



aitkenlegal

Employment Law Specialists

PROVIDING PRACTICAL
SOLUTIONS
FOR YOUR WORKPLACE



**SHEDDING LIGHT
ON THE COMPLEXITIES OF
LEGISLATION, EMPLOYER OBLIGATIONS
AND EMPLOYEE ENTITLEMENTS...**

SO YOU CAN **FOCUS**
ON YOUR BUSINESS

WHAT WE DO

EMPLOYMENT LAW

The relationship between an Employer and its employees is complex and the management of this relationship is integral to the success of the Employer's business. Due to the complexities with interpreting the legislation and industrial instruments governing employee rights and entitlements, Employment Law has become a very specialised area of the law.

The team of Lawyers at Aitken Legal appreciate this and devote their entire practice to employment and workplace relations law ensuring we can always provide our clients with accurate and up to date advice.

EMPLOYMENT LAW COVERS A BROAD SPECTRUM OF LAW AND REGULATIONS.

- Employment Contracts and Enterprise Agreements
- Employee Entitlements and Interpreting Awards
- Managing poor performance and misconduct
- Restructure and Redundancies
- Termination of Employment and related claims
- Discrimination, Harassment and Workplace Bullying
- Policies and Employee Handbooks
- Injury Management and Workers Compensation
- Workplace Health and Safety
- Workplace Training
- Industrial action and dealing with unions





PRACTICAL AND
STRATEGIC
WORKPLACE SOLUTIONS
TAILORED TO YOUR BUSINESS

OUR EXPERTISE

CONTRACTS AND ENTERPRISE AGREEMENTS

Our lawyers can assist Employers with the preparation and review of contracts of employment of all levels. When doing so we ensure compliance with legislation and awards and protect the confidential information and intellectual property of the Employer whilst including all terms relevant to the employment relationships. We can also prepare consultancy agreements and independent contractor agreements and advise on whether the individual is a contractor or an employee.

Our Lawyers have vast experience in preparing and reviewing enterprise agreements, we can assist Employers with the consultation and negotiation with employees and unions and attend to the lodgement of enterprise agreements.

EMPLOYEE ENTITLEMENTS

Our lawyers can advise Employers with regard to employee entitlements. Employee entitlements are generally determined by awards, legislation and contracts of employment, but may also be determined by an enterprise agreement in some workplaces.

It is vital that employees are paid their correct entitlements. We can assist in determining what instruments govern an employee's entitlements and work with Employers to ensure compliance.

A complaint for underpayment or non-payment of entitlements by an employee can lead to an investigation by the Fair Work Ombudsman. We can assist and advise Employers throughout this investigation process. If a prosecution is commenced against an Employer, we can advise, guide and represent the Employer throughout those proceedings.

PERFORMANCE, MISCONDUCT AND TERMINATION

Managing employee issues can be difficult. Our Lawyers can advise Employers on the best procedure to follow when managing an employee for poor performance and disciplining an employee for misconduct. We can also assist with terminating an employee's employment for poor performance, misconduct and serious misconduct, and advise on the legal risks in relation to the termination.

We can represent Employers in all claims made by employees following the termination of their employment, such as unfair dismissal proceedings, general protection applications and breach of contract claims.

RESTRUCTURING AND REDUNDANCIES

Our Lawyers can advise Employers in relation to the legal risks associated with restructuring their workplaces and making positions redundant – whether it be to make the workplace more efficient or due to a need to downsize.

We can advise on the best process to follow when dismissing an employee due to their position being made redundant; discuss the importance of it being a 'genuine' redundancy and determine whether the employee is entitled to a redundancy payment.

OUR EXPERTISE

DISCRIMINATION, HARASSMENT AND WORKPLACE BULLYING

Our Lawyers can assist Employers with discrimination, harassment and bullying issues in the workplace. To minimise the risk of these situations occurring, we can prepare policies stating that discrimination, harassment and bullying in the workplace will not be tolerated and provide procedures on how the Employer will address discrimination, harassment or bullying complaints. We can also provide training on what discrimination, harassment and workplace bullying are and why it is not acceptable in the workplace.

Our Lawyers can advise Employers in relation to complaints for discrimination, harassment and bullying in the Fair Work Commission, Anti-Discrimination Commissions in each State/Territory, Australian Human Rights Commission, QCAT, Federal Court and Federal Circuit Court.

POLICIES AND EMPLOYEE HANDBOOK

Policies are an important part of the workplace and can include, Workplace Health and Safety; Discrimination and Harassment, Workplace Bullying; Computer, Email and Internet Use; Social Media; Drugs and Alcohol; Parental Leave; Workplace Rehabilitation; Dispute Resolution and Grievance Procedures.

Our Lawyers can prepare Policies, Employee Handbooks and Codes of Conduct tailored to the workplace, or review existing ones. In addition, we can provide training to ensure employees fully understand the terms of workplace policies, the Employee Handbook and/or Code of Conduct; what is expected of them and the ramifications of failing to comply.

INJURY MANAGEMENT AND WORKERS COMPENSATION

Our Lawyers can assist Employers with obtaining a workers' compensation claims history for prospective employees in the pre-engagement process and advise them in relation to this.

We can also assist Employers with managing an employee with a workplace injury through the workers' compensation process. We can prepare the Employer's Response to a WorkCover claim and represent an Employer in an Application to QComp to review a decision made by WorkCover, as well as further appeal to the Queensland Industrial Relations Commission.

Managing an employee with a workplace injury can be difficult and is generally a process that covers an extended period of time. Sometimes due to changes in the workplace, or due to an employee not being able to resume their pre-injury duties, an Employer may wish to dismiss an injured employee. We can advise Employers in relation to this difficult area.



WORKPLACE HEALTH AND SAFETY

An Employer's workplace health and safety obligations are onerous. The seriousness of a workplace accident, or a prosecution for allegedly breaching workplace health and safety legislation, should not be underestimated. Our Lawyers can advise Employers on their obligations as well as those of their employees, directors, manager and others. We can prepare and review policies to address workplace health and safety obligations and train employees in relation to the policies.

We can assist Employers with how to respond to a workplace safety incident, providing advice on how to conduct internal investigations and how to deal with inspections and investigations conducted by Workplace Health and Safety Queensland, including representing Employers and their employees during interviews.

Our Lawyers have vast experience in representing employers in workplace health and safety prosecutions, whether it be defending the prosecution, entering a plea in mitigation or making an application for an enforceable undertaking to avoid a conviction being recorded against the Employer.

WORKPLACE TRAINING

Our Lawyers can develop and present training tailored specifically to the needs of clients on any employment law issue. Training can be delivered in combination with the development and preparation of workplace policies to ensure compliance and to improve workplace performance.

We can provide training to Employers, managers and employees on any of our areas of expertise that are mentioned in this brochure or on a topic more specific to your workplace.

THE SENIOR TEAM

Aitken Legal is a specialist Employment Law firm for Employers. We pride ourselves in getting to know our clients and their businesses and providing them with practical and strategic solutions suitable for their workplace.

We recognise that the majority of cases involving employment issues require an immediate, tailored response and we strive to provide this within our client's timeframe.



LISA AITKEN

MANAGER PARTNER

Lisa has been practising Employment and Industrial Relations law since 1994 and opened the doors of Aitken Legal in January 2006. Lisa has taken her wealth of experience – gained from working for more than 11 years in human resources and industrial relations law with multi-national firm Minter Ellison Lawyers in Sydney and Brisbane – and applied it to the Gold Coast and Sunshine Coast's only Employment Law firm dedicated to only representing and advising Employers.

Lisa's extensive experience in all aspects of employment law, workplace health and safety and discrimination mean she is perfectly placed to advise Employers on all employment law issues affecting their workplace.



Lisa is an Accredited Specialist in Workplace Relations Law with the Queensland Law Society.

**OUR EXPERTISE ENSURES
THE MAIN ASSETS OF ANY
BUSINESS – ITS PEOPLE –
SERVE YOUR BUSINESS WELL.**





CHRIS CAMPBELL

PARTNER

Chris has been practising law since 1987 and Employment and Industrial Relations law since 1992. Chris joined Aitken Legal in 2008 and prior to this he was the Managing Partner of Quinlan Miller & Treston in Brisbane and headed up their Workplace Relations practice.

Chris practices in all facets of Employment and Industrial Relations law, including vast experience in enterprise bargaining and negotiating with unions, as well as workers' compensation related matters. Chris provides advice to Employers across all industries from not-for-profit organisations and small businesses to large private enterprises, local governments and educational facilities.

With his extensive experience and ability to provide great practical advice, Chris is ideally placed to offer expert advice to Employers in all Employment and Industrial Relations issues.



ANGELA ENGEL

SENIOR ASSOCIATE

Angela was admitted to practice law in December 1999. Angela has practiced predominantly in Employment Law and Commercial Litigation until 2008 when she dedicated herself to being an Employment Law specialist. Angela joined Aitken Legal in April 2011 working in our Gold Coast Office and has been a valuable contributor to building the firm's clientele and excellent reputation.

Angela is very experienced in advising clients in all facets of employment law and has successfully assisted many Gold Coast business owners with employment law matters from diverse industries including manufacturing, finance, legal, community, medical, retail, education and construction. Additionally, Angela has strong workplace investigations skills, which are regularly called upon to assist employers in private business and local government employers to understand and solve complex workplace complaints and ultimately avoid further legal disputes.



WHAT OUR CLIENTS SAY

GOLD COAST CONVENTION AND EXHIBITION CENTRE

When asked to provide my comments on Aitken Legal, I was only too pleased to oblige.

I have had the genuine pleasure of knowing Partner, Mark Bunch for approximately ten years. I first met Mark in a professional capacity when he was enlisted to assist with a Company policy project. His knowledge and expertise was exactly what we needed at that time and a professional bond was established and is only stronger today, some ten years later.

As Executive Manager – Human Resources of one of the Gold Coast’s iconic buildings/businesses, we pride ourselves on our professional approach to both our customers and our employees. It is important to us that we have the best possible advice and guidance in any given situation where we need external expertise.

In dealing with employee issues, which at time can become very complicated and layered, a strong legal support is essential in assisting me getting the best possible outcome for all concerned, and finding that balance is, at times, challenging. The service provided by Aitken Legal and in particular Mark Bunch has given me the confidence that I have needed to resolve challenging situations. The support is first rate, the service style is professional and reassuring, and also just really friendly and easy to work with. The legal landscape in Industrial Relations is an area that as a HR professional I must keep abreast of, Aitken Legal offer me the support to keep up with this area, their regular seminars are informative and useful and also provide great networking opportunities in just the right environment. As a professional manager on the Gold Coast, I am so pleased to know that I have the resources of Aitken Legal so close and so reliable.

I would have no hesitation in recommending Aitken Legal, in fact I have done just that on a number of occasions. I would be pleased to provide additional comments any time.

Raelene Barry MBA CAHRI AAIM
Deputy General Manager – Executive Manager – Human Resources

TELSTRA BUSINESS CENTRE SUNSHINE COAST

If your Business, like ours has HR concerns that are above your knowledge and expertise then we absolutely recommended you speak with Lisa and the team at Aitken Legal. Through engagement with Lisa and the team, we have been in a strong position to defend ourselves against any claims against our business.

Our association with Aitken Legal has involved everything from expert advice and guidance when we have found ourselves in a pinch to pro active training and advice for our management team on how to avoid any possible actions that may affect our business. From the simple to the (very) complicated, we recommend Aitken Legal.

Troy Lyon

General Manager Retail & ICT Solutions

UNIVERSITY OF THE SUNSHINE COAST

In my capacity as Director, Human Resources at the University of the Sunshine Coast it has been my pleasure to have had the opportunity to have engaged Lisa Aitken on a number of matters requiring her expertise in employment law. It is my experience that Lisa and the lawyers at Aitken Legal possess the capacity and ability to operate at the highest level, at least equal to any experience I have had dealing with large multinational law firms in Brisbane and Melbourne.

From the inception of her business Lisa has had a clear strategy to provide advice and expertise to employers only. From a business perspective this has been a huge success, and as an employer I prefer to deal with a firm that has a clear business plan and knows their target market.

I am also aware of the extensive community work Aitken Legal is involved in, and the importance that Lisa places on having a balance between work, life and giving back to the local community.

On each occasion I have been approached by a Sunshine Coast business owner who is seeking advice and expertise on employment law I have gladly recommended Aitken Legal and will continue do so in the future.

Mark Nugent

Human Resource Director



CONTACT US

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