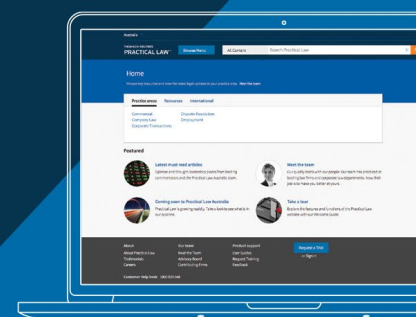


Practical Law Australia Employment

Table of Contents

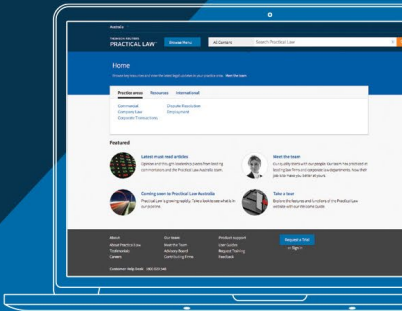


EMPLOYMENT COVERAGE AS OF NOVEMBER 2022

Anti-bullying	3
Building industry	4
Casual employment reform	4
Civil remedy provisions	5
Cross-border and immigration.....	6
Discipline	7
Employment contracts.....	9
Enterprise bargaining.....	11
Family and pregnancy	13
Federal discrimination and harassment	14
General protections	17
Ill and injured employees.....	19
Health, safety and incapacity.....	21
Industrial action	21
Jobkeeper	22
Leave	24
Liability	26
Modern awards.....	27
National Employment Standards	28
Performance management	28
Pay and benefits.....	29
Policies	31
Post-employment obligations.....	32
Practice and procedure in the FCA and FCFCOA	33
Practice and procedure in the FWC	34
Redundancy	36

Practical Law Australia Employment

Table of Contents



Regulating employment in Australia	37
Right of entry	38
Senior executive terms and conditions	40
Termination of employment.....	41
Transfer and sale of business.....	43
Types of engagement.....	44
Whistleblowers	46
Unfair dismissal	47
Overview of unfair dismissal	47
Jurisdiction and coverage	47
Small business and unfair dismissal.....	48
Harsh, unjust or unreasonable	48
Settlement and conciliation.....	49
Remedies.....	49
Practice and procedure.....	50
Work Health and Safety	Error! Bookmark not defined.

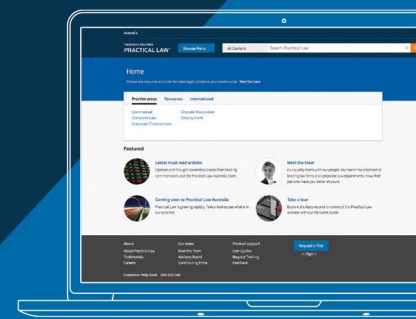
“

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

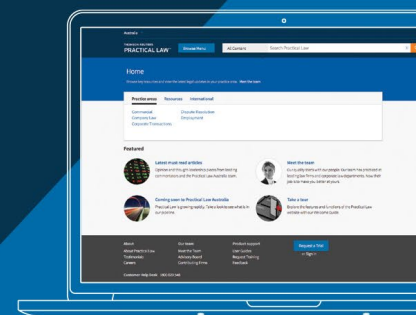


Anti-bullying

- Practice notes
 - Anti-bullying under the Fair Work Act 2009 (Cth)
 - Dismissing a stop-bullying application when the applicant is no longer at work
 - Legal professional privilege and internal investigations
 - Process for making an application for a Fair Work Commission Order to stop bullying
 - Reasonable management action conducted in a reasonable manner
- Standard documents
 - Internal complaints procedure for workplace bullying complaints
 - Workplace bullying prevention policy (long form)
- Checklists
 - Checklist of issues to consider in a bullying complaint
 - Flowchart for responding to workplace bullying
 - Process for making an application for a Fair Work Commission order to stop workplace bullying: flowchart
 - Quick guide to dismissing a stop-bullying application when the applicant is no longer at work
 - Quick guide to legal professional privilege and internal investigations
 - Reporting and seeking the removal of unlawful, inappropriate and offensive material published on the internet
- Help and information notes
 - Christmas in the time of COVID-19
 - FWC practice and procedure: stop sexual harassment orders
- Case trackers
 - Dismissing a stop-bullying application when the applicant is no longer engaged

Practical Law Australia Employment

Table of Contents



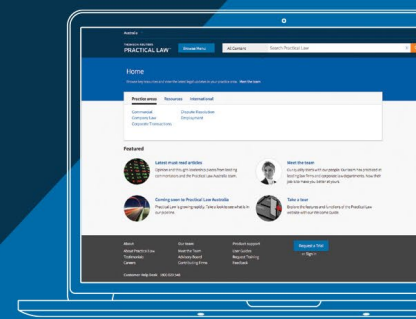
- Toolkit
 - Environmental, social and governance (ESG) toolkit: Australia and New Zealand

Building industry

- Practice note: overview
 - Overview of the 2016 Commonwealth Building Code
- Practice notes
 - Eligibility to be awarded and perform Commonwealth funded building work
 - Key requirements for code covered entities under the 2016 Building Code
- Checklists
 - Quick guide, Summary of the projects where the 2013 Building Code and 2016 Building Code will apply

Casual employment reform

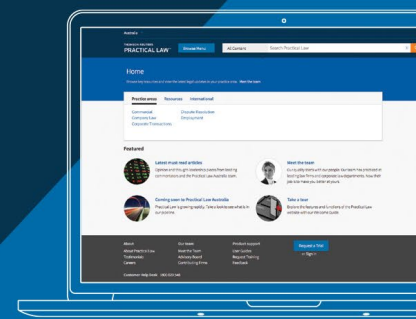
- Practice note: overview
 - Casual employment
- Checklists
 - Casual employees employed before 27 March 2021: Comparison table of NES casual conversion entitlement and Casual Employment Information Statement employer obligations
 - Q&A: FW Act amendments to casual employment
 - Transition period: workflow for evaluating existing casual employees for conversion to permanent employment
 - Transition period: quick guide to practical effect of casual employment transitional measures for employers



- Standard documents
 - Transition period: letter from existing casual employee accepting or declining conversion offer
 - Transition period: letter notifying existing casual employee of decision not to make conversion offer on reasonable grounds
 - Transition period: letter notifying existing casual employee of ineligibility for conversion offer
 - Transition period: letter to existing casual employee offering conversion to permanent employment
 - Transition period: letter to notify existing casual employee of permanent employment arrangements post-conversion

Civil remedy provisions

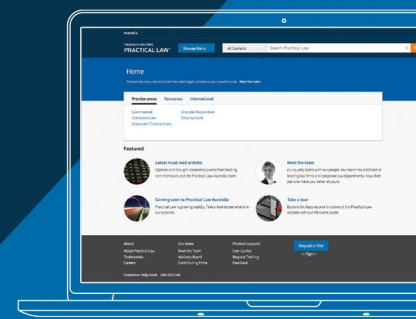
- Practice note: overview
 - Liability for civil remedy contraventions under the Fair Work Act
 - Remedies for civil remedy contraventions under the Fair Work Act
- Practice notes
 - Accessorial liability and compensation
 - Civil double jeopardy under the Fair Work Act
 - Compensation for contraventions of a civil remedy provision
 - Costs orders by courts in Fair Work Act proceedings
 - Injunctive relief for contraventions of a civil remedy provision
 - Pecuniary penalties for contraventions of a civil remedy provision
 - Serious contraventions of the Fair Work Act
- Checklists
 - Quick guide to compensation for civil remedy contraventions
 - Quick guide to injunctive relief for civil remedy contraventions
 - Quick guide to liability for civil remedy contraventions
 - Quick guide to remedies for civil remedy contraventions



- Serious contraventions of the Fair Work Act: flow chart
- Help and information notes
 - Civil remedy provisions
 - Contraventions relevant to section 557 of the Fair Work Act (course of conduct)
 - Migration Act reforms enhancing protections for migrant workers
 - Penalties for breach of the civil remedy provisions
- Case trackers
 - Compensation for civil remedy contraventions
 - Injunctive relief for contraventions of a civil remedy provision
 - Personal payment orders for pecuniary penalties

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?
 - Q&A: COVID-19 (Coronavirus) and employment law
 - 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



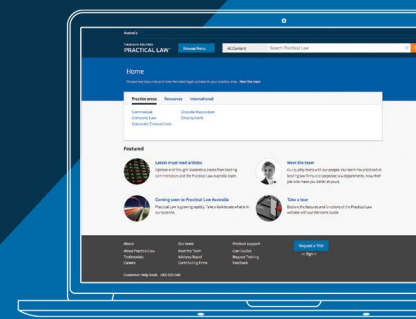
- Termination clause for a secondment agreement between an Australian home entity and an overseas host entity for a short-term secondment of an employee
- Checklists
 - Checklist of considerations for employers when engaging non-Australian residents
 - Quick guide to drafting secondment agreements
- Help and information notes
 - Migration Act reforms enhancing protections for migrant workers

Discipline

- Practice notes
 - Challenging a medical certificate
 - Confidentiality breaches and valid reason
 - Disciplining employees for out of hours conduct
 - False expense claims and misuse of corporate credit cards
 - Fighting and violent or aggressive conduct in the workplace
 - Guide to workplace investigations
 - Inherent requirements of the position
 - Lawful and reasonable directions
 - Legal professional privilege and internal investigations
 - Monitoring and surveillance of social media use of employees
 - Managing employees who have not complied with a workplace COVID-19 vaccination requirement
 - Misconduct allegations and defamation
 - Overview of the protection against unfair dismissal and dismissing an ill or injured employee
 - Procedural fairness in misconduct investigations and disciplinary processes
 - Probationary periods
 - Social media as a business tool and the risks to employers
 - Support persons

Practical Law Australia Employment

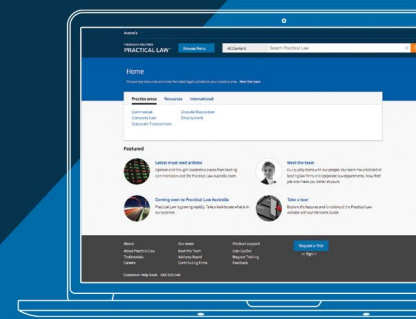
Table of Contents



- Standard documents
 - Confidential investigation report
 - Letter of termination for serious misconduct
 - Letter to complainant regarding conclusion of grievance-related investigation
 - Letter to complainant regarding grievance-related investigation and arranging interview
 - Letter to person complained about regarding conclusion of grievance- related investigation
 - Letter to person complained about regarding grievance-related investigation and arranging interview
 - Letter to support person (employee)
 - Letter to support person (non-employee)
 - Letter to witness regarding conclusion of grievance-related investigation
 - Letter to witness regarding grievance-related investigation and arranging interview
 - Support person confidentiality undertaking (employee)
 - Support person confidentiality undertaking (non-employee)
 - Support persons policy
- Checklists
 - Checklist for determining reasonable adjustments to the position
 - Checklist for determining the inherent requirements of the position
 - Investigation plan
 - Managing workplace risks related to Christmas or end of year parties
 - 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 legal professional privilege and internal investigations
 - Quick guide to popular social media sites
 - Quick guide to the process for determining capacity to perform the inherent requirements
 - Quick guide to workplace policies and the contract of employment
 - Support persons: key practical considerations
- Help and information notes
 - Christmas in the time of COVID-19

Practical Law Australia Employment

Table of Contents



- No job no play: The legality of an employer mandatory vaccination programme
- Work health and safety laws and regulators
- Case trackers
 - False expense claims, misuse of corporate credit cards and unfair dismissal
 - Fighting and violent or aggressive conduct in the workplace
 - Ill or injured employees and unfair dismissal

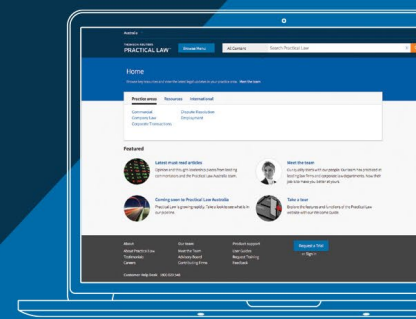
Employment contracts

- Practice note: overview
 - Termination of the contract of employment
- Practice notes
 - Assessing the reasonableness of restraints of trade in New South Wales
 - Assessing whether a restraint of trade is reasonable
 - Cascading restraint of trade clauses
 - Confidentiality
 - Consequences of breaching a lawful and reasonable direction
 - Contractual notice of termination of employment
 - Engagement of employees under fixed-term contracts
 - Fair Work Information Statement
 - Gardening leave
 - Intellectual property rights for employers and employees
 - Lawful and reasonable directions
 - Offsetting in employment contracts
 - Probationary periods
 - Q&A: COVID-19 (Coronavirus) and employment law
 - Repudiation of the contract of employment
 - Restraints of trade on the purchase of a business
 - The implied term of reasonable notice
 - The interpretation and construction of a restraint of trade
 - Workplace policies and the contract of employment

Practical Law Australia

Employment

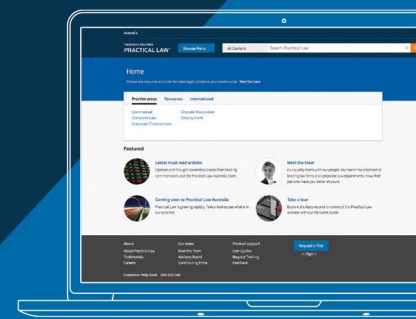
Table of Contents



- Standard documents
 - Anti-discrimination and harassment policy (long form)
 - 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
 - Internal complaints procedure for workplace discrimination and harassment
 - Letter confirming unsuccessful probationary period
 - Letter extending probationary period
 - Maximum term employee agreement with cascading restraint
 - Maximum term employee agreement with non-cascading restraint
 - Policy acknowledgement form
 - 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
 - Workplace bullying prevention policy (long form)
 - Workplace Bullying Prevention Policy acknowledgement form
- Standard clauses
 - Confidentiality clause (employment contract: long form)
 - Confidentiality clause (employment contract: short form)
 - Conflict of interest (restriction on outside activities)
 - Employment contract offset or set off
 - Gardening leave
 - Hours of work clause: full time employee agreeing to work in excess of a 38-hour week
 - Intellectual property clause (employment contract: long form)
 - Intellectual property clause (employment contract: short form)
 - Moral rights consent (with optional waiver)
 - New probationary period on transfer of business
 - Post-employment restraint of trade (cascading)
 - Post-employment restraint of trade (non-cascading with option)
 - Probationary qualifying period
 - Work from home clauses

Practical Law Australia Employment

Table of Contents



- 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
 - Intellectual property provisions in employment contracts
 - Offset clauses in employment contracts: overview
 - Pros and cons of fixed term employment
 - 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
 - Confidentiality
 - Restraints of trade
 - Terminating the contract of employment
- Help and information notes
 - Is requiring employees to install and use the COVIDSafe app a lawful and reasonable direction by an employer?
 - No job no play: The legality of an employer mandatory vaccination programme

Employment status and types of working

- Toolkit
 - Work from home

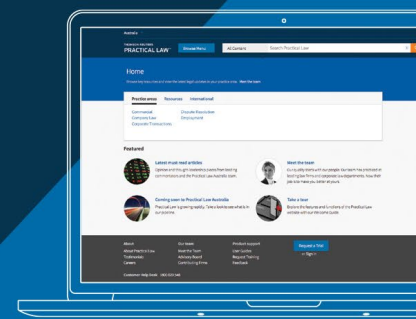
Enterprise bargaining

- Practice note: overview
 - Essential requirements for making a single enterprise agreement

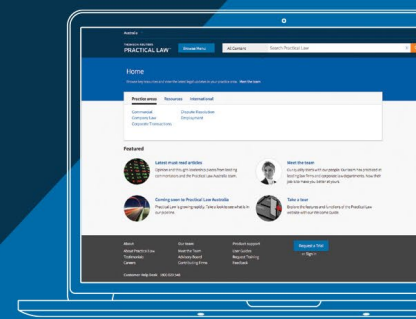
Practical Law Australia

Employment

Table of Contents



- Practice notes
 - Bargaining representatives
 - Can the Fair Work Commission deal with a dispute under an enterprise agreement when the employee is no longer employed?
 - Common bargaining scenarios that lead to a claim that good faith bargaining obligations have been breached
 - Consultation with employees and unions under modern awards, enterprise agreements and the Fair Work Act
 - Coverage of unions under enterprise agreements
 - 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?
 - Loaded rates of pay in enterprise agreements
 - Majority support determinations
 - National system employee and national system employer
 - Notice of Employee Representational Rights
 - Permitted matters in enterprise agreements
 - The access period
 - The better off overall test (BOOT)
 - The FWC's powers of arbitration under enterprise agreements
 - The general protections for engaging in industrial activities
 - The right of unions to be heard in enterprise agreement approval proceedings
 - Transferable instruments in a transfer of business
 - Types of enterprise agreements
 - Varying or terminating an enterprise agreement
- Standard documents
 - Instrument of appointment – employee bargaining representative
 - Notice to line managers regarding access period and ballot process for electronic vote
- Standard clauses



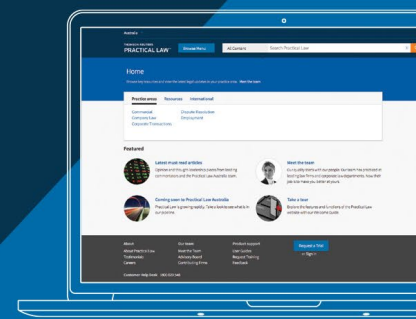
- Employment contract offset or set off
- Checklists
 - Checklist of factors the FWC must consider when making a majority support determination
 - Flowchart of the bargaining process for making an enterprise agreement
 - Offset clauses in employment contracts: overview
 - Quick guide: Bargaining representatives for enterprise agreements
 - Quick guide: How to properly prepare the NERR
- Help and information notes
 - Member of an organisation whose industrial interests the organisation is entitled to represent
 - Sample questions for a protected action ballot
- Case trackers
 - Orders to produce in applications to terminate enterprise agreements
 - The right of unions to be heard in enterprise agreement approval proceedings

Family and pregnancy

- Practice notes
 - Consultation with employees and unions under modern awards, enterprise agreements and the Fair Work Act
 - Government paid parental leave
 - Keeping in touch days
 - Personal/carer's leave
 - Replacement employees: parental leave
 - Requests for flexible working arrangements
 - Return to work from unpaid parental leave
 - Transfer to a safe job and no safe job leave
 - Unpaid parental leave
 - Unpaid pre-adoption leave

Practical Law Australia Employment

Table of Contents



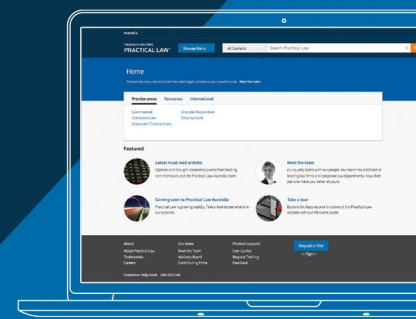
- Unpaid special maternity leave
- Standard documents
 - Confirmation of parental leave: template letter from employee to employer
 - Consultation letter: change to pre-parental leave position
 - Notification of parental leave: template letter from employee to employer
 - Parental leave notification form
 - Template letter from employer to employee responding to a request for an extension to unpaid parental leave
 - Template letter from employer to employee responding to a request for flexible working arrangements
- Checklists
 - Casual employees, pregnancy and adoption
 - Checklist of matters to consider when determining an employee's entitlement to personal/carer's leave
 - Keeping in touch days: quick guide
 - Notice and evidence requirements for unpaid parental leave: flowchart
 - Process for responding to a request for flexible working arrangements: flowchart
 - Quick guide to personal/carer's leave
 - Transfer to a safe job and no safe job leave: flowchart
 - Unpaid parental leave: employer checklist

Federal discrimination and harassment

- Practice note: overview
 - Federal discrimination laws
 - Overview of damages and remedies in federal discrimination
 - Overview of federal age discrimination
 - Overview of federal disability discrimination
 - Overview of federal racial discrimination
 - Overview of federal sex discrimination and harassment
 - SDA: Sexual and sex-based harassment in the context of work

Practical Law Australia Employment

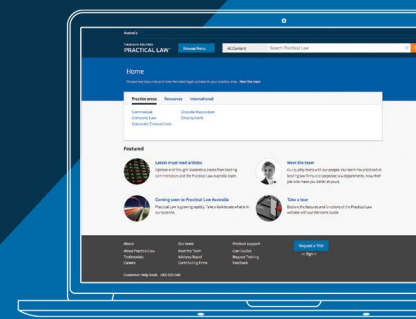
Table of Contents



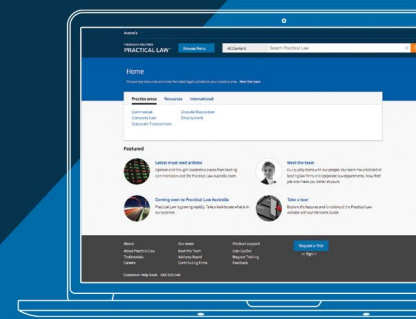
- Practice notes
 - Assessing financial loss in discrimination
 - Assessing non-financial loss in discrimination
 - Criminal record checks
 - Defending a discrimination claim in the Federal Court or Federal Circuit Court of Australia
 - Direct disability discrimination
 - Direct racial discrimination
 - Direct sex discrimination
 - Disability discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1986
 - Discrimination in a redundancy process
 - Employment implications of COVID-19 vaccinations
 - Grounds and protected attributes for racial discrimination
 - Indirect disability discrimination
 - Indirect racial discrimination
 - Indirect sex discrimination
 - Inherent requirements of the position
 - Initiating a discrimination claim in the Federal Court or Federal Circuit Court of Australia
 - Legal professional privilege and internal investigations
 - Liability of employers and others under federal anti-discrimination legislation
 - Making or defending a complaint in the Australian Human Rights Commission
 - Misconduct allegations and defamation
 - Non-monetary remedies
 - 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 the protection against unfair dismissal and dismissing an ill or injured employee
 - 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 the inherent requirements

Practical Law Australia Employment

Table of Contents



- Sex discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 and state anti-discrimination legislation
- Sexual harassment
- SDA: Conduct that is, and is not, sexual in nature
- 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
 - Internal complaints procedure for workplace discrimination and harassment
- 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
 - Flow chart 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 legal professional privilege and internal investigations
 - 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
 - Quick guide to equal employment opportunity laws relevant to diversity and inclusion initiatives



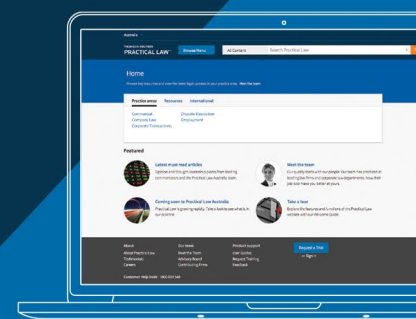
- Reporting and seeking the removal of unlawful, inappropriate and offensive material published on the internet
- Help and information notes
 - 2017 amendments to the procedure for making a complaint in the AHRC
 - Christmas in the time of COVID-19
 - FWC practice and procedure: stop sexual harassment orders
 - No job no play: The legality of an employer mandatory vaccination programme
 - The Respect at Work reforms addressing sexual harassment in the workplace
- Case trackers
 - Ill or injured employees and unfair dismissal
- Toolkit
 - Environmental, social and governance (ESG) toolkit: Australia and New Zealand

General protections

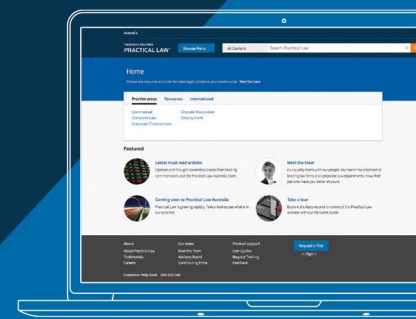
- Practice notes
 - Actions and conduct other than adverse action caught by the general protections
 - Actions and conduct that are adverse action
 - Adverse action in a redundancy process
 - Completing the Form F8 general protections application involving dismissal
 - Compulsory conference and determination of general protections applications involving dismissal
 - Consequences of breaching a lawful and reasonable direction
 - 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

Practical Law Australia Employment

Table of Contents



- The general protections for engaging in industrial activities
- The general protections to support workplace rights
- Is the engagement an employment, independent contractor or labour hire arrangement?
- Legal professional privilege and internal investigations
- Making or defending a general protections application involving dismissal in the Fair Work Commission
- Overview of the protection against adverse action and dismissing an ill or injured employee
- Summary of significant adverse action case law involving ill or injured employees
- Standard documents
 - Deed of release for settling general protections claims involving dismissal
 - Internal complaints procedure for workplace discrimination and harassment
- Checklists
 - 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
 - Quick guide to legal professional privilege and internal investigations
 - Quick guide to the protection against adverse action when dismissing an ill or injured employee
- Toolkit
 - General protections
- Help and information notes
 - Mechanics of an industrial dispute, the Barangaroo building site shut down
 - Member of an organisation whose industrial interests the organisation is entitled to represent



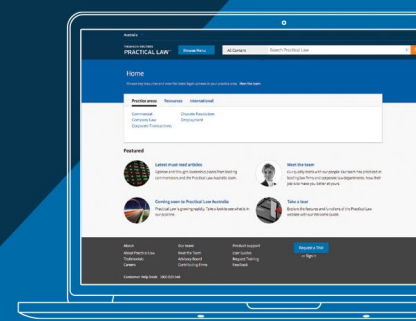
- No job no play: The legality of an employer mandatory vaccination programme
- Case trackers
 - Decision-maker's reasons and the reverse onus of proof

Ill and injured employees

- Practice note: overview
 - Overview of key considerations when dismissing an ill or injured employee
- Practice notes
 - Challenging a medical certificate
 - COVID-19: Federal government powers and planning
 - Directing an employee to provide medical information or attend for a medical examination
 - Employment implications of COVID-19 vaccinations
 - Inherent requirements of the position
 - 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
 - Personal/carer's leave
 - Privacy and confidentiality considerations for employers handling employee medical information
 - Q&A: COVID-19 (Coronavirus) and employment law
 - Summary of significant adverse action case law involving ill or injured employees
 - The general protection against dismissal for a temporary absence due to illness or injury
 - Work health and safety planning during a pandemic or infectious disease outbreak

Practical Law Australia Employment

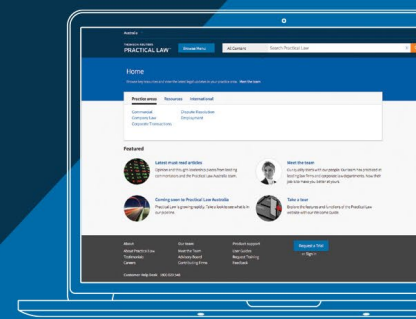
Table of Contents



- 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
 - Recruitment and selection privacy policy
- 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
 - 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
 - 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
- Help and information notes
 - Is requiring employees to install and use the COVIDSafe app a lawful and unreasonable direction by an employer?
 - No job no play: The legality of an employer mandatory vaccination programme

Practical Law Australia Employment

Table of Contents



- Case trackers
 - Ill or injured employees and unfair dismissal

Health, safety and incapacity

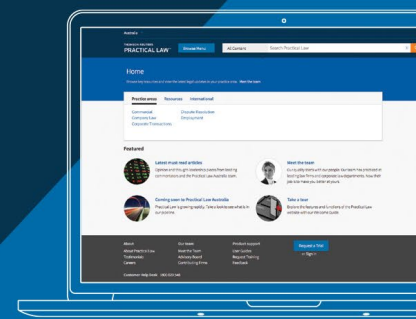
- Practice notes: overview
 - Managing the workplace implications of natural disasters and emergencies
- Practice notes
 - Managing employees who have not complied with a workplace COVID-19 vaccination requirement
 - WHS: An introduction to model WHS laws
 - WHS: The PCBU's duty to ensure health and safety under model WHS laws
 - Work from home: Health and safety considerations
 - WHS: The duty of officers under model WHS laws
- Standard documents
 - Briefing paper: Introduction of mandatory COVID-19 vaccination requirements into the workplace
 - COVID-19 vaccination policy (mandatory: Tiers 3 and 4)
- Help and information notes
 - Consultation regarding mandatory COVID-19 vaccination requirements

Industrial action

- Practice notes
 - Protected action ballot orders
 - Quick guide to picketing
 - The FWC's power to suspend or terminate protected industrial action
 - The FWC's powers to stop unprotected industrial action

Practical Law Australia Employment

Table of Contents



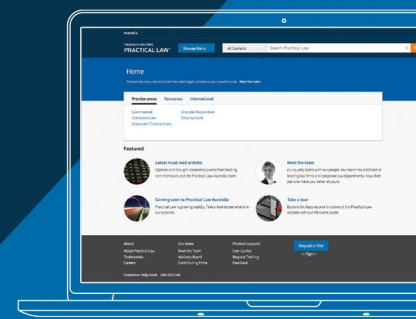
- The right to stand down employees without pay
- What is industrial action?
- When is employee industrial action protected?
- When the FWC can suspend or terminate protected industrial action
- When the FWC must suspend protected industrial action
- Checklists
 - Checklist of when employee claim action 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
 - Mechanics of an industrial dispute, the Barangaroo building site shut down
 - Member of an organisation whose industrial interests the organisation is entitled to represent
 - Sample questions for a protected action ballot

Jobkeeper

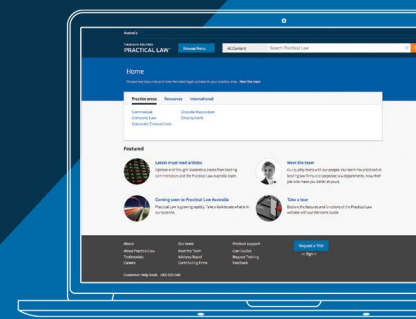
- Practice note: overview
 - The jobkeeper amendments to the Fair Work Act
- Practice notes
 - Entitlement to the jobkeeper payment
 - Key legal risks associated with a jobkeeper enabling direction
 - Q&A: COVID-19 (Coronavirus) and employment law
 - The right to stand down employees without pay
- Standard documents
 - Change in circumstance for assessing eligibility for the jobkeeper payment
 - Notice of company turnover and initiation of consultation for proposed jobkeeper enabling direction (legacy employer)
 - Notice of employee ineligibility for jobkeeper payment

Practical Law Australia Employment

Table of Contents



- Notice of employee ineligibility for jobkeeper payment (post-3 August 2020)
- Notice of formal jobkeeper enabling direction
- Notice of formal jobkeeper enabling direction (legacy employer)
- Notice of information being provided to the Australian Taxation Office
- Notice of information being provided to the Australian Taxation Office (post-3 August 2020)
- Notice of intent to issue jobkeeper enabling direction and initiation of consultation
- Notice of intention to claim jobkeeper payment
- Notice of intention to claim jobkeeper payment (employers already participating in jobkeeper payment scheme)
- Notice of tier of jobkeeper payment being provided to the Australian Taxation Office
- Notice of union of proposed jobkeeper enabling direction
- Recall from stand down, notice of intent to claim jobkeeper payment, and notice of proposed jobkeeper enabling direction
- Statutory declaration: 10% decline in turnover certificate
- Update about company turnover and ceasing jobkeeper enabling direction (legacy employer)
- Update about company turnover and continuing jobkeeper enabling direction (legacy employer)
- Update about status of formal jobkeeper enabling direction
- Checklists
 - Employees eligible for the jobkeeper payment
 - Employer qualification for the jobkeeper scheme
 - Key considerations when re-engaging an employee post 1 March 2020 due to the jobkeeper payment scheme
 - Specific requirements for a jobkeeper enabling stand down direction
 - Specific requirements for jobkeeper enabling directions in relation to the location of work
 - Specific requirements for jobkeeper enabling directions regarding duties of work
 - Specific requirements for a legacy jobkeeper enabling stand down direction
 - Specific requirements for legacy jobkeeper enabling directions in relation to the location of work
 - Specific requirements for legacy jobkeeper enabling directions regarding duties of work



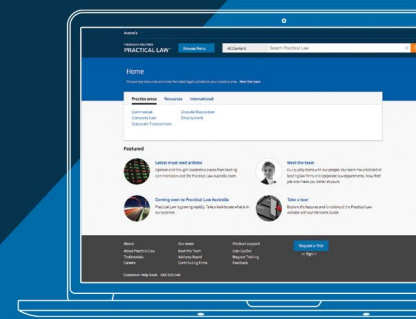
- The common requirements for all jobkeeper enabling directions
- Workflow for accessing the jobkeeper payment
- Workflow for issuing a jobkeeper enabling direction
- Help and information notes
 - Government changes the reference date for assessing employee eligibility for jobkeeper: what do employers already participating in jobkeeper need to do and know?
 - Is requiring employees to install and use the COVIDSafe app a lawful and reasonable direction by an employer?
 - JobKeeper 1.0
 - JobKeeper 2.0
 - JobKeeper Payment
 - Legacy employers: Who are they, and can they still access the jobkeeper enabling amendments in the FW Act?
 - No job no play: The legality of an employer mandatory vaccination programme
 - What are the differences between a traditional stand down and a jobkeeper enabling stand down?

Leave

- Practice note: overview
 - Annual leave
- Practice notes
 - Casual employment
 - Directing an employee take annual leave during a shutdown or close-down
 - Family and domestic violence leave
 - Government paid parental leave
 - Keeping in touch days
 - Personal/carer's leave
 - Q&A: COVID-19 (Coronavirus) and employment law
 - Regular and systematic casual employment
 - Replacement employees: parental leave

Practical Law Australia Employment

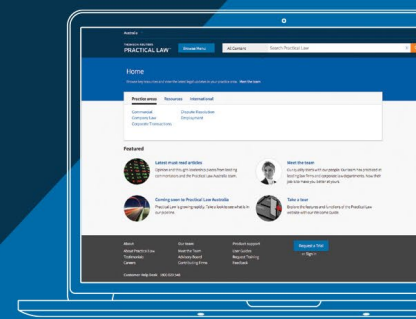
Table of Contents



- Return to work from unpaid parental leave
- Service and continuous service
- Transfer to a safe job and no safe job leave
- Unpaid parental leave
- Unpaid pre-adoption leave
- Unpaid special maternity leave
- Standard documents
 - Confirmation of parental leave: template letter from employee to employer
 - Consultation letter: change to pre-parental leave position
 - Notice of requirement to take annual leave for a Christmas and New Year shutdown
 - Parental leave notification form
 - Template letter from employer to employee responding to a request for an extension to unpaid parental leave
- Checklists
 - Casual employees, pregnancy and adoption
 - Checklist of matters to consider when determining an employee's entitlement to personal/carer's leave
 - Keeping in touch days: quick guide
 - Notice and evidence requirements for unpaid parental leave: flowchart
 - Quick guide to annual leave during a shutdown or close-down
 - Quick guide to annual leave entitlements by employment type
 - Quick guide to personal/carer's leave
 - Shutdown and close-down provisions in modern awards
 - Transfer to a safe job and no safe job leave: flowchart
 - Unpaid parental leave: employer checklist
- Help and information notes
 - 2018 public holidays
 - Changes to NES relating to unpaid parental leave: what do employers need to know and do?

Practical Law Australia Employment

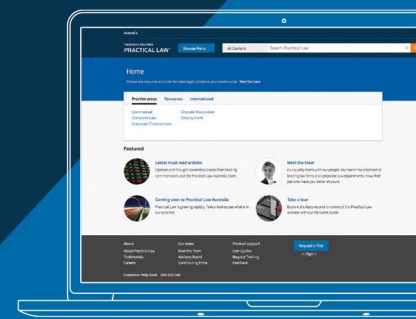
Table of Contents



- Case trackers
 - Award flexibility during the COVID-19 pandemic
 - Regular and systematic
- Toolkit
 - The Chancery Lane Project: model climate clauses

Liability

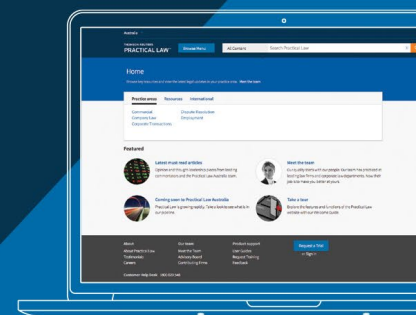
- Practice note: overview
 - Liability for civil remedy contraventions under the Fair Work Act
- Practice notes
 - Accessorial liability and compensation
 - Civil double jeopardy under the Fair Work Act
 - Liability of accessories under the Fair Work Act
 - Liability of bodies corporate and industrial organisations for civil remedy contraventions
 - Liability of employers and others under federal anti-discrimination legislation
 - Liability of employers for out of hours conduct
 - Liability of individuals for civil remedy contraventions
 - Liability of responsible franchisor entities and holding companies under the Fair Work Act
 - Misconduct allegations and defamation
- Standard documents
 - Template letter of advice to client regarding accessorial liability
- Checklists
 - Quick guide to liability for civil remedy contraventions
- Case trackers



- Accessorial liability: case law overview
- Help and information notes
 - Migration Act reforms enhancing protections for migrant workers

Modern awards

- Practice notes
 - Base rate of pay for ordinary hours of work
 - Casual conversion
 - Consultation with employees and unions under modern awards, enterprise agreements and the Fair Work Act
 - Employment implications of COVID-19 vaccinations
 - Family and domestic violence leave
 - Is the employee covered by a modern award or enterprise agreement?
 - Miscellaneous Award
 - Modern award coverage and application: dispelling common myths
 - Modern awards and the four-yearly review of modern awards
 - National system employee and national system employer
 - Priority awards review
 - Sources of minimum employee entitlements
- Standard clauses
 - Employment contract offset or set off
- Checklists
 - Comparison of terms facilitating flexibility in minimum terms and conditions of employment
 - Offset clauses in employment contracts: overview
- Help and information notes
 - List of casual conversion clauses in modern awards



- Modern award plain language standard redundancy clause
- Case trackers
 - Award flexibility during the COVID-19 pandemic
 - Four yearly review of modern awards: Fair Work Commission and court tracker
 - Miscellaneous Award

National Employment Standards

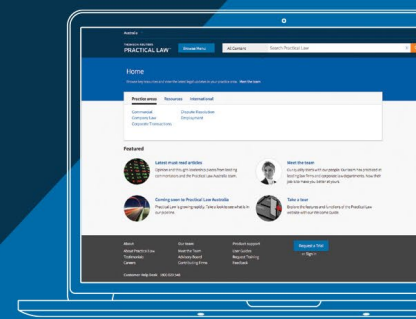
- Help and information notes
 - Changes to NES relating to unpaid parental leave: what do employers need to know and do?
 - FY2021-22 Employment key facts and figures

Performance management

- Practice notes
 - Challenging a medical certificate
 - Directing an employee to provide medical information or attend for a medical examination
 - Key legal risks associated with performance management
 - Managing underperformance
 - Probationary periods
 - Support persons
- Standard documents
 - Letter confirming successful probationary period
 - Letter confirming unsuccessful probationary period
 - Letter extending probationary period
 - Letter inviting employee to a formal performance management meeting
 - Letter inviting employee to an informal performance management meeting
 - Letter to confirm informal discussion for underperformance

Practical Law Australia Employment

Table of Contents



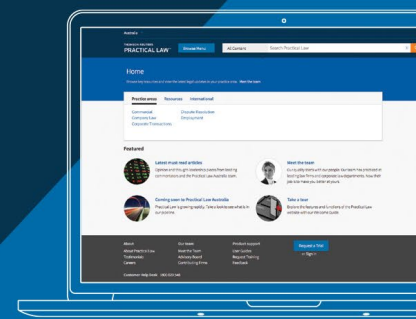
- Letter to support person (employee)
 - Letter to support person (non-employee)
 - Managing underperformance policy
 - Performance improvement plan
 - Support person confidentiality undertaking (non-employee)
 - Support person confidentiality undertaking (employee)
 - Support persons policy
- Standard clauses
 - Probationary qualifying period
 - Checklists
 - 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 legal professional privilege and internal investigations
 - Quick guide to workplace policies and the contract of employment
 - Support persons: key practical considerations
 - Help and information notes
 - Work health and safety laws and regulators
 - Case trackers
 - Performance improvement plans

Pay and benefits

- Practice notes: overview
 - Managing the workplace implications of natural disasters and emergencies
- Practice notes
 - Base rate of pay for ordinary hours of work

Practical Law Australia Employment

Table of Contents

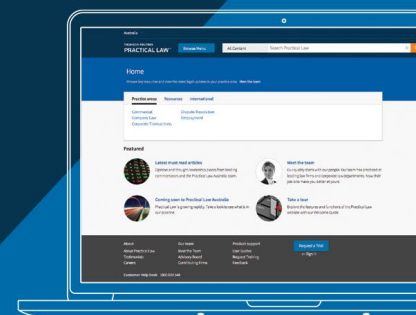


- Compliance notices by Fair Work Inspectors
- Criminal liability for underpayment of employee entitlements
- Fair Work Information Statement
- High income threshold
- Individual flexibility arrangements
- Loaded rates of pay in enterprise agreements
- Maximum weekly hours and reasonable additional hours
- Offsetting in employment contracts
- Q&A: COVID-19 (Coronavirus) and employment law
- Record-keeping and pay slip obligations under the Fair Work Act
- Sources of minimum employee entitlements
- Statutory requirements for the payment of wages and deductions from wages
- The right to stand down employees without pay
- Transferable instruments in a transfer of business
- Standard documents
 - High income threshold: template instructions sheet
 - Template pay slip
- Standard clauses
 - Employment contract offset or set off
 - Hours of work clause: full time employee agreeing to work in excess of a 38-hour week
- Checklists
 - Comparison of terms facilitating flexibility in minimum terms and conditions of employment
 - Document retention (employment): key dates
 - High income threshold: summary
 - Offset clauses in employment contracts: overview
 - Quick guide to calculating NES termination entitlements on redundancy
 - Quick guide to individual flexibility arrangements
 - Quick guide to maximum weekly hours and reasonable additional hours
 - When are car allowances earnings for the high income threshold?

Practical Law Australia

Employment

Table of Contents



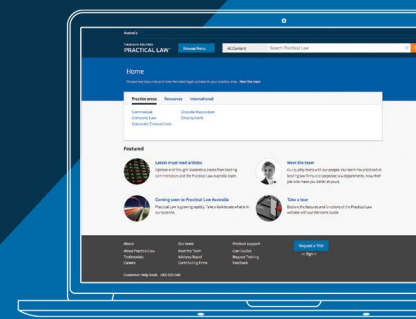
- Toolkits
 - Flexibility in the application of minimum terms and conditions of employment
- Help and information notes
 - FY2021-22 Employment key facts and figures
 - JobKeeper 1.0
 - Model flexibility term (enterprise agreements)
 - Model modern award flexibility clause
 - National minimum wage orders
- Case trackers
 - Award flexibility during the COVID-19 pandemic
 - Compliance notices by Fair Work Inspectors
 - Disputes regarding maximum weekly hours of work
 - High income threshold

Policies

- Practice notes
 - Employment implications of COVID-19 vaccinations
 - Lawful and reasonable directions
 - Whistleblower policies and processes
 - Workplace policies and the contract of employment
- Standard documents
 - Anti-discrimination and harassment policy (long form)
 - Board paper for decision: workplace COVID-19 vaccination policies
 - Briefing paper: Introduction of mandatory COVID-19 vaccination requirements into the workplace
 - Code of conduct and ethics
 - Copyright policy
 - COVID-19 vaccination policy (voluntary)

Practical Law Australia Employment

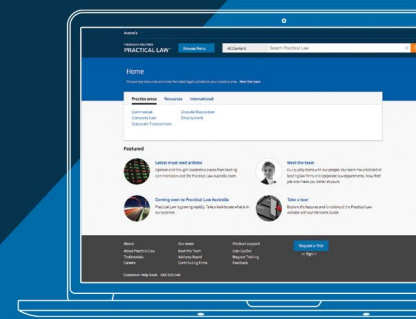
Table of Contents



- COVID-19 vaccination policy (mandatory: Tiers 3 and 4)
- Internal complaints procedure for workplace discrimination and harassment
- Internal complaints procedure for workplace bullying complaints
- Managing underperformance policy
- Policy acknowledgement form
- Recruitment and selection privacy policy
- Redundancy policy or procedure
- Social media policy (long form)
- Support persons policy
- Trade mark policy
- Whistleblower policy
- Workplace Bullying Prevention Policy acknowledgment form
- Workplace bullying prevention policy (long form)
- Checklists
 - Managing workplace risks related to Christmas or end of year parties
 - Quick guide to workplace policies and the contract of employment
 - Reporting and seeking the removal of unlawful, inappropriate and offensive material published on the internet
- Help and information notes
 - Christmas in the time of COVID-19
 - Consultation regarding mandatory COVID-19 vaccination requirements
 - No job no play: The legality of an employer mandatory vaccination programme
- Toolkits
 - The Chancery Lane Project: model climate clauses

Post-employment obligations

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

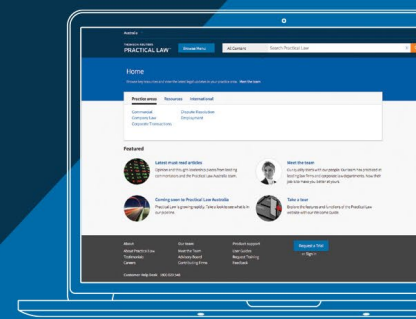


- Cascading restraint of trade clauses
- Confidentiality
- Enforcing post-employment obligations and restraints
- Fiduciary obligations arising from the employment relationship
- Gardening leave
- Guide to drafting and enforcing restraints of trade
- The interpretation and construction of a restraint of trade
- Practical steps to deal with potential breaches of restraints or post-employment obligations
- Privacy and confidentiality considerations for employee medical records
- Restraint of trade provisions in New South Wales
- Restraints of trade on the purchase of a business
- Standard documents
 - Letter to former employee about post-employment obligations
 - Letter to new employer about post-employment obligations
- Standard clauses
 - Confidentiality clause (employment contract: long form)
 - Confidentiality clause (employment contract: 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
 - Quick guide to post-employment restraints of trade
- Toolkits
 - Restraints of trade

Practice and procedure in the FCA and FCFCOA

Practical Law Australia Employment

Table of Contents



- Practice note: overview
 - Overview of damages and remedies in federal discrimination
- Practice notes
 - Costs orders by courts in Fair Work Act proceedings
 - 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
 - Fair Work Institutions
 - Initiating a discrimination claim in the Federal Court or Federal Circuit Court of Australia
 - Judicial review of employment and industrial relations matters
 - Legal Professional Privilege
 - Mediation of Fair Work Act proceedings
 - Racial discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984
 - Sex discrimination: summary of recent cases and damages awards under the Australian Human Rights Commission Act 1984 and state anti-discrimination legislation
 - Summary of significant adverse action case law involving ill or injured employees
- Standard documents
 - Statutory declaration (Cth and ACT)
- Help and information notes
 - Mechanics of an industrial dispute, the Barangaroo building site shut down
 - Quick guide to the Federal Circuit and Family Court of Australia (FCFCOA)

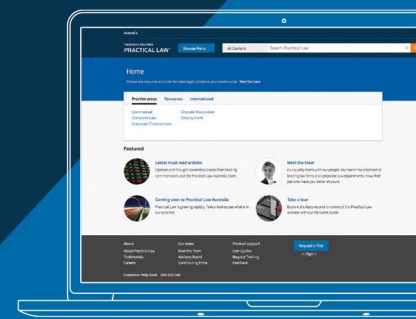
Practice and procedure in the FWC

- Practice notes

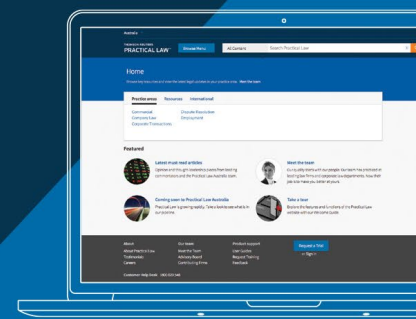
Practical Law Australia

Employment

Table of Contents



- Can the Fair Work Commission deal with a dispute under an enterprise agreement when the employee is no longer employed?
 - Completing the Form F8 general protections application involving dismissal
 - Compulsory conference and determination of general protections applications involving dismissal
 - Confidentiality orders
 - Costs: When the FWC has, and has not, ordered costs relating to settlement offers
 - Costs: When unreasonable acts or omissions relating to a settlement offer can trigger costs in FWC dismissal proceedings
 - Fair Work Institutions
 - The FWC's powers of arbitration under enterprise agreements
 - Legal Professional Privilege
 - Making or defending a general protections application involving dismissal in the Fair Work Commission
 - Orders to produce
 - Process for making an application for a Fair Work Commission Order to stop bullying
 - Representation by lawyers and paid agents before the Fair Work Commission
 - Transferable instruments in a transfer of business
- Standard documents
 - Statutory declaration (Cth and ACT)
- Checklists
 - Flowchart of the process for making or defending a general protections application involving dismissal in the Fair Work Commission
- Case trackers
 - Orders to produce in applications to terminate enterprise agreements
 - Representation by lawyers and paid agents before the Fair Work Commission
- Help and information notes
 - FY2021-22 Employment key facts and figures

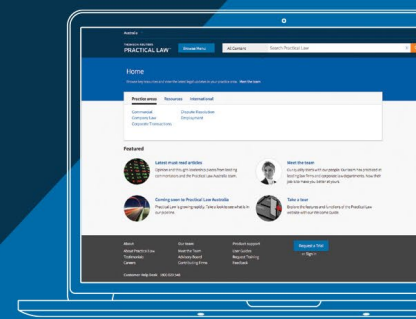


Redundancy

- Practice note: overview
 - Redundancy
- Practice notes
 - Adverse action in a redundancy process
 - Alternatives to termination of employment for redundancy
 - Associated entities
 - Consultation with employees and unions under modern awards, enterprise agreements and the Fair Work Act
 - Discrimination in a redundancy process
 - Eligible termination payments
 - Genuine redundancy
 - Service and continuous service
 - The statutory entitlement to redundancy pay and sale of a business or corporate restructure
 - The statutory entitlement to redundancy pay
 - Taxation of redundancy payments
 - Varying or terminating an enterprise agreement
 - 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 on redundancy pay in an asset purchase acquisition

Practical Law Australia Employment

Table of Contents



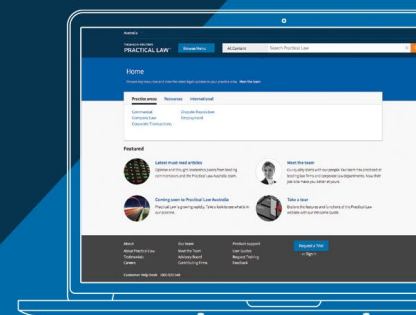
- Quick guide to redeployment and genuine redundancy: section 389(2)
- Quick guide to the redundancy process
- Toolkit
 - Redundancy
- Help and information notes
 - Minimum amount payable for a redundancy under the NES
 - Minimum notice period required under the NES when terminating an employee
 - Modern award plain language standard redundancy clause
- Case trackers
 - Reasonable redeployment and genuine redundancy: section 389(2)
 - Variation of redundancy pay

Regulating employment in Australia

- Practice notes
 - Compliance notices by Fair Work Inspectors
 - Fair Work Institutions
 - Federal government powers and planning in response to COVID-19
 - Guide to labour hire licensing in Queensland
 - Modern awards and the four-yearly review of modern awards
 - Q&A: COVID-19 (Coronavirus) and employment law
 - Sources of minimum employee entitlements
 - The reforms being driven by gig economy work
- Standard documents
 - Statutory declaration (Cth and ACT)
 - Statutory declaration (NSW)
 - Statutory declaration (NT)
 - Statutory declaration (Qld)

Practical Law Australia Employment

Table of Contents



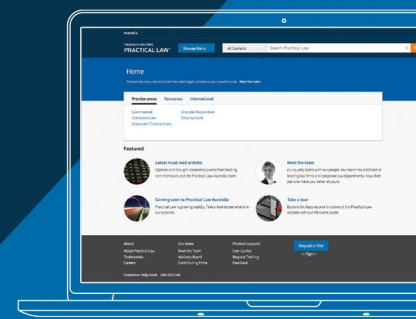
- Statutory declaration (SA)
- Statutory declaration (Tas)
- Statutory declaration (Vic)
- Statutory declaration (WA)
- Checklists
 - Document retention (employment): key dates
 - Quick guide to law reforms addressing gig economy work
 - Who is covered by the Fair Work Act and the national workplace relations system?
- Toolkit
 - Induction and issues during employment
 - Recruitment
 - Termination of employment
- Help and information notes
 - Application of the Acts Interpretation Act to the FW Act
 - Model flexibility term (enterprise agreements)
 - Model modern award flexibility clause
 - No job no play: The legality of an employer mandatory vaccination programme
 - Secure Jobs Better Pay Bill 2022: key commencement dates (**NEW**)
- Case trackers
 - Compliance notices by Fair Work Inspectors

Right of entry

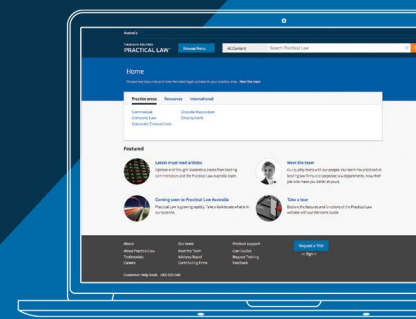
- Practice note: overview
 - Right of entry
- Practice notes

Practical Law Australia Employment

Table of Contents

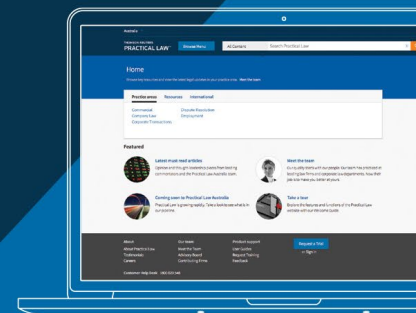


- Entry notices, exemption certificates and affected member certificates
- Entry permits
- Prohibitions in relation to right of entry
- Responsibilities of FWA permit holders when exercising a right of entry
- Right of entry for the purposes of holding discussions under the Fair Work Act 2009 (Cth)
- Rights that may be exercised by FWA permit holders while investigating a breach
- Standard documents
 - Right of entry for suspected breaches: 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
- Help and information notes
 - Member of an organisation whose industrial interests the organisation is entitled to represent
- Case trackers
 - Entry permit applications: fit and proper person considerations



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 of trade is reasonable
 - Cascading restraint of trade clauses
 - Confidentiality
 - 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
 - Restraints of trade on the purchase of a business
 - Senior executive incentive schemes
 - Senior executive termination payments
 - Termination benefits and golden handshake payments under the Corporations Act
- Standard documents
 - Details of termination benefit: notice of meeting template
 - 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 (employment contract: long form)
 - Gardening leave
 - Members' resolution: approval of termination benefit (ASX-listed company)



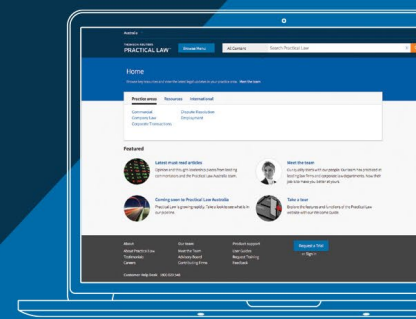
- Members' resolution: approval of termination benefit (ASX-listed holding company)
- Members' resolution: approval of termination benefit (unlisted company)
- Members' resolution: approval of termination benefit (unlisted holding company)
- Post-employment restraint of trade (non-cascading with option)
- 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
 - Setting executive remuneration frameworks during COVID-19: key considerations
- Toolkits
 - Restraints of trade

Termination of employment

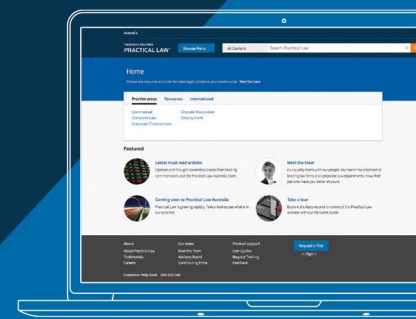
- Practice note: overview
 - Notice of termination of employment
 - Overview of key considerations when dismissing an ill or injured employee
 - Termination of the contract of employment
- Practice notes
 - Contractual notice of termination of employment
 - Eligible termination payments
 - Gardening leave
 - 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 adverse action and dismissing an ill or injured employee

Practical Law Australia Employment

Table of Contents



- Overview of workers' compensation and dismissing an ill or injured employee
- Probationary periods
- Repudiation of the contract of employment
- Statutory notice of termination of employment
- Summary of significant adverse action case law involving ill or injured employees
- Taxation of redundancy payments
- Termination benefits and golden handshake payments under the Corporations Act
- Standard documents
 - Details of termination benefit: notice of meeting template
 - Letter of termination for serious misconduct
 - Redundancy policy or procedure
 - Repudiation: Sample letter regarding abandonment of employment
 - Settlement offer in negotiations before termination of employment
 - Statement of service
 - Template settlement deed: termination by mutual consent
- Standard clauses
 - Gardening leave
 - Members' resolution: approval of termination benefit (ASX-listed company)
 - Members' resolution: approval of termination benefit (ASX-listed holding company)
 - Members' resolution: approval of termination benefit (unlisted company)
 - Members' resolution: approval of termination benefit (unlisted holding company)
- Checklists
 - Checklist of key considerations when dismissing an ill or injured employee
 - Quick guide to notice of termination of employment
 - 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



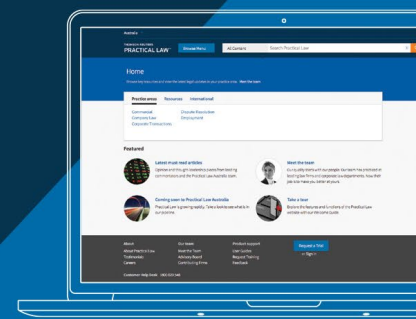
- Reporting and seeking the removal of unlawful, inappropriate and offensive material published on the internet
- Setting executive remuneration frameworks during COVID-19: key considerations
- Toolkit
 - Terminating the contract of employment
- Help and information notes
 - Minimum amount payable for a redundancy under the NES
 - Minimum notice period required under the NES when terminating an employee

Transfer and sale of business

- Practice note: overview
 - Transfer of business and transfer of employment under the FW Act
- Practice notes
 - Associated entities
 - Employment due diligence: acquisitions
 - Orders regarding transferable instruments
 - Outsourcing and insourcing in a transfer of business
 - Preparing the buyer for post-completion integration
 - Restraints of trade on the purchase of a 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
 - Transferable instruments in a transfer of business
 - Transferring work in a transfer of business
- Standard documents

Practical Law Australia Employment

Table of Contents



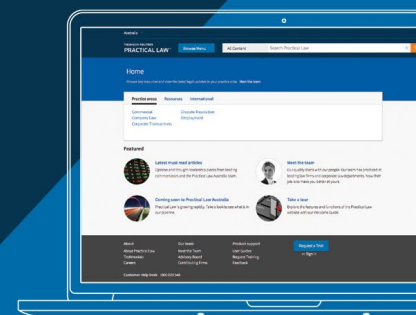
- Transfer of business: offer of employment (no less favourable)
- Standard clauses
 - New probationary period on transfer of business
- Checklists
 - Consultation with employees on a sale of business
 - Flowchart for the determination of continuity of service in a transfer of business between non-associated entities
 - Integration planning and implementation: acquisitions
 - Legal due diligence questionnaire: asset purchases (employment)
 - Legal due diligence questionnaire: share purchases (employment)
- Toolkit
 - Transfer of business

Types of engagement

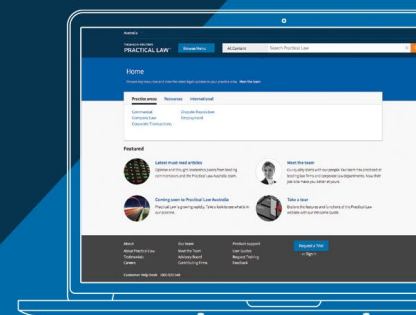
- Practice notes
 - Casual conversion
 - Casual employment
 - Engagement of employees under fixed-term contracts
 - The general protections against sham contracting
 - Guide to labour hire licensing in Queensland
 - Individual flexibility arrangements
 - Is the employee covered by a modern award or enterprise agreement?
 - Is the engagement an employment, independent contractor or labour hire arrangement?
 - National system employee and national system employer
 - Part time employment
 - Requests for flexible working arrangements
 - Work from home: Practical considerations for employers
 - Work from home: Health and safety considerations

Practical Law Australia Employment

Table of Contents



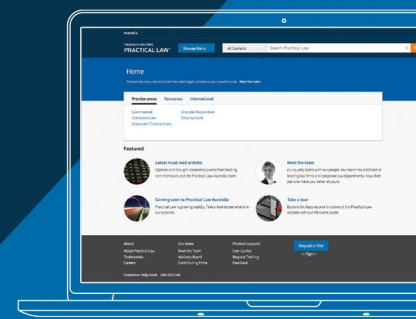
- Practice note: overview
 - Casual employment
 - Work from home
- Standard documents
 - Template letter from employer to employee responding to a request for flexible working arrangements
 - Work from home policy
 - Work from home: Health and safety risk assessment
- Checklists
 - Casual employees and the National Employment Standards
 - Casual employment: dispelling common myths
 - Is the engagement as an employee or independent contractor?
 - Matters to consider when engaging an independent contractor to avoid contravening the sham contracting provisions
 - Process for responding to a request for flexible working arrangements: flowchart
 - Quick guide to drafting secondment agreements
 - Step by step guide to drafting an employment contract
- Toolkits
 - Casual employment
- Help and information notes
 - List of casual conversion clauses in modern awards
- Case trackers
 - Employee or independent contractor: by industry
 - Volunteers, work experience and unpaid work under the FW Act
- Standard clauses



- Work from home clauses

Whistleblowers

- Practice notes
 - Legal professional privilege and internal investigations
 - Misconduct allegations and defamation
 - Protected whistleblower disclosures under the Corporations Act
 - Protections, remedies and liability under the Corporations Act whistleblower regime
 - The whistleblower protection regime under the Taxation Administration Act
 - Whistleblower policies and processes
- Standard documents
 - Board minutes approving a whistleblower policy
 - Notice of potential disciplinary proceedings arising from a whistleblower allegation
 - Notice of whistleblower allegation
 - Whistleblower policy
 - Whistleblower policy (short form)
- Checklists
 - Guidance for internal recipients when receiving a whistleblower disclosure
 - Quick guide to legal professional privilege and internal investigations
 - Quick guide to protections, remedies and liabilities under the Corporations Act whistleblower regime
 - Quick guide to whistleblower policies
 - When is a whistleblower disclosure protected under the Corporations Act?
- Toolkit
 - Environmental, social and governance (ESG) toolkit: Australia and New Zealand
 - Whistleblowers



Unfair dismissal

Overview of unfair dismissal

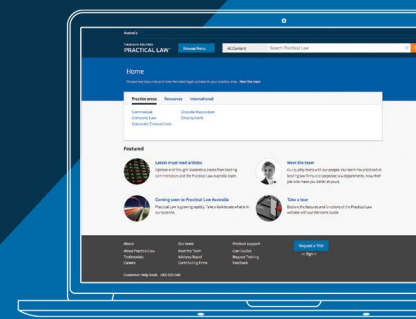
- Practice note: overview
 - Unfair dismissal under the Fair Work Act
- Practice notes
 - Meaning of national system employee and national system employer
- Case trackers
 - Employee or independent contractor: by industry

Jurisdiction and coverage

- Practice notes
 - Dismissed
 - The effect of insolvency processes on unfair dismissal applications
 - Engagement of employees under fixed term contracts
 - Genuine redundancy
 - High income threshold
 - Minimum employment period
 - Regular and systematic casual employment
 - Service and continuous service
- Standard documents
 - High income threshold: template instructions sheet
- Checklists
 - Flowchart for the determination of continuity of service in a transfer of business between non-associated entities

Practical Law Australia Employment

Table of Contents



- Flowchart to the determination of whether an employee has completed the minimum employment period
- High income threshold: summary
- Making a jurisdictional objection in unfair dismissal proceedings
- Quick guide to redeployment and genuine redundancy: section 389(2)
- When are car allowances earnings for the high income threshold?
- Case trackers
 - Forced resignations and unfair dismissal
 - High income threshold
 - Reasonable redeployment and genuine redundancy: section 389(2)
 - Regular and systematic

Small business and unfair dismissal

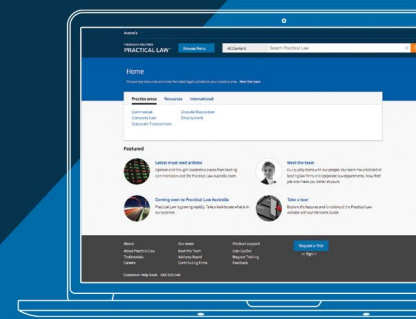
- Practice note: overview
 - Unfair dismissal considerations for small business employers
- Practice notes
 - Associated entities
- Checklists
 - Checklist to assist small business employers comply with the Small Business Fair Dismissal Code

Harsh, unjust or unreasonable

- Practice notes
 - Lawful and reasonable directions
 - Other matters and harsh, unjust or unreasonable: section 387(h)
 - Procedural issues and harsh, unjust or unreasonable: section 387(b)-(g)
 - Support persons

Practical Law Australia Employment

Table of Contents



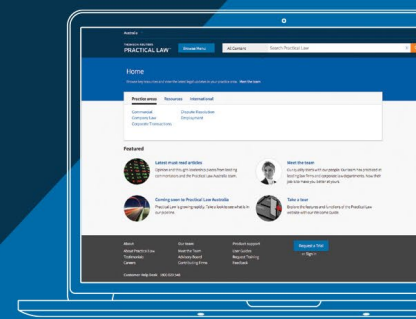
- Valid reason and harsh, unjust or unreasonable: section 387(a)
- Help and information notes
 - Summary of criteria in considering whether a dismissal was harsh, unjust or unreasonable
- Case trackers
 - Contrition and remorse in unfair dismissal matters
 - Unfair dismissal decisions relating to the banking and financial services royal commission

Settlement and conciliation

- Practice notes
 - Settling an unfair dismissal claim before arbitration
- Standard documents
 - Deed of release for settling an unfair dismissal claim
 - Settlement offer after unfair dismissal application filed
 - Statement of service
 - Terms of Settlement for settling an unfair dismissal claim
- Checklists
 - Guide to unfair dismissal conciliation conferences and settlement discussions
- Case trackers
 - Settlement agreements in unfair dismissal proceedings

Remedies

- Practice notes



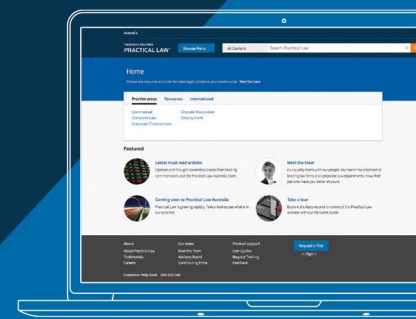
- Compensation as a remedy for unfair dismissal
- Reinstatement as a remedy for unfair dismissal
- Checklists
 - Quick guide to remedies available for unfair dismissal
- Case trackers
 - Inappropriateness of reinstatement in unfair dismissal matters: loss of trust and confidence

Practice and procedure

- Practice notes
 - Costs in unfair dismissal proceedings and general protections disputes in the Fair Work Commission
 - Costs: When the FWC has, and has not, ordered costs relating to settlement offers
 - Costs: When unreasonable acts or omissions relating to a settlement offer can trigger costs in FWC dismissal proceedings
 - Dismissing applications before the Fair Work Commission
 - Evidence other than in English in unfair dismissal matters
 - Holding a conference or hearing, or determination on the papers, in unfair dismissal matters
 - Out of time applications
 - The prohibition on an employee seeking multiple remedies for a dismissal
 - Representation by lawyers and paid agents before the Fair Work Commission
 - Summary of significant unfair dismissal cases considering costs
- Checklists
 - Considerations for out of time applications in unfair dismissal
 - Flowchart of the prohibition of an employee seeking multiple remedies for a dismissal
 - Making an application for costs in unfair dismissal proceedings

Practical Law Australia Employment

Table of Contents



- Quick guide to assessing the prospects of obtaining a costs order in federal unfair dismissal
- Quick guide to costs in federal unfair dismissal
- Help and information notes
 - Schedule of costs for costs orders in the Fair Work Commission
- Case trackers
 - Representation by lawyers and paid agents before the Fair Work Commission