

# Practical Law Australia

## Employment Law

Employment Law provides up-to-date and practical knowledge on employment law and practice.

Employment and workplace relations law in Australia is made up of a myriad of often complicated and interrelated federal, state and common laws. This service is designed to take this complex area of law and provide practical legal know-how for legal practitioners, in-house counsel, HR professionals, and employee and employer associations working in this area. Key topics include discrimination and harassment, ill and injured employees and unfair dismissal.

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Practical Law Australia's Employment practice area 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 Writer, Employment, Practical Law Australia

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## Employment Law know-how resources

**Practice note: Managing an ill or injured employee: inherent requirements, reasonable adjustments and unjustifiable hardship**

### The challenge

You need to advise on or commence a performance management process or employment termination of an employee with an illness or injury.

### The solution

This note provides a concise outline of the overlapping and concurrent laws relevant to the management of ill and injured employees to assist you in preparing advice. It provides practical knowledge on the process to follow when determining an employee's ability to perform the inherent requirements of a position having regard to the provisions of the *Disability Discrimination Act 1992* (Cth) and under the *Fair Work Act 2009* (Cth).

### Scope of this note

Situations can arise in the workplace illness or injury. The employee may be injured and:

- Be unable to meet the employer's p continuing to present for work.
- Be regularly absent from work
- Be totally unfit to attend w

**Standard document: Deed of release for settling a discrimination claim**

### The challenge

You've successfully settled a claim of discrimination made by an employee or client's employee subject to the terms of an agreed Deed of Release.

### The solution

This up-to-date and constantly maintained Deed of Release template outlines an agreement for settlements arising from the resignation of an employee, dismissal of an employee for misconduct or poor performance and discrimination proceedings.

### AGREED TERMS

#### 1. PAYMENTS [AND BENEFITS]

1.1 PAYMENTS Within [NUMBER] properly signed by the Employee

(a) pay the Employee the f

(i) \$[AMOUNT] (gr accrued to the

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### Checklist: Federal dismissal: costs in unfair dismissal proceedings in the Fair Work Commission

#### The challenge

You've been asked to provide advice on whether it would make commercial sense to defend or settle an unfair dismissal application from a former employee.

#### The solution

This quick guide provides a concise overview of Fair Work Commission's approach to costs in unfair dismissal proceedings and the key issues to consider.



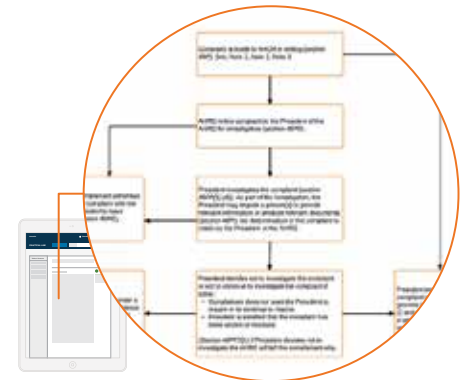
### Flowchart: Federal discrimination: complaint procedure in the Australian Human Rights Commission

#### The challenge

Your organisation or client has been named in a discrimination claim lodged in the Australian Human Rights Commission.

#### The solution

This flowchart summarises the complaint process for complaints about sex, race, disability and age discrimination in the Australian Human Rights Commission.



## Meet the Employment Law legal writing team



Linda Taylor

#### Head Writer, Employment, Practical Law Australia

Linda Taylor has more than 15 years' experience in employment, industrial relations and work health and safety law in both private practice and in-house roles. Prior to joining Practical Law Australia, Linda held senior management positions with the Australian Broadcasting Corporation, where she advised on a variety of matters, including termination of employment, transfer of business, and disciplinary and grievance investigations.



Kristen Barratt

#### Senior Writer, Employment, Practical Law Australia

Kristen Barratt has more than 25 years' experience in employment and industrial relations law in both private practice and in-house roles. Kristen has held senior workplace relations roles for both an employer organisation, and an international building and construction firm. For the last six years, Kristen has been advising national and international businesses in her capacity as special counsel at Gadens Lawyers.

Meet the rest of the team at [legal.thomsonreuters.com.au/practical-law-team](https://legal.thomsonreuters.com.au/practical-law-team)