

# Workplace Matters

Sparke Helmore Lawyers

Issue 12 | September 2017

## Grey fleets in black and white

Inside this issue:

Understanding the model codes of practice

Are you using “without prejudice privilege” properly?

When is it safe to dismiss?

# Contents

Welcome	3
<hr/> <i>By Catherine Wilkinson, National Workplace Group Leader, Sparke Helmore</i>	
Grey fleets in black and white	4
<hr/> <i>Commercial and legal considerations for implementing a grey fleet in your business</i>	
Understanding the model codes of practice	6
<hr/> <i>An easy way to navigate the safety codes for your workplace</i>	
Are you using “without prejudice privilege” properly?	8
<hr/> <i>Helping you understand the right way to use privileged communications</i>	
When is it safe to dismiss?	10
<hr/> <i>What are the consequences of breaking your workplace’s “golden rules” of safety?</i>	
Recent developments	12
<hr/> <i>A summary of recent legal developments affecting employers</i>	

If you have any questions or suggestions about *Workplace Matters* contact the editor, Catherine Wilkinson, on +61 2 4924 7212 or [catherine.wilkinson@sparke.com.au](mailto:catherine.wilkinson@sparke.com.au)

If you no longer wish to receive this publication, please send an email to [sarah.joseph@sparke.com.au](mailto:sarah.joseph@sparke.com.au) or call us on +61 2 9260 2448

Copyright 2017 © Sparke Helmore

This publication is not legal advice. It is not intended to be comprehensive. You should seek specific professional advice before acting on the basis of anything in this publication.

# Looking over the horizon



Welcome to Issue 12 of *Workplace Matters*, which is now a digital publication that makes it easier for you to access and read the latest legal updates in safety and employment, and connect with our experts.

In this issue, Plumfleet Director Mat Prestney and Senior Associate Sam Jackson talk about the things you need to know to successfully implement and manage a grey fleet in your organisation.

We crack the model codes of practice and explain why they are so important for operating a safe work environment.

“Without prejudice” is a legal term that can be confusing and is often misused. We explore this concept by looking at how it can apply and what you need to do to ensure you use it correctly, should you ever need to.

We also look at the golden rules of safety and the ways that different industries follow and enforce their rules.

Finally, we take a look at some recent updates and developments that have impacted workplace law, covering abandonment of employment, the *Fair Work Act 2009* (Cth) amendments and cost orders.

In other news, I’m delighted to share with you that Partner and Board Member Carlie Holt was named Workplace Relations Partner of the Year at the 2017 *Lawyers Weekly* Partner of the Year Awards. Our Workplace Group was also a finalist in *Lawyers Weekly’s* Australian Law Awards for Workplace Relations and Employment Team of the Year, which was announced at an awards ceremony on 1 September.

If there are any other topics you’d like us to explore in *Workplace Matters*, please send me an email at [catherine.wilkinson@sparke.com.au](mailto:catherine.wilkinson@sparke.com.au)

I hope you enjoy this issue.

Sincerely,

A handwritten signature in black ink, appearing to be 'Catherine Wilkinson', written in a cursive style.

Catherine Wilkinson  
National Workplace Group Leader  
Sparke Helmore Lawyers

# Grey fleets in black and white

By Avalon Scott

*Plumfleet Director Mat Prestney and Sparke Helmore Senior Associate Sam Jackson talk us through what you need to know about operating a grey fleet in your organisation and how to be legally compliant.*

## **What exactly is a grey fleet?**

MAT: It's when workers use their privately-owned vehicles, including employer-paid allowance and novated lease vehicles, for work purposes. The main issue around grey fleets relates to how the *Work Health and Safety Act 2011* (Cth) (WHS) and *Occupational Health and Safety Act 2004* (Cth) (OHS) refer to any vehicle used for work purposes as a "place of work", and the associated duty of care and chain of responsibility implications.

## **What are the other fleet options for businesses?**

MAT: Many organisations still use "traditional" methods of enabling staff mobility by providing company vehicles or access to pool cars.

There are, however, emerging trends in some areas encouraging staff to take alternative methods of transport when conducting company business, such as car-sharing schemes, Uber and public transport.

## **When considering a standard car fleet versus a grey fleet, what are the key benefits of one over the other?**

MAT: There is an increasing reliance on the use of grey fleet vehicles in Australia as more organisations move away from providing the traditional "company car". A number of

factors are driving this trend, including reduced operating costs, fringe benefits tax minimisation, and increased staff utility and flexibility.

Additionally, imminent changes to the way operating leases on motor vehicles are treated under global accounting standards, as well as the impact of the National Disability Insurance Scheme on funding arrangements for many not-for-profit service providers, are two more recent factors that we see contributing to the increased reliance on grey fleet vehicles.

We typically don't recommend one method of running a vehicle fleet, however, for organisations operating a grey fleet, it's essential that employers have the appropriate WHS and OHS controls and measures in place.

## **How does a business initiate a grey fleet? What is Plumfleet's role?**

MAT: We often work with organisations that are either unaware of a grey fleet in their daily operation or the associated WHS and OHS compliance requirements. So the first step for us is usually to undertake an education process with the company's key stakeholders.

Once we have established a better understanding, we work with the client to review their existing fleet and safety-related policies and procedures, before surveying various elements of their driver community. This allows us to produce a comprehensive gap-analysis report.

Now the client is in a much better position to address staff mobility in a way that is WHS and OHS compliant, and manageable in terms of cost. Clients often seek to implement a system that operationalises key elements of their new policies and procedures, as they relate to grey fleet and driver management. We support that process, too.

## **What is an organisation's legal responsibility with grey fleets?**

SAM: Australian safety legislation requires persons conducting a business or undertaking (including employers) to provide a safe



working environment or workplace for workers (including employees and contractors) and any other people whose safety may be affected by the activities of the business or undertaking.

Safety legislation defines “workplace” as a place where work is carried out for the business, and includes any place a worker goes for work, including motor vehicles.

So, if a business requires workers to drive a vehicle for work purposes, whether the vehicle is provided by the business or whether it is their own vehicle (grey fleet), the business has a duty under safety legislation, as the vehicle is a workplace. Businesses also need to consider the risk of exposure if an incident happens and take measures to eliminate or reduce those risks, in a way that is reasonably practicable.

### **How might an organisation experience issues with its grey fleet?**

MAT: An example might be a small business owner who allows a staff member to use their own vehicle for work purposes. The staff member is involved in a traffic incident that damages that vehicle and another car. The staff member’s car insurance provider declines the insurance claim due to the fact that the staff member did not have business-use cover on their insurance policy. Thus, the staff member and the owner of the damaged third party property both make claims on the employer for costs incurred.

### **What can organisations do from a practical sense to manage health and safety risks associated with their grey fleets?**

MAT: Firstly, know your business and your workforce’s driving requirements to monitor and address risk effectively. Consider:

- are they using company-provided vehicles or their own
- the type of driving your employees are doing
- how far they’re driving and at what time of day
- if an appropriate type of vehicle is being used, and
- who is permitted to be in a work vehicle, including any authorised passengers?

Second, have appropriate and robust vehicle policies in place. Consider:

- whether policies cover driving behaviour, vehicle selection and maintenance
- everything your policies should cover, such as fatigue, health conditions that may affect driving, medications that may affect driving, drug and alcohol use, licence requirements and journey planning, and
- using the “the driver is the asset” approach—if your employees feel the policies and procedures are geared toward their safety and wellbeing, this will assist in engagement, compliance and monitoring.

Activate and promote your policies—don’t just leave them on the shelf. Instead:

- consult with employees and train them on proactively implementing policies
- have processes in place, like driver check-ins (particularly when travelling long distances), and
- monitor implementation and effectiveness through audits or random inspections (and make changes or updates as necessary).

Keep accurate records of licences, insurance and vehicle details. Also record any training undertaken by employees, as well as attestations from the drivers that they have read and understood the policies, and that all information provided is true and correct.

Finally, in the event of safety and driving breaches, engage HR to ensure disciplinary policies are used appropriately and followed consistently.

### **What is your top tip for businesses looking to implement a grey fleet?**

MAT: You and your grey fleet drivers must recognise and commit to your obligations under the WHS and OHS Acts for driving privately-owned vehicles for work purposes. In this sense, the harmonisation of related policy, procedure, safe systems of work and ongoing reporting is critical to successfully establish a grey fleet based work-related transport model.

If you’d like to know more about this topic, email Mat Prestney or Sam Jackson.

# Understanding the model codes of practice

By Daria Mclachlan

Work health and safety (WHS) obligations are primarily a tool for risk mitigation, and understanding these obligations and their specific application in your workplace is essential to protect your workers, your business and the broader community.

Most jurisdictions have adopted the model WHS Act as their guiding law in the safety arena. However, a number of codes, regulations and supplementary materials exist beneath the WHS Act, so understanding and ensuring compliance with these is crucial to successfully discharging your health and safety duties in the workplace.

## **What is a code of practice and why are they important?**

Codes of practice set out important principles used to meet health and safety requirements relevant to particular industries, activities and processes. Codes do not override the WHS Act, but rather complement and ease its interpretation.

Codes are enforceable over a person conducting a business or undertaking (PCBU) or a worker identified as having a duty of care under a code. As a result, they act to practically guide behaviours in the workplace and bind PCBUs to certain legal duties.

Codes are admissible in court proceedings and may be used as evidence of what a PCBU or worker ought to know about safety in the workplace regarding hazards, risks and control methods. Additionally, an inspector can reference a code when carrying out an investigation and issuing improvement or prohibition notices.

## **Guidance on the principle of “reasonably practicable”**

Codes assist in determining what is “reasonably practicable”, which is the overriding threshold for what is capable of being done to prevent or reduce risks to health and safety.

Multiple factors are considered when determining what is reasonably practicable—the likelihood of risks occurring, severity and impact of harm arising, knowledge about the risk, availability and suitability of risk mitigation, and cost of compliance. Safety regulators recognise codes have varying levels of relevance at different worksites, so alternative methods of meeting safety requirements can be accepted (provided the outcome meets or exceeds the standard in the code).

For example, the code for demolition work sets out risk management processes and expected practices for different stages of demolition. If a PCBU undertakes demolition work that involves risks not specifically covered by the code (i.e. demolition near a body of water) then increased risk management systems will need to be implemented.

## **Additional safety materials**

Not all policies and protocols published by the safety regulators have the same weight and effect as codes. Guidance material is provided on a range of subject matter to assist with the application of the WHS Act and codes. Although guidance materials are not legally enforceable, it’s important to take note of the language used in these documents. Words like “should” and “may” indicate recommendations only, while “must” and “requires” are used when legal obligations exist in the WHS legal framework.

## **Maintaining compliance and approach by the courts**

PCBUs should, first, aim to eliminate risks as outlined in the applicable codes. If elimination is not possible, then steps need to be taken to reduce the risk by isolating the hazard, implementing engineering and/or administrative controls, providing suitable safety equipment and/or substituting the hazard for an alternative or lesser risk. Adopting this tiered process of compliance is an effective method of meeting your legal obligations.

Codes are generally designed to be used in conjunction with the model WHS Act and Regulations but do not have the same legal force. A PCBU or individual cannot be prosecuted for failing to comply with a code, however, in proceedings for a contravention of the WHS Act, failure to observe a code may be admissible as evidence of a breach.

Codes are often submitted in safety proceedings as evidence of what was required of the PCBU to meet its safety obligations. For example, in *SafeWork NSW v Austral Hydroponics Pty Ltd & Eang Lam* [2015] NSWDC 295, the Court handed down fines of \$150,000 and \$15,000 to the PCBU and officer respectively as a result of their failure to “exercise due diligence by taking reasonable steps to ensure compliance with the (Managing the Risk of Falls at Workplaces) Code of Practice”. If the PCBU in this case had adopted the steps set out in the Code, then it would have reduced the risk of the worker falling.

### What should employers do?

- As with the model WHS Act and Regulations, the model codes require a state or territory equivalent to be enforceable in those jurisdictions. Check which codes apply to your workplace as they may vary between jurisdictions. Contact your safety regulator or check their website to find out which codes have been approved.

- Codes provide practical guidance on how to comply with your legal obligations and must be followed unless you have another solution with the same or a better safety standard in your workplace. Assess your safety practices against any relevant codes to ensure you are compliant and address any gaps.
- Ensure the codes you refer to are current. The safety space is constantly changing so from time-to-time codes may be updated or amended.
- Speak to your workers about the obligations set out in the code to determine what is suitable for your workplace. Workers are often best placed to know what is practical and appropriate in everyday practice.
- Educate your managerial staff on the codes that apply to your workplace so they understand what standard of safety practices needs to be met.
- Seek advice on the application of codes and their requirements if you are unsure of your obligations.

You can access a complete list of the Model Codes on Safe Work Australia’s website. If you’d like further information, contact Daria or a WHS lawyer in your state.



# Are you using “without prejudice privilege” properly?

By Matt Parker

The term “without prejudice privilege” is often used incorrectly in the workplace—there is a common misconception that using this term makes all written or verbal communications the term is applied to “off the record”. However, in Australia a concept like “off the record privilege” doesn’t exist, meaning these communications (written correspondence, verbal discussions or other conduct) may not attract without prejudice privilege even if they are expressed as being made “without prejudice”.

In *Davies v Nyland* (1975) 10 SASR 76, Justice Wells expressed the view that employers use this terminology without understanding its true meaning:

“[I]n some quarters of the community there is a belief, amounting almost to a superstitious obsession, that the expression “without prejudice” is possessed of virtually magical qualities, and that anything done or said under its supposed aegis is everlastingly hidden from the prying eyes of a Court.”

Many employers conduct discussions in the workplace in the belief that saying, for example, “this is a without prejudice conversation” ensures the conversation is privileged and unable to be used against them in any later proceedings. Such a belief is mistaken and employers often expose themselves to legal risk by making admissions that may be later used in evidence.

## What is it and how does it apply?

Without prejudice privilege is a rule of evidence, which excludes evidence of admissions or assertions made by parties in the course of negotiations to settle disputes (that are the subject of litigation or which will become the subject of litigation) from being later tendered in court if the dispute is not resolved. This means “without prejudice” statements are generally inadmissible as evidence against the person who made them.

Without prejudice privilege applies when three necessary elements are met—a dispute, a genuine attempt to resolve the dispute and the making of admissions or assertions in a genuine attempt to resolve the dispute. The dispute must be able to be resolved in a way that both parties compromise and in which litigation is contemplated at the time of the negotiation, or where litigation currently exists.

The privilege:

- extends between both parties to the negotiation
- operates to prevent disclosure to a third party without the agreement of the negotiating parties
- applies to both parties, and
- requires consent from both parties to be waived.

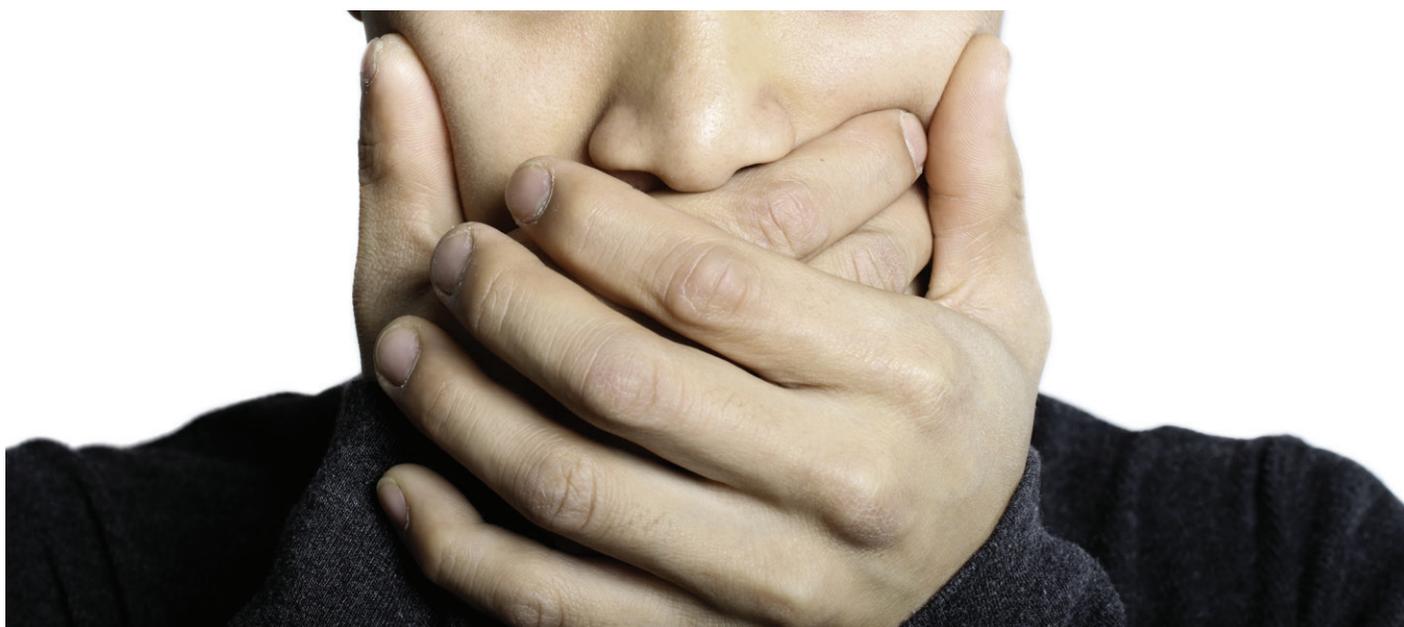
In New South Wales and federal courts, the common law is also supplemented by s 131(1) of the *Evidence Act 1995* (Cth).

## Why is it necessary?

The High Court of Australia articulated the public policy reasoning for the use of without prejudice privilege in *Australia in Field v Commissioner for Railways (NSW)* [1957] HCA 92:

The law has long excluded from evidence admissions by words or conduct made by parties in the course of negotiations to settle litigation. The purpose is to enable parties engaged in an attempt to compromise litigation to communicate with one another freely and without the embarrassment which the liability of their communications to be put in evidence subsequently might impose upon them.

Without prejudice privilege further aims to encourage parties to resolve their differences by settlement—rather than litigating a matter from start to finish—and, in doing so, be able to communicate and compromise by



negotiating in an open manner, without the risk of the content of these negotiations being used against them outside of this context.

### When doesn't it apply?

Not all information passed between parties during negotiations is privileged. Section 131(2) of the Evidence Act codified most of the common law exceptions to without prejudice privilege and introduced some others. For example, s 131(1) does not apply when the:

- substance of the communication or document has already been disclosed with the consent of all the parties
- communication or document includes a statement to the effect that it was not to be treated as confidential
- evidence before the court is likely to be misleading unless evidence of the communication or document is allowed to qualify or contradict the current evidence (see example below)
- communication or document is relevant to determining a party's liability for costs, or
- communication was made, or the document was prepared, as part of the committal or furtherance of a fraud.

For example, in *Hammerton v Knox Grammar School* [2013] FWC 9024, a teacher alleged that she was given no choice but to resign

from her employment. The Fair Work Commission (FWC) permitted the school to submit evidence of without prejudice negotiations that occurred between the teacher and the school, which contradicted the current evidence. By admitting this evidence, the FWC could ensure it would not be misled.

### Key points for employers

It is important that when attempting to invoke "without prejudice privilege" the relevant legal circumstances are satisfied. The simplest way to demonstrate an intention to negotiate on a without prejudice basis is to include the words "without prejudice" at the beginning of the conversation or in the relevant piece of correspondence.

Employers should avoid using phrases like "off the record" or "unofficial" as they do not have a clear legal meaning. However, keep in mind that without prejudice privilege is not a catch-all phrase to prevent the content of difficult conversations with employees being used in evidence in later proceedings.

Employers should seek advice to ensure without prejudice privilege rightly applies in the circumstances.

For more information about the correct use of without prejudice privilege, get in touch with Matt.

# When is it safe to dismiss?

By Alistair Talbert

“Safety first” is a core value for many organisations and implementing “golden safety rules” has become a norm. “Golden” or “lifesaving” rules are non-negotiable safety rules that must be followed with the aim of preventing serious injury or death to workers or customers. Some employment contracts provide that a breach of a golden rule is an offence that can lead to summary dismissal. However, as some employers have discovered, even breaching a golden rule is sometimes not enough to warrant dismissal.

## Determining a breach

Before terminating on the basis of a safety breach, employers should ensure they can identify:

- the relevant policy and/or procedure in place at the time
- that the employee breached this policy and/or procedure, and
- the manner in which the policy and/or procedure was breached, i.e. what the employee should have done instead.

In determining whether or not a dismissal is unfair, the FWC will first consider whether there was a valid reason—one that is “sound defensible or well founded” and not “capricious, fanciful, spiteful or prejudice”. If the reason relates to conduct, the FWC must determine if the conduct occurred on the evidence before it.

## Be clear about processes and procedures

In *Crawford v BHP Coal Pty Ltd* [2017] FWC 154, BHP Coal terminated a diesel fitter for breaching its working at heights procedure—one of its golden safety rules. The fitter filed for unfair dismissal in the FWC, which concluded that the breach was sufficiently serious to constitute a valid reason for dismissal. However, the FWC held the dismissal was unjust due to a lack of procedural fairness. It accepted the fitter’s evidence that he was largely excluded from the investigation and the procedure he was required to follow was vague when applied to the particular task he

was performing. It also found that BHP had considered matters that weren’t put to the employee during its investigation, including that he had been “rude and dismissive” to superiors. The Commissioner stated that if the company had included the employee in the investigation process, he would have been more inclined to find the dismissal was not harsh, unjust or unreasonable. The fitter was awarded \$25,000 in compensation.

## Is there a breach?

Earlier this year, an employee successfully appealed an FWC decision, which determined he was not unfairly dismissed. At first instance the FWC held that there was a valid reason to dismiss the employee for committing multiple safety breaches. These “serious safety breaches” ranged from failing to wear safety glasses, failing to report a serious near-miss incident, withholding information during the investigation and failing to follow the correct process in a near-miss incident. It was alleged that the employee failed to ensure a truck driver and a jockey were in the “safe zone” while he was loading a truck. The load dislodged and fell, which “just missed” the jockey. At the initial hearing, the employee gave evidence that he was unaware a near-miss had occurred or that the jockey had moved out of the safe zone while he was loading the truck. The Commissioner accepted the employer’s evidence that the employee had not taken ownership for the incident or acknowledged the severity of what could have occurred due to his breach. The employer submitted that the breaches involved clear and unambiguous requirements put in place to protect the health and safety of the employee and his co-workers. The Commissioner found the employee had failed to show contrition.

However, in *Palmer v USG Boral Building Products Pty Ltd* [2017] FWC 1929 the full bench of the FWC determined the Commissioner had failed to establish that the employee had committed the breaches, noting the jockey and truck driver did not give evidence to establish the incident occurred

as the company asserted it had. It further held that the other “safety breaches” relied upon were not sufficiently serious to warrant termination. The case serves as a reminder that you must be able to establish that the safety breach occurred if you are going to rely on it as a reason for termination.

### **Practise what you preach**

In *Auberson v Clough Downer Joint Venture* [2015] FWC 1179, the FWC found that a worker who was terminated over a purported breach of a golden rule and failure to follow a lawful instruction had been unfairly dismissed. The incident involved an employee working at heights without the required fall restraint equipment. When a supervisor saw the employee acting in an unsafe manner, he directed him to stop work, but the employee continued.

Clough submitted that nine times out of ten a breach of a golden rule would result in termination. The FWC accepted that the golden rules were displayed at various locations on-site, read out each day and discussed at pre-start and toolbox meetings. However, it considered that the worker had not been stood down until four days after the incident occurred and the stand down appeared to be at the insistence of the principal contractor and not the worker’s employer. It also found that Clough would have been justified in dismissing the worker for the breach of the golden safety rules, however, it could not establish that the subsequent direction that was issued (which was also purportedly breached) was a valid reason for dismissal. The FWC also found there were procedural deficiencies.

Alternatively, in *Drysdale v John L Pierce Pty Ltd* [2017] FWC 1251 the employee argued the safety rule he had allegedly breached would not have prevented an incident occurring. The employee was immediately fired for failing to comply with safety policies and procedures by talking on his mobile phone while unloading fuel and not setting up an adequate exclusion zone around the fuel tanker while the fuel was

being distributed. The FWC found that the dismissal was fair and the safety procedures were reasonable, particularly in circumstances where the task was inherently dangerous and the employer had implemented a hierarchy of controls to ensure the risks were minimised, as far as reasonably practicable.

The bottom line is that if your business claims to have a zero tolerance policy for breaches, you must enforce your golden rules with consistency and timeliness for them to remain solid.

### **Safety is golden**

These cases highlight that organisations must “walk the talk” when establishing and enforcing safety rules. With this in mind, employers are encouraged to:

- ensure your golden safety rules are actively and consistently implemented throughout your organisation and that your employees are adequately trained and regularly refreshed in their application
- if you see something, say something—do not allow safety rules to be breached without consequence and then expect to successfully terminate someone for an isolated breach later on, and
- regardless of the severity of a breach, employees should still be afforded adequate procedural fairness to ensure the termination is not deemed to be unfair, despite occurring for a valid reason.

If you would like to know more about golden safety rules, email Alistair.

*We would like to acknowledge the contribution of Layla Langridge to this article.*

# Recent developments

There has been a range of recent legal developments that affect safety and human resources decision-makers.



## The low down on not turning up

The legal definition of abandonment refers to the situation in which an employee fails to attend work and, therefore, demonstrates they no longer intend to be bound or act in line with their employment agreement. However, some modern awards have narrowed the concept and defined the parameters that may constitute abandonment by reference to a specified timeframe or duration of absence, as well as imposing an additional requirement regarding the cause or circumstances of the absence. [Click here to read more...](#)

## Enterprise agreements

In recent times when considering whether to approve an enterprise agreement, the Fair Work Commission (FWC) has rejected applications that do not strictly comply with every aspect of the Notice of Employee Representational Rights. Various amendments have recently been proposed seeking to provide the FWC with broader powers and discretion to deal with the procedural aspects of the enterprise agreement approvals process.

The *Fair Work Amendment (Repeal of 4 Yearly Review and Other Measures) Bill 2017* (Cth) is currently before Parliament and proposes adopting a recommendation made by the Productivity Commission enabling the FWC to overlook minor procedural or technical errors when approving an enterprise agreement (where those errors are not likely to disadvantage employees).

[Click here to read more...](#)

## Love is not in the air

A former airline cabin crew supervisor has been ordered to pay \$25,000 in costs to his former employer for unreasonably continuing his unfair dismissal claim. The FWC found the Applicant's decision to proceed in the face of "clear and compelling evidence from six witnesses" was an unreasonable act or omission that caused the Respondent, a well-known Australian airline, to incur significant costs. [Click here to read more...](#)

## About the contributors



### ***Alistair Talbert, Special Counsel***

Alistair is an experienced employment, safety, IR and discrimination lawyer. He assists his clients resolve their employment and safety issues, including unfair dismissals, general protections claims, and safety investigations and prosecutions. He appears in a range of jurisdictions, including the Fair Work Commission, Human Rights Commission, Federal Circuit Court and Magistrates Court.



### ***Sam Jackson, Senior Associate***

Sam has extensive experience advising clients on work health and safety, and employment matters. He is also a litigator who acts for a wide range of clients across most Victorian and federal jurisdictions.



### ***Daria McLachlan, Senior Associate***

Daria is an employment and work health and safety lawyer. In her nine years of practice, she has achieved significant outcomes for clients in state and federal jurisdictions defending unfair dismissals, assisting clients facing safety prosecutions and settling discrimination claims.



### ***Ian Bennett, Senior Associate***

Ian helps clients solve complex workplace issues and has particular skills in defending WHS prosecutions, unfair dismissal and adverse action claims. He assists to effectively manage issues and develop strategies that look at the bigger picture and mitigate potential flow-on effects (such as public relations, commercial arrangements, insurance and regulatory compliance).



### ***Matt Parker, Senior Associate***

Matt advises on all aspects of the employer-employee relationship, collective bargaining, industrial disputes, investigations and employment-based litigation. He also assists clients with workplace safety issues, including compliance with WHS legislation, responding to workplace incidents and defending regulatory prosecutions.



### ***Layla Langridge, Lawyer***

Layla works with senior members of our Workplace team to resolve a range of employment and WHS issues, including legislative and award compliance, terminations, workplace investigations, bullying and harassment, industrial disputes, performance management and breach of contract matters.



### ***Avalon Scott, Senior Communications Executive***

Avalon works across all of the firm's communications, including social media, media relations, internal communications, publications, website, advertising and marketing.

## Key contacts

**Adelaide:** Luke Holland, Partner | t: +61 8 8415 9875 | e: luke.holland@sparke.com.au

**Brisbane:** Matthew Smith, Partner | t: +61 7 3016 5027 | e: matthew.smith@sparke.com.au

**Canberra:** Maxine Feletti, Partner | t: +61 2 6263 6338 | e: maxine.feletti@sparke.com.au

**Melbourne:** Brendan Charles, Partner | t: +61 3 9291 2352 | e: brendan.charles@sparke.com.au

**Melbourne:** Penny Stevens, Partner | t: +61 3 9291 2315 | e: penny.stevens@sparke.com.au

**Newcastle:** Catherine Wilkinson, Partner | t: +61 2 4924 7212 | e: catherine.wilkinson@sparke.com.au

**Perth:** Alistair Talbert, Special Counsel | t: +61 8 9288 8040 | e: alistair.talbert@sparke.com.au

**Sydney:** Roland Hassall, Partner | t: +61 2 9260 2449 | e: roland.hassall@sparke.com.au

**Sydney:** Carlie Holt, Partner | t: +61 2 9373 1412 | e: carlie.holt@sparke.com.au

**Sydney:** Bill Kritharas, Partner | t: +61 2 9373 1423 | e: bill.kritharas@sparke.com.au

**Sydney:** Rossana Parmegiani, Special Counsel | t: +61 2 9260 2531 | e: rossana.parmegiani@sparke.com.au