documents and preparing undertakings where required
- assisting with the transition to a new agreement

## Workplace Policies

We develop tailored and appropriate HR policies for our clients, that are effective in assisting managers and HR professionals in the business to deal with issues as they arise, including:

- discrimination, harassment and workplace bullying
- drug and alcohol
- code of conduct
- work health & safety

We also assist with:

- developing training for staff on these policies
- advising on appropriate measures in the event of breaches of policy
- representing clients should any discrimination, harassment or workplace bullying allegations be made under workplace policies, including participating in conciliation, mediation or litigation, as required

## Workplace Investigations

We have experienced workplace investigators in our team, who have investigated numerous complaints, including allegations of sexual harassment, conflict of interest, workplace bullying and improper management practices.

# Restructuring, Redundancies & Award Compliance

More than ever, businesses today are looking to restructure all or a part of the workforce to obtain productivity gains. Our team provides guidance on legal obligations as well as broader HR, work health & safety and commercial considerations.

We can assist with all aspects of restructuring a workforce, including:

- mapping out a legally compliant and commercially suitable process
- preparing a business case for redundancies and restructures
- advising on transfer of business issues, including making applications that an enterprise agreement not transfer to a new employer
- drafting required letters and communications
- advising on consultation obligations
- advising on suitable alternative employment and whether redundancy payments need to be made

## Award Interpretation

It is not always a straightforward exercise for employers to ensure they are fully compliant with all applicable Awards. Our team frequently assists clients to identify these Awards, classify employees and advise on the correct interpretation of Award terms.

## Fair Work Ombudsman Investigations

When employers make mistakes in this area, the Fair Work Ombudsman (FWO) can become involved. Recently, the FWO has broadened its

focus to prosecute not only a company, but also to the individuals involved in the dispute. We have experience in assisting clients to navigate a FWO audit or investigation, whilst managing and minimising the risk of a FWO prosecution.

## Work Health & Safety Compliance

Safety in the workplace is a very serious obligation imposed on employers, directors and senior managers within an organisation.

We assist our clients understand and comply with their obligations by developing appropriate policies and training programs, from the board level to the shop floor.

Where incidents occur we provide the urgent legal assistance required, and assist in incident investigations (including providing access to non-legal expertise) and dealing with regulatory authorities.

# Termination

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## In brief

We understand your business can only be as strong as the people in it. We can protect your business when terminating employees and help enforce post-employment obligations.

## Performance Management

Dealing with underperforming staff has become increasingly fraught with legal risk in recent years. Obtaining professional assistance at the outset significantly reduces the risk of workers' compensation claims, workplace bullying complaints and any subsequent disputes.

At Sladen Legal we assist our clients to ensure that their processes are sound, fair and legally compliant by providing practical advice, in real time, on issues such as performance management, ill and injured employees and termination processes.

We can assist you with:

- how to safely exit someone from your business.
- advising on legal obligations, options and strategies as the matter unfolds
- drafting or settling letters
- scripting discussions for use with employees in performance management / disciplinary interviews

As well as assisting with the process, our team also provides advice regarding entitlements on termination and representation if any claim is made.

## Restraints and Confidential Information

Courts are increasingly willing to enforce appropriately prepared post-employment restraints and obligations on employees to protect employer confidential information.

We are skilled at drafting enforceable provisions and enforcing post-employment obligations against both former employees and, in some cases, their new employers.

We provide our clients with practical guidance on their options where restraints are being breached, including robust advice on the costs and benefits of proceeding to litigation to enforce their rights.



**And the trouble  
is, if you don't  
risk anything,  
you risk more.**

Erica Jong

# Sladen Legal eliminates risk

At Sladen Legal, we offer a fresh approach – an approach that embodies the passion, dedication and entrepreneurial spirit that we share with you, our client.

For a more detailed overview of our expertise in employment, industrial relations and work health and safety, or any of our fifteen key service areas, please contact us on 03 9620 9399.



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## Our Service Areas

Commercial contracts

Commercial disputes

Tax disputes

Mergers and acquisitions

Business structuring

Asset protection

Property and development

Intellectual property

Superannuation

Taxation

Business succession

Personal succession

Family business

Trust law

Employment, IR and WH&S

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