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“Recently, I was asked if I was going to fire an employee who made a mistake that cost the company \$600,000. No, I replied, I just spent \$600,000 training him. Why would I want somebody to hire his experience?”

Thomas John Watson, IBM

Introduction

Just how does a business protect significant investments made in skills and capabilities embodied by its employees? Implementing sound workplace practices and procedures makes economic sense. It could also save lives.

No matter what industry you work in or the size of your business, continuous and ongoing reforms to Australia's workplace relations system are bound to impact on your workplace culture and expectations.

Since tracking these complex issues is time-consuming, it pays to have expert legal advice close at hand. Middletons' highly skilled Workplace Relations & Safety team delivers this in a timely and commercial manner drawing attention to your options and adding clarity to your decision-making process.

Our approach to workplace relations and safety is a pragmatic one. We recognise that you want to understand your obligations in the context of how you operate your business. We also appreciate that winning protracted battles in courts and tribunals is of little value if it cannot be sustained on the ground and comes at the expense of operational effectiveness or relationships with employees or unions.

We favour a proactive approach to compliance. We undertake compliance programs for clients in areas such as occupational health and safety, employment law and equal employment opportunity, that include the implementation of policies and relevant in-house training.

Of course, we can also provide assistance if something goes wrong.

Beyond these core capabilities, Middletons also demonstrates industry strength and a wealth of experience in sectors such as construction, mining, energy and resources, manufacturing,

retail, transport, financial services, government and insurance. We are also meeting a growing demand for legal services in the highly competitive recruitment services sector.

We are able to devise practical solutions to employment issues associated with commercial transactions in concert with our corporate and mergers and acquisitions teams.

We take every opportunity to participate in various professional capacities within the workplace relations and safety arenas, regularly conducting seminars, providing media commentary and creating policy and procedure manuals. We also maintain ongoing memberships with relevant industry associations.

These activities enable us to stay abreast of developments in the reform of Australia's workplace relations system that affect you as they occur. What's more, they enhance and improve existing capabilities born from a combination of our experience, legal skills and commercial acumen.

By striving to offer you a positive, personal and integrated legal service, our team is committed to helping you find practical yet commercial solutions to legal issues, with full consideration of the business implications involved.

If your view of good working practices and relationships is one of necessity, Middletons' knowledge and experience in workplace relations and safety can become your competitive advantage.

Workplace Relations

Workplace relations is a political battleground, with laws shifting and changing as political parties search for an edge and try to determine the best policies to lead Australian industry forward. To remain on top of the issues, you need legal advisers in workplace relations that understand your business, your industry and also the changing legal and regulatory framework.

Our Workplace Relations & Safety team is committed to partner accessibility and accountability and developing and implementing strategies that improve operational management that stabilise and improve workplace relations. Our team is driven by people and relationships. Our business boils down to taking a practical and commercial, yet sensitive approach to delicate circumstances that require care and appropriate resolution.



Sounds simple – but it works. Drilling down into issues in this manner, your decisions have clarity as alternatives become clearer.

We deal with employment law issues each day, helping our clients with issues that arise at any stage of the employment relationship – from recruitment to termination. Whatever the issue might be, we work towards an outcome with an eye towards commercial solutions knowing our clients derive great satisfaction from our sensitive approach.

The same goes for equal opportunity issues that might arise, such as sexual harassment or discrimination. We appreciate the delicate nature of the circumstances for all of the parties involved and can safeguard your interests while trying to achieve the best possible commercial outcome for you.

Or take industrial relations. We know that management of workplace issues facing your business – such as workplace change and industrial disputation – depends on us for not only proactive and strategic guidance, but full consideration of the implications for your business and your ongoing relationship with your employees or their unions.

We are recognised for our ability to work through issues with the minimum of fuss.

Workplace Safety

We have one of the most experienced legal teams in workplace safety law. Our lawyers have been involved in many of the most recent yet significant cases from both the defence and prosecution perspectives, and we have done it in some of the harshest work environments in Australia such as construction, mining, transport, agriculture and manufacturing.

Ours is a practical approach. We identify the key issues upfront and then give our clients realistic options which guide the remainder of the engagement. This represents value by giving the right advice at the earliest possible time. With a pragmatic stance and a straight talking philosophy we are able and willing to advise clients of the right course of action including, whether there is a viable legal defence, after which our job is to minimise the impact to your business of such a decision.

When we do go to court, the focus remains our client's best interests. We will explore all opportunities to achieve these interests. And success in cases is what makes our team the leading workplace safety team.

Anticipating the interests of the various stakeholders in the event of an incident, keeping ahead of events that unfold, remaining in control and in line with clients' business objectives is all part of what we do. We believe this is the best approach for our clients. It saves time and money too.

We also aim to keep our clients' interests protected in the event of a workplace incident. We do this by getting involved immediately with clients in their workplace and guiding them as to appropriate responses and actions. We understand that the human elements of workplace safety are critically important. We have a lawyer who worked as a miner, and his insight into issues is experienced and informed... it is just one of the elements that gives our team an edge.

Our Safety Deal Sheet

- Gretley Inquiry – successfully obtained acquittals for 6 managers prosecuted as a result of multiple fatalities at the Gretley Coal Mine in 1996. This case remains the largest OHS legal action in NSW.
- Represented the WorkCover Authority in the landmark section 18 case *Inspector Mulder v Arbor Products* which had significant impact on the requirements for suppliers of machinery in NSW workplaces, and *Inspector Campbell v Hitchcock*, which was equally as significant in the transport industry in that it eventually defined the workplace to include a motor vehicle.
- *Inspector Simpson V CNH Australia* – a significant prosecution in the rural industry in which, cooperatively a ground breaking result was achieved for both parties
- Longford incident – represented Esso in the defence of the prosecution by WorkCover Victoria arising from the gas explosion at Longford.

To compete productively and cost-effectively, your organisation needs its workforce contributing what they do best. If your goal is to achieve good working practices and relationships, Middletons is committed to doing what we do best – applying our skills and knowledge to your legal services needs.

We understand it's our business to understand your business

Straight talking lawyers...

Middletons is a national commercial law firm that prides itself on a straight talking approach in the delivery of legal services.

Straight talking sounds simple and to us, it is. We don't sit on the fence, we provide timely advice that can be easily understood and applied.

However, there is more to straight talking than just clear communication. The talk needs to be supported by accurate analysis of the law and commercial advice based on technical excellence, timeliness and value for money.

That is the Middletons' difference.

This is what straight talking means to us. We save you frustration, time and money because we understand it's our business to understand your business.

...client focused advice

We have extensive experience acting for industry leaders and major corporations on ground breaking legal transactions. Our commercial expertise and knowledge in specific industries ensures we add value to our clients' businesses.

We provide clients with commercial solutions and innovative ways to achieve their business goals.

We build enduring relationships with our clients based on mutual respect and trust. Informality, friendliness and approachability are the hallmarks of our culture. Our commitment to professionalism, ethical conduct and dedication to providing the best imaginable client service experience is absolute and non-negotiable.

Facts

- Partners ≈ 60
- Lawyers, not including partners ≈ 190
- Total ≈ 450

Areas of Service

- Anti-Counterfeiting
- Banking & Financial Services
- Biotechnology & Life Sciences
- Capital Markets
- Commercial Litigation
- Competition & Regulatory
- Corporate & Commercial Advisory
- Corporate Recovery & Insolvency
- Dispute Resolution
- Energy & Resources
- Funds Management & Superannuation
- Innovations & Intellectual Property
- Insurance
- Mergers & Acquisitions
- Planning & Environment
- Projects & Infrastructure
- Property, Construction & Development
- Taxation & Revenue
- Technology & Telecommunications
- Transport, Logistics & Defence
- Workplace Relations & Safety.

Further Information



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