



Bartlett Workplace Lawyers & Consultants (BWL)

Capability Document

Legal Advice, Representation, I.R and E.A Services



thinking differently

bartlett
workplace

|LAWYERS |CONSULTANTS|



Bartlett Workplace: Your end-to-end partner for leading workplace services and advice

At Bartlett Workplace, we are “thinking differently” in the way we deliver our services and how we work with our clients.

Not only are we focused on developing strong and lasting relationships that add value to you and your teams we are thinking differently in the way we provide legal, IR and ER advice, conduct investigations and how we deliver the most effective and interactive workplace training and development programs for management and leadership groups, that will upskill them and make them the most effective managers and leaders to increase productivity and most importantly drive the right culture through an organisation.

Bartlett Workplace has been structured to enable it to provide, in the one place, the following specialist services:

- IR and employment legal services;
- IR and HR advisory services including workplace investigations;
- Work, Health and Safety (WHS);
- Workplace management capability and leadership development coaching and training;
- Online compliance education modules and compliance audit tools; and
- Workplace 360° (review tool for policies, contracts, guidelines, enterprise agreements, workplace complaints and investigation processes).

We pride ourselves on building relationships with our clients though understanding your business and its needs, being accessible, and being ready, willing, and able to assist with providing a broad range of workforce solutions. We act as a **sounding board** and we **challenge your thinking**. Why do we take this approach? Because we want to provide our clients with the best knowledge, support, and training to achieve sustainable cultural, operational, and/or commercial objectives and change.

Our dedicated team provide expert industry advice drawing on our firm’s local and global knowledge, tools, and resources. Our specialist legal team, have extensive experience in dealing with complex industrial relations matters, understand how different industry sectors operate and therefore the specific issues and challenges that our clients may face.

With offices in Melbourne and Perth, a network of HR/IR consultants Australia-wide, and comprehensive online services, we are ready to help you when, where and how you need it.

Bartlett Workplace provides advice, representation, and support to a number of global organisations, some of Australia’s leading employers, including government and private sector organisations.

Bartlett Workplace is structured to enable us to provide clients with the following core specialist services:



Bartlett Workplace
Lawyers and
Consultants



Bartlett Workplace
Training



Bartlett Workplace
Investigations



Workplace 360°

Additional Services that support our core businesses:

360° Workplace
Compliance Audit/
Review tool

Online workforce
compliance education
podcasts and webinars

Access to
communications and
adaptive technologies

ADR support including
by an accredited
mediator

Cultural change
programs

EB ancillary support
(voting and comms)
through our partners

Bartlett Workplace
online Education Hub

Training facilities and
private mediation
rooms

Bartlett Workplace Legal: (BWL) Industrial Relations, Employment Law and Workplace, Health and Safety

Our legal team is resourced to provide the same depth of legal knowledge, experience and expertise found in the employment/IR practice groups of larger multi-practice area legal firms, but to do so on a more competitively and flexibly priced basis. We are responsive to the pressures and factors that we see working in the area, and on corporations and their decision-making in the area.

We provide high level legal advice and representation with respect to collective and individual employment issues including enterprise bargaining, enterprise agreements, industrial disputes, employment contracts including executive contracts, termination of employment, adverse action, workplace bullying, sexual harassment; Workplace Health and Safety incidents, workplace policies, workplace discipline; workplace training and education and compliance with workplace relations law generally.

Our highly experienced team are the trusted advisors to a number of global organisations, and some of Australia's largest employers, including government and labour regulators and have access to the latest in workplace and labour law insights and education and training.

We provide specialised legal advice and representation with respect to all areas of workplace relations, employment and work and health and safety law including:

Industrial Relations and Disputes, Union, and Labour Strategies	Transfer of Business and Onboarding on new teams
Industrial Action and Right of Entry	Diversity and Discrimination including Sexual Harassment and EEO
End to End Enterprise Agreement Offering: <ul style="list-style-type: none"> ▪ Enterprise Agreement Drafting and Interpretation ▪ Training and Development of Bargaining teams 	Workplace Investigations, including serious WHS investigations, conducting advising and training workplace investigators, in-house teams, and decision makers
Employment Contracts, Executive Contracts and Remuneration	WHS advice, incident response, risk management and WHS regulation compliance
Review and Development of Policies, Procedures and Guidelines	Managing Ill and Injured employees
Performance and Conduct Management including termination of Employment	ADR support including mediation
Employment Disputes, Litigation including General Protections and Adverse Action	Education and training programs

Our lawyers and consultants have extensive experience providing advice and representation across a wide range of industry groups:

Public Sector Entities	Oil and Gas	Security	Communications
Local, State and Commonwealth Government	Energy and Resources	Marine	Sports and Entertainment
Education and Higher Education	Utilities and Retail	Consumer Retail	Media and Broadcasting
Health/Emergency Services	Rail	Hospitality	Advanced Manufacturing
Construction	Agribusiness	Professional Services	Technologies
Transport and Logistics	Aviation and Aeromedical	Banking and Finance	Start Ups

Bartlett Workplace Enterprise Bargaining and Industrial Relations expertise, services, and advice

Our specialist IR team led by Glen Bartlett have extensive experience working successfully with clients on complex IR and major enterprise bargaining projects across all industries, understands how different industry sectors operate and therefore the specific issues and challenges that each industry sector may face, through this process.

We work with clients to develop strategies, or assist building on our client's existing strategies, expertise, and action plans. We provide their teams with the right tools to enable them to adopt a more effective and efficient approach to best prepare bargaining teams for negotiation and implementation of strategy and to deal with curve balls that can arise through this process.

Our team of workplace lawyers and consultants led by Glen Bartlett are experts on:

✓	Planning and execution of enterprise bargaining strategies;
✓	Developing and advising on IR and Negotiation Communication Plans;
✓	Risk profiling of tactical approaches;
✓	Development of contingency plans;
✓	Media and PR communication action response plans;
✓	Latest voting technologies and digital protocols;
✓	Legislative compliance with respect to People Management Issues including enterprise bargaining and enterprise agreement content;
✓	Dealing with industrial action issues and disputes and dispute settlement processes;
✓	Development of comprehensive Industrial Action Response Plans and associated training;
✓	Bargaining-related Fair Work Commission and Court proceedings;
✓	Enterprise bargaining-related training; IR education and productivity;
✓	Industrial Advocacy; and
✓	Workplace relations and employment-related litigation.

We have tabled below a sample of who we have advised and worked with on their IR and enterprise bargaining projects:

Advising various employers in the **higher education sector** including acting for an Australian University in enterprise bargaining including clause drafting and strategising, advising on industrial action contingency plans, advising and representing the client in respect of a successful application under section 424 of the Fair Work Act to bring protected industrial action to an end on health, safety and welfare grounds (which included an appeal to the Full Bench of the Fair Work Commission), advising on pay deduction implications for staff taking industrial action and advising on the enterprise agreement approval process.

Acting for an employer in the **oil and gas industry** in bargaining for multiple enterprise agreements with four different unions appointed as bargaining representatives, including the making of application to the Fair Work Commission to stop the taking of unprotected industrial action. The bargaining strategy involved seeking to reduce the number of enterprise agreements covering its workforce and seeking major changes to the content of the existing enterprise agreements to maximise flexibility for the employer and increase productivity.

Acting for a single national employer in the **health sector** which was established by mirror legislation enacted in each State and Territory, utilising an application for the Fair Work Commission to deal with a bargaining dispute to successfully determine the legal status of the employer for the purposes of the Fair Work Act.

Acting for an employer in a significant cultural change program in the **coal industry** in Western Australia, which included advising on strategy, content of the Coal Miners Agreement and the Maintenance Agreement, responding to industrial action in particular by the AMWU including successfully obtaining Federal Court and Supreme Court injunctions and appearing in negotiations to break the deadlock after a 9-week strike by the AMWU.

Acting for an employer in the **ship building industry** to establish their first ever non-union collective agreement.

Acting for an employer in the **manufacturing sector** where the employees had appointed multiple bargaining representatives in a 'conflict of interest' situation and successfully using the application of Regulation 2.06 to defeat a protected action ballot application.

Acting for various **maritime industry** employers during industry-wide enterprise agreement negotiations including preparing, instructing and appearing in relation to applications for protected action ballot orders, unprotected industrial action, good faith bargaining orders and injunction proceedings in the Federal Court of Australia.

Acting for a **maritime towage industry** employer during negotiations with the maritime unions, including providing strategic input on the approach to negotiations and developing industrial contingency plans.

Acting for employers in the **building and construction** industry to establish non-union enterprise agreements and acting for the **building and construction regulator** in both Court and Fair Work Commission proceedings.

Acting for a large **international resources** company during negotiations involving protracted protected industrial action, including developing industrial contingency plans and representing the client in various applications in the Fair Work Commission and Federal Court of Australia.

Acting for a **state emergency service agency** in highly contentious enterprise bargaining to drive cultural change, including on applications to the Fair Work Commission for bargaining orders and in Federal Court proceedings regarding the validity, interpretation, and operation of enterprise agreement terms.

Acting for and appearing on behalf of **State emergency service agencies** in numerous enterprise agreement disputes in the Fair Work Commission including substantial arbitrations.

Acting for a **state public service employer** in bargaining including appearing in and successfully defending an application for a scope order and an application that a public servant bargaining representative be paid to attend bargaining meetings during non-rostered hours.

Acting for a **state emergency service agency** in obtaining a weekend Federal Court injunction in relation to industrial action that was potentially life threatening and acting for the employer in an application to the Commission to suspend or terminate the bargaining period.

Acting for an employer in the **government sector** including providing strategic advice with respect to managing multiple bargaining representatives and the communication strategy including dealing with the media.

Advising a **state public sector employer in the health sector** in bargaining including sitting at the bargaining table.

Advising a **territory public service employer** in respect of a pay-docking dispute associated with staff taking protected industrial action during bargaining. The union unsuccessfully sought to have the employer's wage deduction calculation (under section 472 of the Fair Work Act) significantly reduced by the Fair Work Commission

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