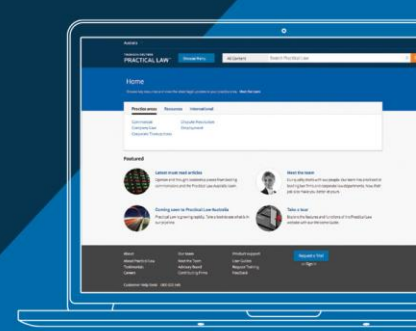


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“

Practical Law Australia Employment provides lawyers and HR/IR professionals with practical tools to guide and support you through the complexities of an employment matter. You'll act with confidence and save time knowing that our practice notes, checklists, precedents and template letters are constantly updated to reflect the latest developments in law and cover all the bases. I'm proud of my team of employment legal writers, all with recent specialist practice experience, and who are dedicated to delivering clear, concise legal knowledge to busy practitioners.

”



Linda Taylor, Head of Employment

COMING SOON TO EMPLOYMENT

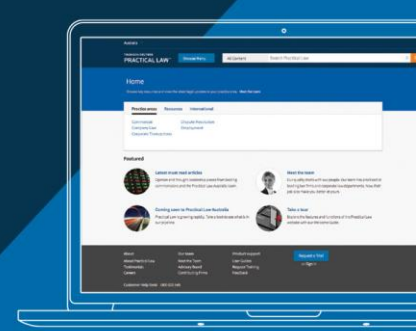
Practical Law is a dynamically evolving service. We plan to develop additional documents and resources in the following existing topic areas by 30 June 2017:

- **Enterprise bargaining**
 - Initiating bargaining.
 - Voting.
 - Scope orders.
 - Single enterprise agreements.
 - Multi enterprise agreements.
 - Disputes.

- **Industrial action**
 - Employer industrial action.
 - Protections against industrial action other than the FW Act.
 - Picketing.

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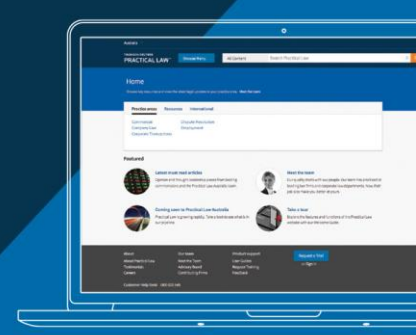
- **Right of entry**
 - Disputes over right of entry.
 - Template right of entry procedure/policy.
 - Checklists
- **Managing workplace behavior**
 - Key risks in managing underperformance.
 - Step by step guide to managing underperformance.
 - Template letters and standard documents.
 - Template managing underperformance policy.
- **Social media**
 - Template social media policy.
 - Monitoring and accessing social media.
 - Regulating social media.

The following new Employment topics are scheduled for publication in 2017:

- **Pay and benefits.** This new topic will include practice notes and standard documents to guide you through the application of modern awards, compensation and entitlements, rostering, allowances and loadings, non-monetary benefits, bonuses and flexible work practices.
- **Policies.** This new topic will include practice notes and standard documents to guide you through workplace policies, including those required by law and those that, while not mandatory, can provide an employer with significant legal protection.
- **Recruitment.** This new topic will include practice notes and standard documents to guide you through the process of recruiting and selecting employees, including criminal record checks, fitness for work assessments, working with children and privacy considerations.

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We welcome customer feedback on the development of Practical Law Australia. Should you have comments or suggestions, please contact me at linda.taylor@tr.com.

EMPLOYMENT COVERAGE AS OF 1 MAY 2017

Anti-bullying

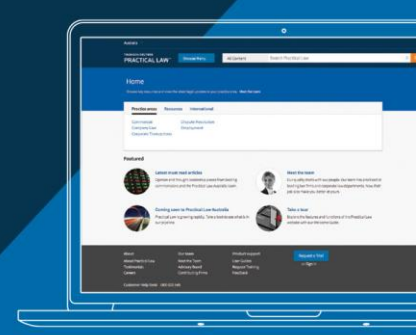
- Practice notes
 - Anti-bullying under the Fair Work Act 2009 (Cth)
 - Process for making an application for a Fair Work Commission Order to stop bullying
 - Reasonable management action conducted in a reasonable manner
- Checklists
 - Checklist of issues to consider in a bullying complaint
 - Process for making an application for a Fair Work Commission Order to stop bullying: flowchart
 - Responding to workplace bullying: flowchart

Cross border and immigration

- Practice notes
 - Considerations for employers engaging outbound workers
 - Considerations for employers engaging inbound workers
 - General information on visas which can be used to work in Australia (NEW)
 - Is an inbound worker a national system employee?
- Standard clauses
 - Liability and insurance clause for a secondment agreement between an Australian home entity and an overseas host entity for a short term secondment of an employee

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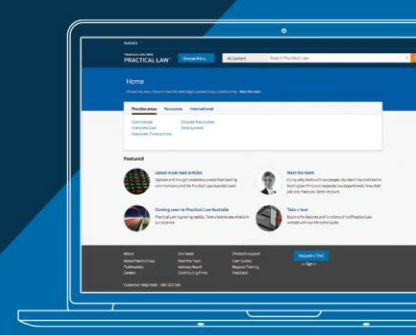
- Post-secondment conduct clause for a secondment agreement between an Australian home entity and an overseas host entity for a short term secondment of an employee
- Termination clause for a secondment agreement between an Australian home entity and an overseas host entity for a short term secondment of an employee
- Checklists
 - Checklist of considerations for employers when engaging non-Australian residents
 - Quick guide to drafting secondment agreements

Employment contracts

- Practice notes
 - Overview, Termination of the contract of employment (NEW)
 - Assessing the reasonableness of restraint of trade in New South Wales
 - Assessing whether a restraint of trade is reasonable
 - Cascading restraint of trade clauses
 - Confidentiality
 - Engagement of employees under fixed-term contracts
 - Gardening leave
 - The implied term of reasonable notice (NEW)
 - The interpretation and construction of a restraint of trade
 - Repudiation of the contract of employment (NEW)
 - Workplace policies and the contract of employment
- Standard documents
 - Casual agreement (long form)
 - Casual agreement (short form)
 - Fixed term agreement with cascading restraint
 - Fixed term agreement with non-cascading restraint
 - Full time/Part time agreement with cascading restraint
 - Full time/Part time agreement with non-cascading restraint
 - Maximum term employee agreement with cascading restraint
 - Maximum term employee agreement with non-cascading restraint

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- Repudiation: Sample letter regarding abandonment of employment (NEW)
- Senior employee agreement with cascading restraint
- Senior employee agreement with non-cascading restraint
- Template settlement deed: termination by mutual consent (NEW)

- Standard clauses
 - Confidentiality clause (long form)
 - Confidentiality clause (short form)
 - Conflict of interest (restriction on outside activities)
 - Gardening leave
 - Post-employment restraint of trade (cascading)
 - Post-employment restraint of trade (non-cascading with option)

- Checklists
 - Checklist of information needed to draft an effective restraint of trade
 - Checklist of matters to consider when determining whether an engagement is an employee or an independent contractor
 - Quick guide to post-employment restraints of trade
 - Quick guide to workplace policies and the contract of employment
 - Step by step guide to drafting an employment contract (NEW)

Enterprise bargaining

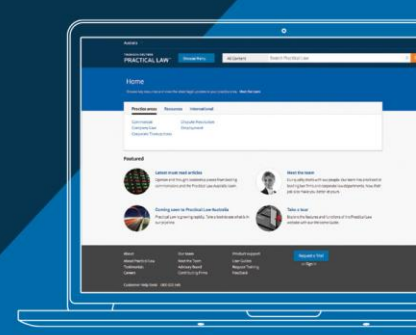
- Practice notes: overview
 - Overview of the essential requirements for making a single enterprise agreement under the Fair Work Act 2009 (Cth)

- Practice notes
 - Bargaining representatives and good faith bargaining
 - The better off overall test applied by the Fair Work Commission in assessing whether to approve an enterprise agreement
 - Common bargaining scenarios that lead to a claim that good faith bargaining obligations have been breached

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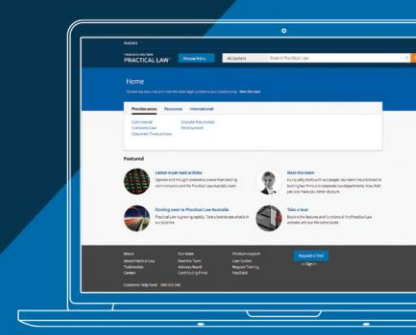
- The effect of deficiencies in the Notice of Employee Representational Rights (NEW)
 - The general protections for engaging in industrial activities
 - Good faith bargaining
 - Good faith bargaining summary of key case law
 - Guide to conducting the better off overall test
 - Is the employee covered by a modern award or enterprise agreement?
 - Liability of bodies corporate in contraventions of the civil remedy provisions
 - Liability of individuals involved in a contravention of civil remedy provisions (NEW)
 - Majority support determinations
 - National system employee and national system employer
 - Overview of the process to obtain a protected action ballot
 - Permitted matters which can be included in enterprise agreements under the Fair Work Act 2009 (Cth)
 - Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court
 - Varying or terminating an enterprise agreement during a period of economic downturn
 - What is industrial action under the Fair Work Act 2009 (Cth)?
- Checklists
 - Checklist of factors the FWC must consider when making a majority support determination
 - Flowchart of the bargaining process for making an enterprise agreement

Federal Court and Federal Circuit Court (NEW)

- Practice note: overview
 - Overview of damages and remedies in federal discrimination (NEW)
- Practice notes
 - Defending a discrimination claim in the Federal Court or Federal Circuit Court of Australia (NEW)

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- Disability discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1986 (NEW)
 - Initiating a discrimination claim in the Federal Court or Federal Circuit Court of Australia (NEW)
 - Liability of bodies corporate in contraventions of the general protection provisions (NEW)
 - Liability of bodies corporate in contraventions of the civil remedy provisions (NEW)
 - Liability of individuals involved in a contravention of civil remedy provisions (NEW)
 - Liability of individuals involved in contraventions of the general protections provisions (NEW)
 - Racial discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 (NEW)
 - Remedies and costs in general protections actions in the Federal Court or Federal Circuit Court (NEW)
 - Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court, including costs (NEW)
 - Sex discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 and state anti-discrimination legislation (NEW)
- Standard documents
 - Template letter of advice to client regarding accessorial liability (NEW)

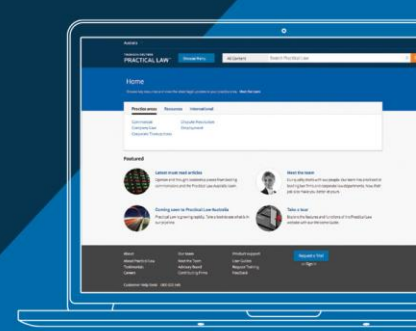
Federal discrimination & harassment

- Editor's picks
 - Overview of federal discrimination law
- Practice note: overview
 - Overview of damages and remedies in federal discrimination
 - Overview of federal age discrimination
 - Overview of federal disability discrimination
 - Overview of federal discrimination law

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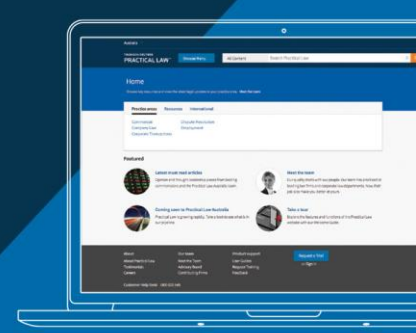


- Overview of federal racial discrimination
- Overview of federal sex discrimination and harassment
- Practice notes
 - Assessing financial loss in discrimination
 - Assessing non-financial loss in discrimination
 - Criminal record checks
 - Defending a discrimination claim in the Federal Court or Federal Circuit Court of Australia
 - Direct disability discrimination
 - Direct racial discrimination
 - Direct sex discrimination
 - Disability discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1986
 - Grounds and protected attributes for racial discrimination
 - Indirect disability discrimination
 - Indirect racial discrimination
 - Indirect sex discrimination
 - Initiating a discrimination claim in the Federal Court or Federal Circuit Court of Australia
 - Liability of employers and others
 - Making or defending a complaint in the Australian Human Rights Commission
 - Non-monetary remedies in discrimination
 - Onus of proof and standard of proof in federal discrimination
 - Other grounds of disability discrimination
 - Other grounds of discrimination than sex under sex discrimination
 - Overview of federal disability discrimination and dismissing an ill or injured employee
 - Overview of federal discrimination laws in a redundancy process (NEW)
 - Process to follow when determining if an employee can meet the inherent requirements of the position
 - The prohibition on discrimination in employment
 - The prohibition on seeking multiple remedies for discrimination
 - Racial discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 (NEW)
 - Reasonable adjustments, unjustifiable hardship and other defences to disability discrimination

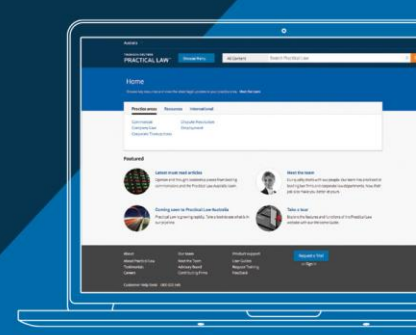
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- Sex discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 and state anti-discrimination legislation
- Sexual harassment
- Standard documents
 - Deed of release for settling a discrimination claim
 - Deed of release for settling a discrimination claim where the employment of the employee is to cease at a future date
 - Employee acknowledgement form: appropriate workplace behaviour policy
 - Employee acknowledgement form: sexual harassment training
 - Employee acknowledgment form: appropriate workplace behaviour training
- Checklists
 - AHRC guidelines for the prevention of discrimination in employment on the basis of a criminal record
 - Checklist for avoiding age discrimination in employment documents
 - Checklist for determining reasonable adjustments to the position
 - Checklist for determining the inherent requirements of the position
 - Flowchart of the complaints procedure in the Australian Human Rights Commission
 - Flowchart of a racial discrimination claim
 - Quick guide to a disability discrimination claim
 - Quick guide to a racial discrimination claim
 - Quick guide to a sex discrimination claim
 - Quick guide to an age discrimination claim
 - Quick guide to state and territory discrimination laws
 - Quick guide to the process for determining capacity to perform the inherent requirements
 - Quick guide to the prohibition on multiple complaints of discrimination
 - Reporting and seeking the removal of unlawful, inappropriate and offensive material published on the internet: checklist

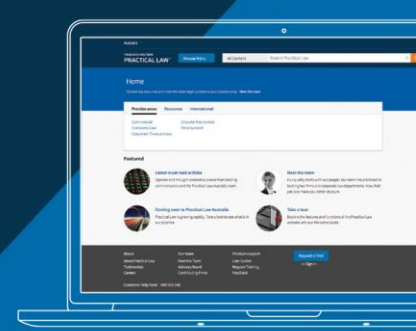


Federal unfair dismissal

- Practice note: overview
 - Overview of the federal unfair dismissal regime
- Practice notes
 - Compensation as a remedy for unfair dismissal
 - Costs in unfair dismissal proceedings in the Fair Work Commission
 - Dismissed
 - Engagement of employees under fixed-term contracts
 - Genuine redundancy
 - Is the employee covered by a modern award or enterprise agreement
 - Meaning of national system employee and national system employer
 - Minimum employment period
 - Out of time applications
 - Overview of the protection against unfair dismissal and dismissing an ill or injured employee
 - Procedural issues and other matters when considering harsh, unjust or unreasonable
 - Process to follow when determining if an employee can meet the inherent requirements of the position
 - The prohibition on an employee seeking multiple remedies for a dismissal
 - Reinstatement as a remedy for unfair dismissal
 - Settling an unfair dismissal claim before arbitration
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 - Summary of significant unfair dismissal cases considering costs
 - Valid reason and harsh, unjust or unreasonable.
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 - Checklist for determining reasonable adjustments to the position
 - Checklist for determining the inherent requirements of the position
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 - Checklist for making an application for costs in unfair dismissal proceedings
 - Checklist of consideration for out of time application in unfair dismissal
 - Checklist to assist small business employers comply with the Small Business Fair Dismissal Code
 - Flowchart for the determination of continuity of service in a transfer of business between non-associated entities
 - Flowchart of the prohibition of an employee seeking multiple remedies for dismissal
 - Flowchart to the determination of whether an employee has completed the minimum employment period
 - Quick guide to assessing the prospects of obtaining a costs order in federal unfair dismissal
 - Quick guide to costs in federal unfair dismissal
 - Quick guide to remedies available for unfair dismissal
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- Help and information notes
 - 2016 public holidays
 - Minimum amount payable for a redundancy under the NES
 - Minimum notice period required under the NES when terminating an employee
 - Schedule of costs for costs orders in the Fair Work Commission

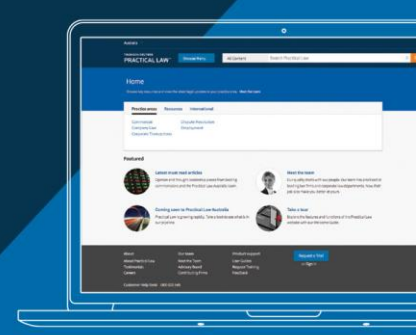
General Protections

- Editor's picks
 - General protections

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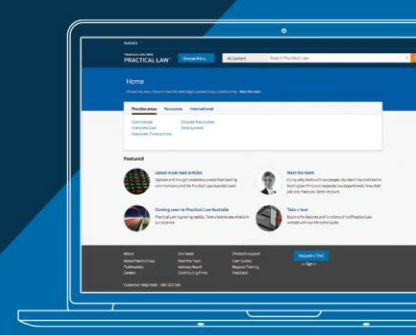
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- Practice notes
 - Actions and conduct other than adverse action caught by the general protections
 - Actions and conduct that are adverse action
 - Completing the Form F8 general protections application involving dismissal
 - Compulsory conference and determination of general protections applications involving dismissal
 - Decision maker's reasons and the reverse onus of proof
 - The general protection against dismissal for a temporary absence due to illness or injury
 - The general protections against discriminatory conduct
 - The general protections against sham contracting
 - The general protections for engaging in industrial activities
 - The general protections to support workplace rights
 - Is the engagement an employee, independent contractor or labour hire arrangement?
 - Liability of bodies corporate in contraventions of the general protection provisions
 - Liability of individuals involved in contraventions of the general protections provisions
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 - Overview of the protection against adverse action and dismissing an ill or injured employee
 - Overview of the protection against adverse action in a redundancy process
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 - Flowchart of the process for making or defending a general protections application involving dismissal in the Fair Work Commission
 - Flowchart of the prohibition of an employee seeking multiple remedies for a dismissal
 - Quick guide to the process for determining capacity to perform the inherent requirements
 - Quick guide to the protection against adverse action when dismissing an ill or injured employee
- Toolkit
 - General protections

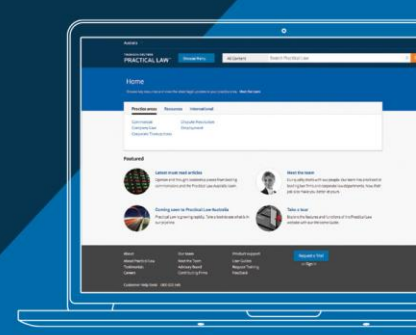
Ill and Injured Employees

- Practice note: overview
 - Overview of key considerations when dismissing an ill or injured employee
- Practice notes
 - Challenging a medical certificate
 - Directing an employee to provide medical information or attend for a medical examination
 - The general protection against dismissal for a temporary absence due to illness or injury
 - Overview of federal disability discrimination and dismissing an ill or injured employee
 - Overview of the protection against unfair dismissal and dismissing an ill or injured employee

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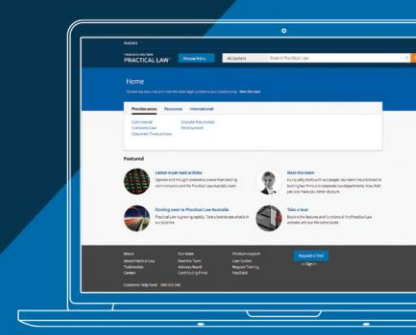
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- Overview of the protection against adverse action and dismissing an ill or injured employee
- Overview of workers' compensation and dismissing an ill or injured employee
- Personal/carer's leave under the NES
- Privacy and confidentiality considerations for employers handling employee medical information
- Process to follow when determining if an employee can meet the inherent requirements of the position
- Summary of significant adverse action case law involving ill or injured employees
- Summary of significant unfair dismissal case law involving an ill or injured employee
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 - Employee consent to contact independent medical practitioner to discuss medical report
 - Employee consent to contact treating medical practitioner to discuss medical certificate/medical report
 - Letter to employee seeking medical opinion regarding fitness to work
 - Letter to medical practitioner seeking report on fitness to work
 - Template recruitment and selection privacy policy
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 - Checklist for determining reasonable adjustments to the position
 - Checklist for determining the inherent requirements of the position
 - Checklist of key considerations when dismissing an ill or injured employee
 - Checklist of matters to consider when determining an employee's entitlement to personal/carer's leave
 - Quick guide to challenging a medical certificate
 - Quick guide to directing an employee to provide medical information or attend for medical examination
 - Quick guide to personal/carer's leave under the NES
 - Quick guide to privacy and confidentiality considerations for employers handling employee medical information
 - Quick guide to the process for determining capacity to perform the inherent requirements

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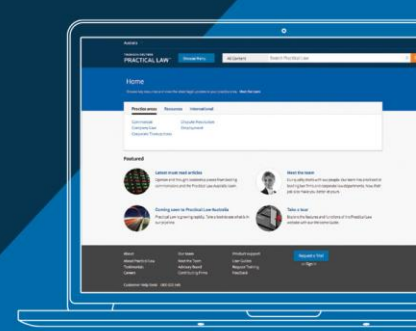
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- Quick guide to the protection against adverse action when dismissing an ill or injured employee
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- Practice notes
 - The effect of deficiencies in the Notice of Employee Representational Rights (NEW)
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 - Liability of bodies corporate in contraventions of the civil remedy provisions
 - Liability of individuals involved in a contravention of civil remedy provisions
 - Minimum requirements for employee industrial action to be protected under the Fair Work Act 2009 (Cth)
 - Overview of the process to obtain a protected action ballot
 - Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court
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 - Checklist of when employee claim action is protected under the Fair Work Act 2009 (Cth)
 - Checklist of when employee response action is protected under the Fair Work Act 2009 (Cth)
- Help and information notes
 - Civil remedy provisions
 - Sample questions for a protected action ballot



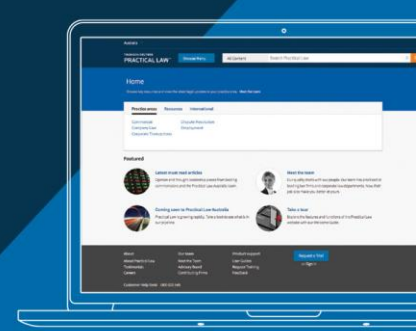
National Employment Standards

- Practice notes
 - Challenging a medical certificate
 - Liability of bodies corporate in contraventions of the civil remedy provisions
 - Liability of individuals involved in a contravention of civil remedy provisions
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 - Personal/carer's leave under the NES
 - Privacy and confidentiality considerations for employers handling employee medical information
 - Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court
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 - The statutory entitlement to redundancy pay under the NES
- Checklists
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 - Quick guide to determining whether the sale of a business between non-associated entities triggers an obligation to pay the statutory minimum redundancy payment by the old employer for transferring employees
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- Help and information notes
 - Civil remedy provisions
 - Minimum amount payable for a redundancy under the NES
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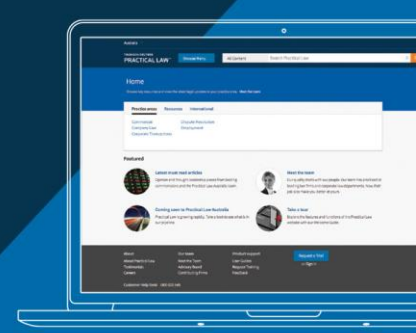
- Practice notes
 - Workplace policies and the contract of employment (NEW)
- Standard documents
 - Recruitment and selection privacy policy (NEW)
 - Redundancy policy or procedure (NEW)
- Checklists
 - Quick guide to popular social media sites (NEW)
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 - Assessing whether a restraint or trade is reasonable
 - Cascading restraint of trade clauses
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 - Enforcing post-employment obligations and restraints
 - Fiduciary obligations arising from the employment relationship
 - Gardening leave
 - The interpretation and construction of a restraint of trade
 - Practical steps to deal with potential breaches of restraints or post-employment obligations
 - Privacy and confidentiality considerations for employee medical records
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 - Letter to former employee about post-employment obligations
 - Letter to new employer about post-employment obligations
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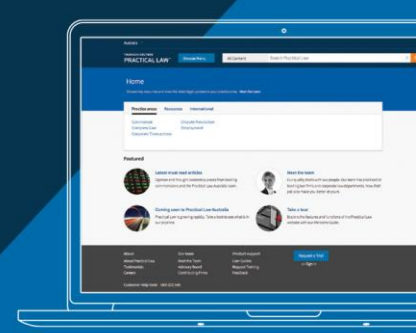
- Standard clauses
 - Confidentiality clause (long form)
 - Confidentiality clause (short form)
 - Conflict of interest (restriction on outside activities)
 - Gardening leave
 - Outside interests
 - Post-employment restraint of trade (cascading)
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 - Costs in unfair dismissal proceedings in the Fair Work Commission
 - Liability of bodies corporate in contraventions of the civil remedy provisions
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 - Liability of individuals involved in a contravention of civil remedy provisions
 - Liability of individuals involved in contraventions of the general protections provisions
 - Making or defending a general protections application involving dismissal in the Fair Work Commission
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 - Flowchart of the prohibition of an employee seeking multiple remedies for a dismissal
 - Quick guide to assessing the prospects of obtaining a costs order in federal unfair dismissal
- Help and information notes
 - Civil remedy provisions

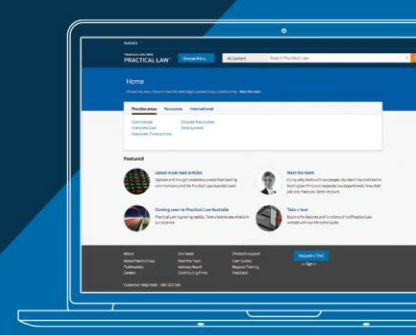
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- Practice note: Overview
 - Redundancy (NEW)
- Practice notes
 - Alternatives to termination of employment for redundancy
 - Genuine redundancy
 - Overview of federal discrimination laws in a redundancy process
 - Overview of the protection against adverse action in a redundancy process
 - The statutory entitlement to redundancy pay under the NES and sale of a business or corporate restructure
 - The statutory entitlement to redundancy pay under the NES
 - Varying or terminating an enterprise agreement during a period of economic downturn
 - Workplace policies and the contract of employment

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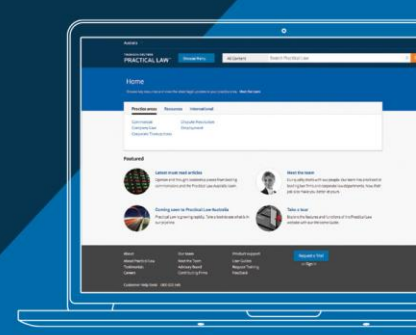
- Standard documents
 - Redundancy policy or procedure
 - Sample letter: confirming dismissal for redundancy (NEW)
 - Sample letter: notification of major workplace change (NEW)
 - Sample letter: notification of selection of job for redundancy (NEW)
 - Template settlement deed: termination by mutual consent (NEW)
- Checklists
 - Flowchart for the determination of continuity of service in a transfer of business between non-associated entities
 - Quick guide to calculating NES termination entitlements on redundancy (NEW)
 - Quick guide to determining whether the sale of a business between non-associated entities triggers an obligation to pay the statutory minimum redundancy payment by the old employer for transferring employees
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 - Entry permits (NEW)
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 - Responsibilities of FWA permit holders when exercising a right of entry (NEW)
 - Rights that may be exercised by FWA permit holders while investigating a breach (NEW)

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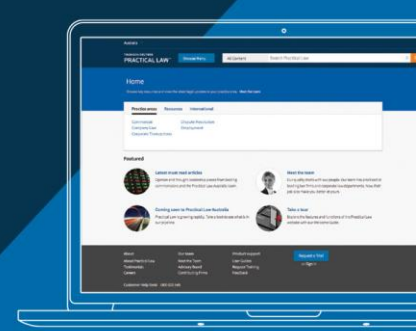
- Checklists
 - Quick guide to the requirements for an entry notice (NEW)

Senior executive terms and conditions

- Practice note: overview
 - Overview of key terms and conditions for senior executive employment
 - Termination of the contract of employment (NEW)
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 - Cascading restraint of trade clauses
 - Confidentiality
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 - Gardening leave
 - The interpretation and construction of a restraint of trade
 - Practical steps to deal with potential breaches of restraints or post-employment obligations
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 - Senior executive termination payments
- Standard documents
 - Letter to former employee about post-employment obligations
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 - Senior employee agreement with cascading restraint
 - Senior employee agreement with non-cascading restraint
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- Checklists
 - Checklist of information needed to draft an effective restraint of trade
 - Quick guide to post-employment restraints of trade

Types of Engagement

- Practice notes
 - Engagement of employees under fixed-term contracts
 - The general protections against sham contracting
 - Is the employee covered by a modern award or enterprise agreement?
 - Is the engagement an employee, independent contractor or labour hire arrangement?
 - National system employee and national system employer
- Standard documents
 - Template letter of advice to client regarding accessorial liability
- Checklists
 - Checklist of matters to consider when engaging an independent contractor to avoid contravening the sham contracting provisions
 - Is the engagement as an employee or independent contractor?
 - Quick guide to drafting secondment agreements
 - Step by step guide to drafting an employment contract (NEW)