

Arnold Bloch Leibler

Lawyers and Advisers

Workplace advisory



Employment

- human resource management and strategy;
 - employment policies;
 - employee entitlements and employment conditions;
 - employment contracts;
 - discrimination, sexual harassment and unfair dismissal;
 - outsourcing, retrenchment and restructuring; and
 - occupational health and safety;
- human resource due diligence reviews

Workplace relations

- workplace relations planning and implementation
- workplace (collective or individual) agreements
- enterprise bargaining strategy and negotiation
- resolving workplace disputes

In an increasingly complex environment understanding and managing people is a challenging task, but when done well, the rewards for employers, employees and other key stakeholders are clear.

With strong industry based backgrounds in human resource management and workplace relations advisory services, Arnold Bloch Leibler's workplace advisory lawyers have real experience in workplace relations issues. They understand the challenges clients face and the impact of policies in terms of time and cost. And they focus on providing practical solutions that enhance clients' strategic and operational objectives.

Our services

Our team advises private companies, the public sector, listed companies and employer groups on a wide range of workplace relations issues.

Human resources policies and structuring

Through a combination of legal knowledge, mediation skills and broad experience across a range of industries, our legal team can support clients in policy development, enterprise bargaining strategies and negotiations with employees, unions and other groups.

Our lawyers can advise on the creation of internal policies relating to equal opportunity, bullying, harassment, parental leave, occupational health and safety, e-mail and internet use and grievance and disciplinary procedures.

We also offer training to clients' in-house human resources teams to ensure compliance with relevant employment legislation. Regular updates keep clients informed of changes to the law. And we can also conduct employment audits to monitor compliance with relevant legislation.

Human resources case management support

We provide legal advice across a wide range of specific human resources issues, including the drafting and negotiation of employment contracts, return to work arrangements, performance management and termination of employment. The firm's lawyers can also assist clients in preventing, investigating and dealing effectively with complaints, particularly in relation to harassment and bullying.

Executive remuneration

Arnold Bloch Leibler advises both companies and individuals on the negotiation and drafting of executive employment contracts. Specific items to be taken into consideration include restrictive covenants, performance bonuses and equity arrangements. The firm also advises on managing the termination of senior personnel, negotiating settlements and, where necessary, the enforcement of contractual obligations such as restraint of trade covenants or the return of confidential information.

Taxation issues

Arnold Bloch Leibler's taxation specialists advise on a range of tax-related employment law issues, including employee share schemes, settlement issues, PAYG withholding obligations, salary packaging, fringe benefits tax, redundancy schemes and superannuation law.

Restructuring

The acquisition, restructure or sale of a business can have a significant impact on its workforce and Arnold Bloch Leibler has assisted many organisations with the successful management of employment relations through periods of structural change. A greater variety of circumstances are now caught by the new Transfer of Business provisions in the *Fair Work Act 2009*, and Arnold Bloch Leibler is well placed to advise on the effect of these new obligations. We also advise on due diligence issues, variation of employment contracts, redundancies, the transfer of superannuation and other benefits and on strategies to integrate the workforce.

The firm is particularly experienced in managing workplace aspects of insolvencies, including the renegotiation of employee agreements, wage claims and the transfer of obligations to new employers.

Industrial relations and collective bargaining

Our team has a commanding knowledge of the recently commenced *Fair Work Act 2009* and associated transitional provisions. They have given many presentations and are actively assisting clients in the context of the new legislation. We have particular expertise in advising on the new obligations placed on employers and bargaining representatives in respect of the good faith bargaining requirements as they impact upon enterprise bargaining and enterprise agreements. The team has substantial experience in negotiations between unions and employers and employer groups and will continue to assist clients in the context of the Fair Work system.

Our team also assists in the planning for, negotiation and implementation of enterprise agreements and works in close co-ordination with clients to resolve industrial disputes across a broad range of industries.



Inside spread (l-r)
 Henry Skene, *Partner*
 Kristina Vermey, *Senior Associate*
 Benjamin Marshall, *Senior Associate*

Dispute resolution

Arnold Bloch Leibler's objective is to assist in preventing disputes from arising in the first place. However, despite the best and most careful planning, disputes may be unavoidable. In these circumstances, we pursue clients' interests with speed and vigour, mindful of their business reputation and long-term objectives.

The firm's lawyers seek resolution of employment and industrial disputes through co-operation, not conflict. Where litigation is unavoidable, our team has considerable experience in employment-related issues and has represented clients in State and Federal courts and tribunals. We have acted in disputes relating to independent contractor relationships, the enforcement of employment contracts, confidential information, restraint of trade and unfair dismissal claims and also in relation to pattern bargaining, industrial action, secondary boycotts and other industrial disputes.

Landmark matters

Over the years, we have been involved in many significant employment and industrial relations matters, including on behalf of:

- OMV Australia and Basin Oil: in relation to industrial action taken on the Patricia Baleen gas field project. The firm subsequently acted for Basin Oil in Australian Industrial Relations Commission and Federal Court proceedings in its applications aimed at resolving the dispute;
- the administrators of Ansett Airlines: on a wide range of industrial relations and human resource management issues, including:
 - negotiating with unions to 're-start' the airline and agree to new enterprise agreement arrangements;
 - providing human resource planning advice with respect to the proposed sale of various Ansett businesses; and
 - reviewing complex claims arising out of the retrenchment of approximately 12,000 Ansett and regional airline employees;
- major financial institutions in a range of matters, including:
 - conducting an internal investigation into workplace bullying; and
 - the direction and execution of a new strategic relationship with the associated union;
- enterprise bargaining agreements (EBA): negotiating and drafting EBAs for various employers, including Pivot Australia, Emergency Services Telecommunications Authority (Vic) and the Victorian Workcover Authority;
- Visy Industries: in relation to issues arising from its acquisition of the Coca-Cola beverage packaging business;
- executive remuneration advice: for various Australian and international organisations, including Nokia (US), Mercury Marine (US) and the Administrators of Sons of Gwalia;
- a major private hospital: in relation to Federal Court proceedings regarding a prosecution for breach of an award;
- transfer of business advice: providing employment-related advice to organisations transferring or acquiring Australian businesses, including China-based Minth Group;
- VATit: in successfully defending an injunction application made by a former employer against two ex-employees and their new employer, VATit, alleging breaches of contractual obligations, including confidentiality;
- Connex Australia and its French parent company: on the renegotiation of employment and industrial relations arrangements for the Melbourne Connex rail franchise and human resource contract advice with respect to senior executives;
- the Victorian Government: providing strategic industrial relations advice throughout the privatisation of the State's electricity and gas businesses;
- various employers defending discrimination claims: including Unitex and Make-A-Wish Foundation;
- various builders: on a number of significant construction projects and in matters involving the Construction, Forestry, Mining and Energy Union;
- United Energy: in relation to industrial action arising from pattern bargaining in the electricity industry;
- Carlton United Breweries: in injunctive proceedings brought by an employee;
- Mattel: advising on various employment and industrial relations matters; and
- Department of Justice: in various employment and industrial relations matters.



Contacts

If you would like assistance with any workplace relations issues, please contact, Henry Skene, on 61 3 9229 9792 or hskene@abl.com.au.

Practice areas

Arnold Bloch Leibler offers a range of commercial and corporate advice, including:

- abl private;
- banking & finance;
- commercial & corporate;
- competition;
- litigation & dispute resolution;
- native title & public interest law;
- property & development;
- public companies;
- reconstruction & insolvency;
- taxation;
- technology & intellectual property; and
- workplace advisory.

At Arnold Bloch Leibler, clients are regularly updated on current topics of legal and business interest. For copies of recent publications, or for further information about the firm, please visit the Arnold Bloch Leibler web site at www.abl.com.au.

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