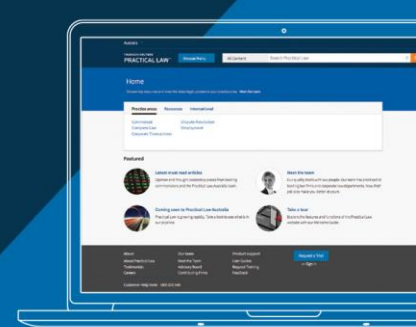


Practical Law Australia Employment

Table of Contents

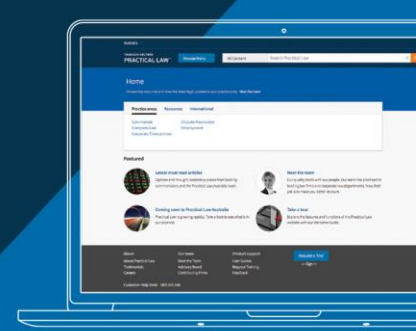


EMPLOYMENT COVERAGE AS OF 1 DECEMBER 2017

Anti-bullying.....	2
Building industry	3
Cross border and immigration.....	3
Employment contracts.....	4
Enterprise bargaining.....	5
Federal discrimination & harassment.....	7
Federal unfair dismissal	9
General protections	11
Ill and injured employees.....	13
Industrial action	14
National employment standards	15
Pay and benefits.....	16
Policies	17
Post-employment obligations.....	17
Practice and procedure in the FCA and FCCA.....	18
Practice and procedure in the FWC	19
Redundancy	20
Regulating employment in Australia	22
Right of entry	22
Senior executive terms and conditions	23
Termination of employment.....	24
Transfer and sale of business.....	26
Types of engagement.....	26

Practical Law Australia Employment

Table of Contents



“

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.

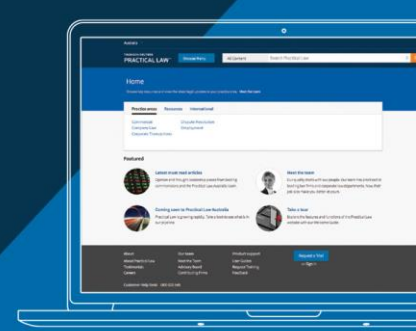
”



Linda Taylor, Head of Employment

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



Building industry

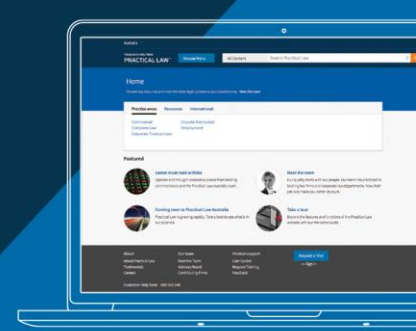
- Practice notes
 - Overview of the Commonwealth Building Code 2016
 - Eligibility to be awarded Commonwealth funded building work
 - Key requirements for code covered entities under the Building Code 2016
- Checklists
 - Quick guide - Summary of the projects to which the Building Code 2016 and Building Code 2014 apply

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
 - Immigration legislation, policy and the role of the Department of Immigration and Border Protection
 - Is an inbound worker a national system employee?
 - Visa application processing
- 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
 - 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

Practical Law Australia Employment

Table of Contents



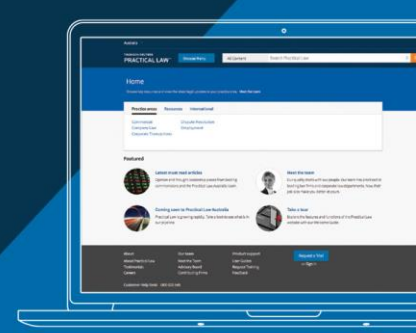
- Termination clause for a secondment agreement between an Australian home entity and an overseas host entity for a short term secondment of an employee
- Checklists
 - Checklist of considerations for employers when engaging non-Australian residents
 - Quick guide to drafting secondment agreements

Employment contracts

- Practice notes
 - Overview, Termination of the contract of employment
 - 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
 - The interpretation and construction of a restraint of trade
 - Repudiation of the contract of employment
 - Restraints of trade on the purchase of a business (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
 - Policy acknowledgement form

Practical Law Australia Employment

Table of Contents



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

- 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

- Toolkits
 - Restraints of trade (NEW)

Enterprise bargaining

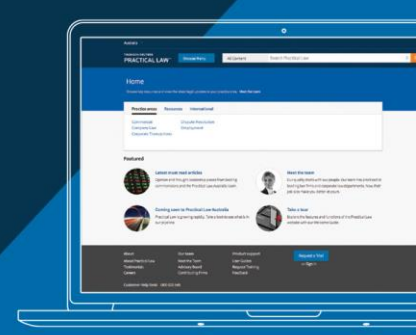
- Practice notes: overview
 - Overview of the essential requirements for making a single enterprise agreement under the Fair Work Act 2009 (Cth)

- Practice notes
 - Bargaining representatives and good faith bargaining

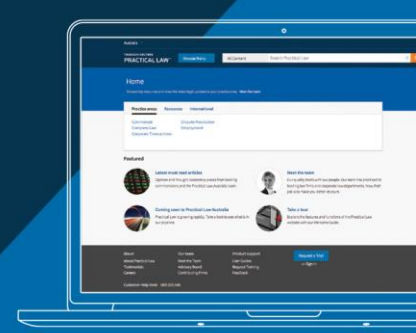
Practical Law Australia

Employment

Table of Contents



- 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
 - The effect of deficiencies in the Notice of Employee Representational Rights
 - 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
 - Initiating bargaining for a single-enterprise and multi-enterprise agreement
 - 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
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
 - Practical guidance to accessorial liability
 - 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
 - The access period
 - Types of enterprise agreements
 - Varying or terminating an enterprise agreement during a period of economic downturn
 - What is industrial action under the Fair Work Act 2009 (Cth)?
- Standard documents
 - Notice of appointment of bargaining representative
 - Notice to line managers regarding access period and ballot process for electronic vote
 - Checklists
 - Checklist of factors the FWC must consider when making a majority support determination



- Flowchart of the bargaining process for making an enterprise agreement
- Quick guide: How to properly prepare the NERR

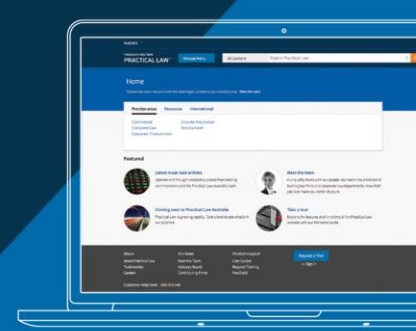
Federal discrimination & harassment

- 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
 - 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

Practical Law Australia

Employment

Table of Contents

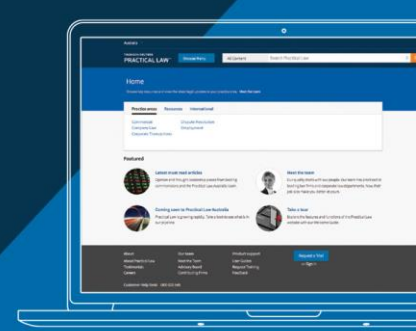


- Non-monetary remedies in discrimination
- Onus of proof and standard of proof in federal discrimination
- Other grounds of disability discrimination
- Other grounds of discrimination than sex under sex discrimination
- Overview of federal disability discrimination and dismissing an ill or injured employee
- Overview of federal discrimination laws in a redundancy process
- 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
- Reasonable adjustments, unjustifiable hardship and other defences to disability discrimination
- 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

Practical Law Australia

Employment

Table of Contents



- 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

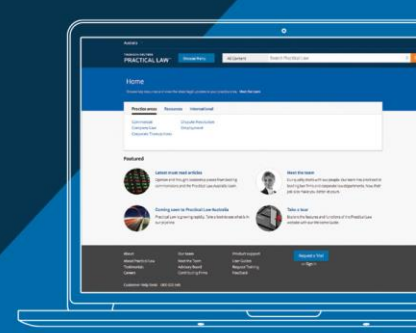
Federal unfair dismissal

- 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
 - Disciplining employees for out-of-hours conduct
 - Dismissed
 - Engagement of employees under fixed-term contracts
 - Evidence other than in English in unfair dismissal matters
 - 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

Practical Law Australia

Employment

Table of Contents



- Service and continuous service
- Settling an unfair dismissal claim before arbitration
- Summary of significant unfair dismissal case law involving an ill or injured employee
- Summary of significant unfair dismissal cases considering costs
- Valid reason and harsh, unjust or unreasonable.

- Standard documents
 - Deed of release for settling an unfair dismissal claim
 - Terms of settlement for settling an unfair dismissal claim

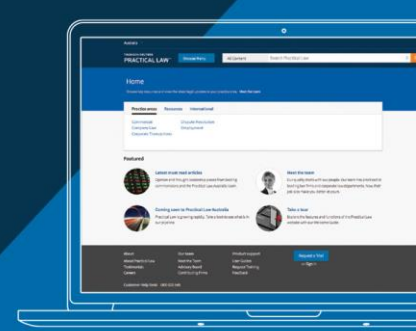
- Checklists
 - Checklist for determining reasonable adjustments to the position
 - Checklist for determining the inherent requirements of the position
 - Checklist for making a jurisdictional objection in unfair dismissal proceedings
 - Checklist for making an application for costs in unfair dismissal 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
 - Ill or injured employees and unfair dismissal: case summaries
 - 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
 - Quick guide to the process for determining capacity to perform the inherent requirements
 - Safety breaches: case summaries

- Help and information notes
 - 2016 public holidays

Practical Law Australia

Employment

Table of Contents



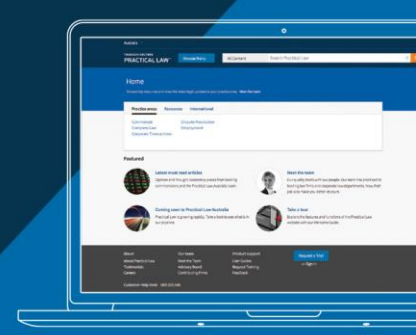
- Minimum amount payable for a redundancy under the NES
- Minimum notice period required under the NES when terminating an employee
- Schedule of costs for costs orders in the Fair Work Commission

General protections

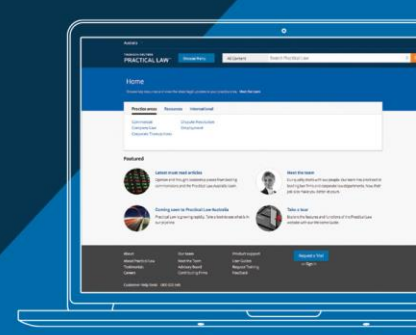
- Editor's picks
 - General protections
- Practice notes
 - Actions and conduct other than adverse action caught by the general protections
 - Actions and conduct that are adverse action
 - Completing the Form F8 general protections application involving dismissal
 - Compulsory conference and determination of general protections applications involving dismissal
 - Costs orders by courts in Fair Work Act proceedings
 - 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
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
 - Making or defending a general protections application involving dismissal in the Fair Work Commission

Practical Law Australia Employment

Table of Contents



- 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
- Practical guidance to accessory liability
- 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
- Remedies for general protections actions in the Federal Court or Federal Circuit Court
- Summary of significant adverse action case law involving ill or injured employees
- Standard documents
 - Deed of release for settling general protections claims involving dismissal
 - Template letter of advice to client regarding accessory liability
- Checklists
 - Checklist for determining the inherent requirements of the position
 - Checklist of matters to consider when engaging an independent contractor to avoid contravening the sham contracting provisions
 - Checklist of matters to consider when determining whether an engagement is an employee or an independent contractor
 - 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



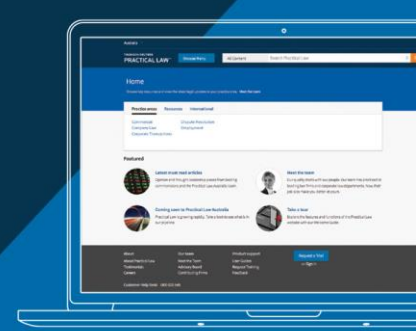
Ill and injured employees

- 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
 - 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
- Standard documents
 - 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

Practical Law Australia

Employment

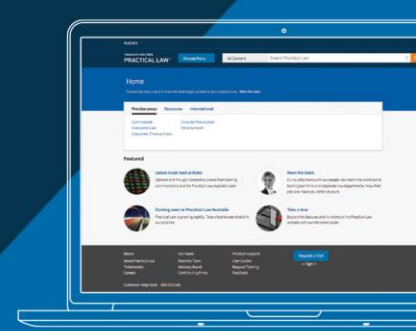
Table of Contents



- Checklists
 - 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
 - Ill or injured employees and unfair dismissal: case summaries
 - 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
 - Quick guide to the protection against adverse action when dismissing an ill or injured employee
 - Quick guide to workers' compensation considerations when dismissing an ill or injured employee

Industrial action

- Practice notes
 - Costs orders by courts in Fair Work Act proceedings
 - The effect of deficiencies in the Notice of Employee Representational Rights
 - The Fair Work Commission's powers to stop unprotected industrial action and other remedies under the Fair Work Act
 - 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
 - Practical guidance to accessorial liability
 - Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court



- What is industrial action under the Fair Work Act 2009 (Cth)?
- Checklists
 - 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

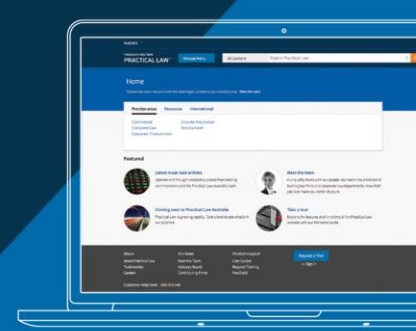
- Practice notes
 - Base rate of pay for ordinary hours of work (NEW)
 - Challenging a medical certificate
 - Liability of bodies corporate in contraventions of the civil remedy provisions
 - Liability of individuals involved in a contravention of civil remedy provisions
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
 - National system employee and national system employer
 - Personal/carer's leave under the NES
 - Practical guidance to accessory liability
 - 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
 - Service and continuous service
 - The statutory entitlement to redundancy pay under the NES and sale of a business or corporate restructure

 - Transfer to a safe job and no safe job leave
 - The statutory entitlement to redundancy pay under the NES
 - Unpaid parental leave

Practical Law Australia

Employment

Table of Contents



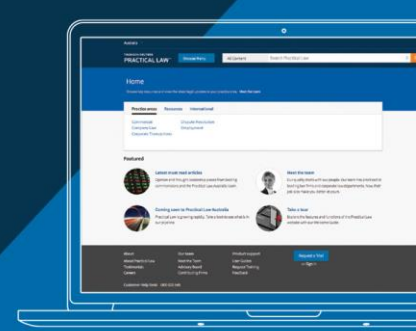
- Unpaid pre-adoption leave
- Unpaid special maternity leave
- Standard documents
 - Template letter from employer to employee responding to a request for an extension to unpaid parental leave
- Checklists
 - Checklist of matters to consider when determining an employee's entitlement to personal/carer's leave
 - Notice and evidence requirements for unpaid parental leave: flowchart
 - Quick guide to calculating NES termination entitlements on redundancy
 - 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
 - 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
 - Transfer to a safe job and no safe job leave: flowchart
 - Unpaid parental leave: employer checklist
- Help and information notes
 - Civil remedy provisions
 - Minimum amount payable for a redundancy under the NES
 - Minimum notice period required under the NES when terminating an employee

Pay and benefits

- Practice notes
 - Base rate of pay for ordinary hours of work (NEW)
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
 - Payment of wages (NEW)

Practical Law Australia Employment

Table of Contents



- Record-keeping and pay slip obligations under the Fair Work Act (NEW)
- Checklists
 - Quick guide to calculating NES termination entitlements on redundancy

Policies

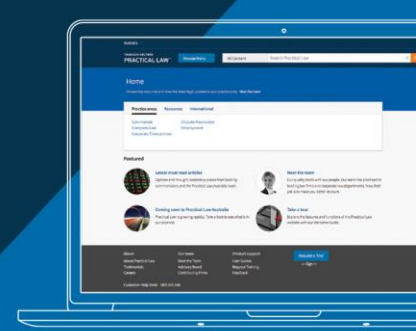
- Practice notes
 - Workplace policies and the contract of employment
- Standard documents
 - Recruitment and selection privacy policy
 - Redundancy policy or procedure
 - Policy acknowledgement form
- Checklists
 - Quick guide to popular social media sites
 - Quick guide to workplace policies and the contract of employment

Post-employment obligations

- Practice notes
 - Assessing the reasonableness of restraints of trade in New South Wales
 - Assessing whether a restraint or trade is reasonable
 - Cascading restraint of trade clauses
 - Confidentiality
 - 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

Practical Law Australia Employment

Table of Contents



- Privacy and confidentiality considerations for employee medical records
- Restraints of trade on the purchase of a business (NEW)
- Standard documents
 - Letter to former employee about post-employment obligations
 - Letter to new employer about post-employment obligations
 - Template recruitment and selection privacy policy
- 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)
 - Post-employment restraint of trade (non-cascading with option)
- Checklists
 - Checklist of information needed to draft an effective restraint of trade
 - Quick guide to post-employment restraints of trade
- Toolkits
 - Restraints of trade (NEW)

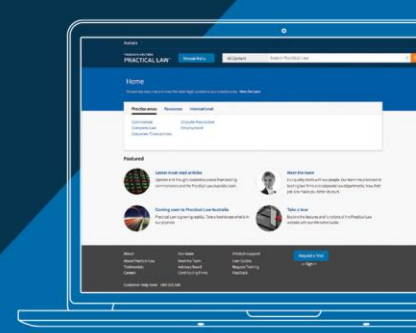
Practice and procedure in the FCA and FCCA

- Practice note: overview
 - Overview of damages and remedies in federal discrimination
- Practice notes
 - Costs orders by courts in Fair Work Act proceedings

Practical Law Australia

Employment

Table of Contents



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

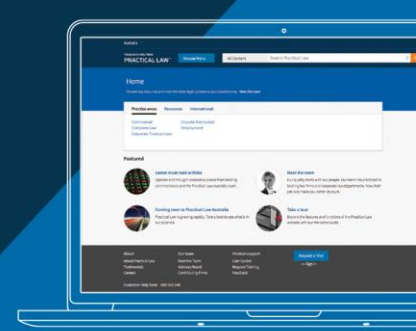
Practice and procedure in the FWC

- Practice notes
 - Completing the Form F8 general protections application involving dismissal
 - Compulsory conference and determination of general protections applications involving dismissal
 - Confidentiality orders (NEW)
 - Costs in unfair dismissal proceedings in the Fair Work Commission

Practical Law Australia

Employment

Table of Contents



- Evidence other than in English in unfair dismissal matters
- Liability of bodies corporate in contraventions of the civil remedy provisions
- Liability of bodies corporate in contraventions of the general protection provisions
- 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
- Process for making an application for a Fair Work Commission Order to stop bullying
- The prohibition on an employee seeking multiple remedies for a dismissal
- Remedies for breach of the civil remedy provisions in the Federal Court or Federal Circuit Court
- Representation by lawyers and paid agents before the Fair Work Commission
- Standard documents
 - Template letter of advice to client regarding accessorial liability
- Checklists
 - Checklist for making a jurisdictional objection in unfair dismissal proceedings
 - Checklist for making an application for costs in unfair dismissal proceedings
 - 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 assessing the prospects of obtaining a costs order in federal unfair dismissal
- Help and information notes
 - Civil remedy provisions

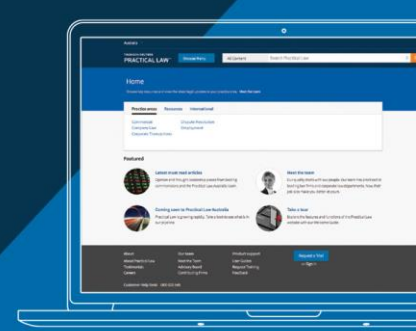
Redundancy

- Practice note: Overview

Practical Law Australia

Employment

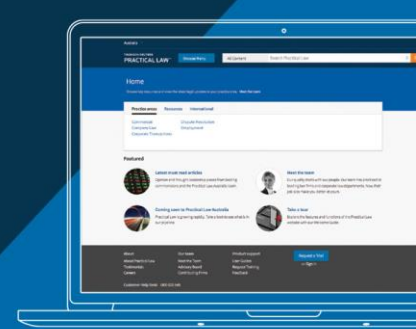
Table of Contents



- Redundancy
- 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
- Standard documents
 - Redundancy policy or procedure
 - Sample letter: confirming dismissal for redundancy
 - Sample letter: notification of major workplace change
 - Sample letter: notification of selection of job for redundancy
 - Template settlement deed: termination by mutual consent
- 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
 - 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
 - Quick guide to the redundancy process
- Toolkit
 - Redundancy

Practical Law Australia Employment

Table of Contents



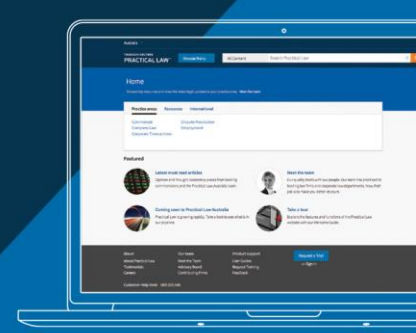
- Help and information notes
 - Minimum amount payable for a redundancy under the NES

Regulating employment in Australia

- Practice notes
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
- Checklists
 - Four yearly review of modern awards: Fair Work Commission and court tracker
- Toolkit
 - Induction and issues during employment
 - Recruitment
 - Termination of employment

Right of entry

- Practice note: Overview
 - Right of entry
- Practice notes
 - Entry notices, exemption certificates and affected member certificates
 - Entry permits
 - Practical steps for responding to right of entry requests to investigate breaches and holding discussions
 - Prohibitions in relation to right of entry
 - Responsibilities of FWA permit holders when exercising a right of entry



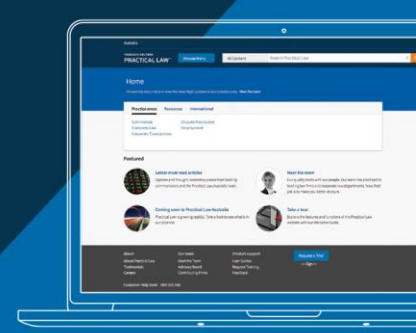
- Rights that may be exercised by FWA permit holders while investigating a breach
- Standard documents
 - Right of entry for suspected breached: Site manager procedure
 - Right of entry to hold discussions: Site manager procedure
 - Template protocol for managing a right of entry to hold discussions
 - Template protocol for managing a right of entry to investigate suspected breaches
- Checklists
 - Practical steps for right of entry to investigate breaches and hold discussions
 - Quick guide to the requirements for an entry notice
 - Right of entry for the purpose of holding discussions
 - Right of entry to investigate breaches
- Toolkits
 - The right of union officials to enter workplaces

Senior executive terms and conditions

- Practice note: overview
 - Overview of key terms and conditions for senior executive employment
 - Termination of the contract of employment
- Practice notes
 - Assessing the reasonableness of restraints of trade in New South Wales
 - Assessing whether a restraint or trade is reasonable
 - Cascading restraint of trade clauses
 - Confidentiality
 - Engagement of employees under fixed-term contracts
 - Fiduciary obligations arising from the employment relationship
 - Gardening leave
 - The interpretation and construction of a restraint of trade

Practical Law Australia Employment

Table of Contents



- Practical steps to deal with potential breaches of restraints or post-employment obligations
- Restraints of trade on the purchase of a business (NEW)
- Senior executive incentive schemes
- Senior executive termination payments
- Standard documents
 - Letter to former employee about post-employment obligations
 - Letter to new employer about post-employment obligations
 - Senior employee agreement with cascading restraint
 - Senior employee agreement with non-cascading restraint
 - Template settlement deed: termination by mutual consent
- Standard clauses
 - Confidentiality clause (long form)
 - Gardening leave
 - Post-employment restraint of trade (non-cascading with option)
 - Post-employment restraint of trade (cascading)
- Checklists
 - Checklist of information needed to draft an effective restraint of trade
 - Quick guide to post-employment restraints of trade
- Toolkits
 - Restraints of trade (NEW)

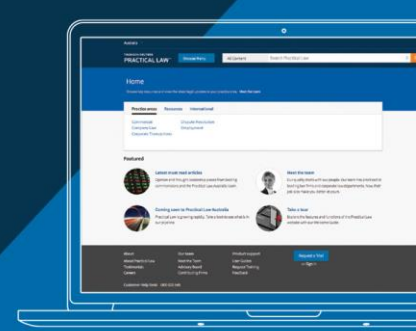
Termination of employment

- Practice note: overview
 - Overview of key considerations when dismissing and ill or injured employee
 - Termination of the contract of employment
- Practice notes

Practical Law Australia

Employment

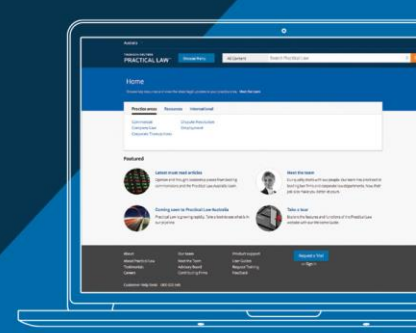
Table of Contents



- Assessing the reasonableness of restraints of trade in New South Wales
- Disciplining employees for out-of-hours conduct
- Gardening leave
- The general protection against dismissal for a temporary absence due to illness or injury
- Liability of employers for out of hours conduct
- Monitoring and surveillance of social media use of employees
- Overview of federal disability discrimination and dismissing an ill or injured employee
- Overview of the protection against adverse action and dismissing an ill or injured employee
- Overview of the protection against unfair dismissal and dismissing an ill or injured employee
- Overview of workers' compensation and dismissing an ill or injured employee
- The prohibition on an employee seeking multiple remedies for a dismissal
- Repudiation of the contract of employment
- Service and continuous service
- 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
- Standard documents
 - Redundancy policy or procedure
 - Repudiation: Sample letter regarding abandonment of employment
 - Template settlement deed: termination by mutual consent
- Standard clauses
 - Gardening leave
- Checklists
 - Checklist of key considerations when dismissing an ill or injured employee
 - Checklist to assist small business employers comply with the Small Business Fair Dismissal Code

Practical Law Australia Employment

Table of Contents



- Flowchart of the prohibition of an employee seeking multiple remedies for a dismissal
- Quick guide to remedies available for unfair dismissal
- Quick guide to the protection against adverse action when dismissing an ill or injured employee
- Quick guide to workers' compensation considerations when dismissing an ill or injured employee
- Toolkit
 - Terminating the contract of employment

Transfer and sale of business

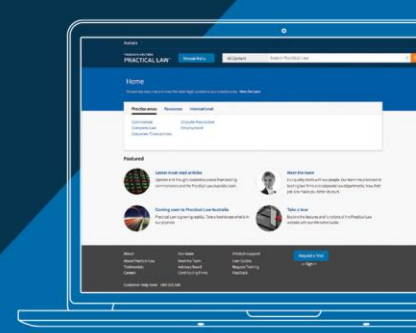
- Practice notes
 - Outsourcing and insourcing in a transfer of business
 - Service and continuous service
 - The statutory entitlement to redundancy pay and sale of a business or corporate restructure
 - Transfer of assets in a transfer of business
 - Transferring work in a transfer of business
- Checklists
 - Flowchart for the determination of continuity of service in a transfer of business between non-associated entities

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?

Practical Law Australia Employment

Table of Contents



- 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

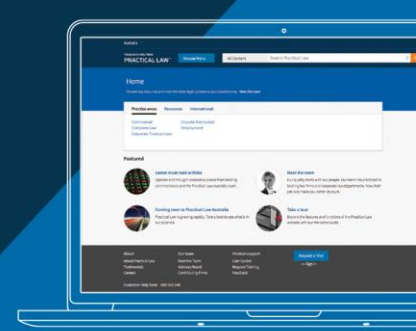
COMING SOON TO EMPLOYMENT

Practical Law is a dynamically evolving service. The following new Employment topics are scheduled for publication in 2017:

- **Performance management.** This new topic will include practice notes and standard documents to guide employers through setting up performance expectations on induction and managing underperforming employees. The topic will include practice notes considering the legal risks inherent in managing underperformance and practical guidance on managing underperformance, employer obligations and best practice regarding employee support persons, legal and practical considerations during probationary periods, as well as a template managing underperformance policy, support persons policy and template letters and contract clauses.
- **Pay and benefits:** This new topic will include practice notes and checklists that guide employers on matters such as the payment of wages, the high income threshold, the meaning of base rate of pay for ordinary hours of work, and the obligation on employers to maintain complete and accurate records and provide employees with pay slips under the *Fair Work Act 2009* (Cth). The topic will also consider contractual offset provisions in relation to earnings in excess of entitlements under an applicable modern award or enterprise agreement.

Practical Law Australia Employment

Table of Contents



- **Liability of employers:** This new topic includes practice notes that guide employers on liability for contraventions of the *Fair Work Act 2009* (Cth), as both a body corporate and personally under accessorial liability provisions. It will also consider the liability of employers for the actions of employees under the common law and anti-discrimination and harassment legislation, as well as topic-specific issues such as liability for an employee's out of hours conduct. Standard documents in the topic will assist practitioners in providing advice to Boards and Executive teams on liability in the context of employment matters, and practical steps on reducing the risk of vicarious and accessorial liability.
- **Transfer of business:** This new topic will include practice notes, checklists and standard documents to assist employers in relation to transfers of business under the *Fair Work Act 2009* (Cth). The topic will include practice notes considering when a transfer of business occurs, the implications for employers in terms of employee liability and entitlements and key considerations for new employers acquiring businesses by way of asset purchase. Standard documents in the topic will assist practitioners in making offers of employment to transferring employees and advising businesses in relation to possible liability arising from transactions.

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.