KINGSTON REID

Kingston Reid *Review:*

Your Guide to 2025

OUR TAKE ON 2024

FUTURE-THINKING FOR 2025

The information contained within this publication is current as at 31 December 2024. The views expressed in this publication are general in nature only and do not constitute legal advice. Please do not hesitate to contact us if you require specific advice tailored to the needs of your organisation.

KINGSTON REID

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Recognition

> ***As a firm, Kingston Reid has received some of the highest accolades in the legal services industry.***

11 of our lawyers are recognised as ***pre-eminent, leading*** or ***recommended*** lawyers in the **2024 Doyle's Guide**

Kingston Reid is also ranked as a ***first tier firm*** for Employment nationally in the **2024 Doyle's Guide**

6 of our lawyers and the firm are currently recognised in **Chambers**

5 of our lawyers are currently recognised in the **Legal 500**

Kingston Reid is recognised in the **Legal 500** as a ***leading law firm*** for Labour & Employment (WHS)

The firm and ***12*** of our lawyers have been recognised in the **Best Lawyers Guide** including several partners in the ***Partner Of The Year*** category

Kingston Reid is also ranked as a ***Tier 1 firm*** for Labour & Employment and Occupational Health & Safety in the **Best Lawyers Guide**

Clear thinking.
Uncomplicated advice.
Kingston Reid.

Introduction

> *Welcome to the Kingston Reid Review: Your Guide to 2025, in which our frank, fearless and fantastic lawyers share their insights, not only on the key legal developments that have taken place over the last 12 months, but also on what's ahead as we enter 2025.*

Of course, 2024 was a huge year for employment, workplace relations and health and safety professionals with significant legislative changes (including but not just limited to the ***Closing Loopholes*** reforms) and we are expecting 2025 to be just as significant, especially with the upcoming federal election...

A note from our Managing Partner

Since Kingston Reid was born, our mission has been simple: to provide uncomplicated and insightful employment, workplace relations and safety law advice, delivered with an uncompromising focus on delighting our clients.

To our valued clients, I hope you enjoy this publication and on behalf of our team, I extend our heartfelt thanks to you for being part of Kingston Reid's story over the last five years.

We are both honoured and excited to continue to work alongside you in the year ahead!

> *We are frank, fearless and fantastic.*

2024 started on a high note with our hugely successful Summit event, hosted at our Melbourne office in February, with esteemed guest speakers from across the spectrum of Australia's political, union and employer groups, including Sen Hon Michaelia Cash (Shadow Minister for Employment and Workplace Relations and Deputy Leader of the Opposition in the Senate), Anna Booth (Fair Work Ombudsman), Hon Justice Adam Hatcher SC (President, Fair Work Commission), Natalie James (President, Department of Employment & Workplace Relations), Michael Kaine (National Secretary, TWU) and Sen Jacqui Lambie (Senator for Tasmania).

The Summit offered our lawyers and clients a unique opportunity to discuss the implementation of the ***Secure Jobs (Better Pay)*** and (at the time – partially introduced) ***Closing Loopholes*** legislative reforms as well as broader employment trends and the economic climate, and I very much look forward to our next Summit, which we will be hosting in Sydney in 2025.

> *We think big and stay curious.*

In 2024 we truly had to be curious about how new legislation will operate and impact our clients' workplaces. This has been a period of immense change and required continuous analysis and projection in order to stay abreast of the law.

In addition, Kingston Reid has invested in our lawyers and the resources available to them to deliver for our clients, each and every day including exploring the benefits of generative artificial intelligence and the possibilities offered by this technology, both to our staff but also by extension, to our clients in the year ahead.

We will delight.

We further consolidated our position as Australia's largest specialist workplace law firm in July 2024, with the elevation of three of our team – Brad Popple, Emily Baxter and James Parkinson to Partnership, bringing the firm's national partnership to 16.

I am also immensely proud of our recent appointment to the Whole of Australian Government's Legal Services Panel, a testament to the strength and expertise of our national team of workplace law specialists.

We walk in their shoes.

Part of what makes our firm special is the dedication we have to understanding our clients and their businesses. Lawyers across the firm have been deeply immersed in client businesses this year and walked with them as they changed size and shape, bargaining with their workforce and occasionally faced difficult disputes.

I am so proud of our team's ongoing dedication to pro bono work. We are acutely aware of the position we are in to be able to provide legal assistance to those who may otherwise not have access to justice.

Over 2024, we increased our assistance in matters which support First Nations people and organisations and have had a particular focus on supporting young people. Our commitment to this work is reflected in the fact that in the last period, we exceeded the National Pro Bono Target by an average of more than 5 hours per lawyer, and I'm looking forward to Kingston Reid continuing to provide this invaluable support in 2025 and beyond.

We're motivated, spirited and ambitious.

Kingston Reid celebrated our first 5 years as a specialist national workplace law firm in November 2024. This milestone offered a chance for me to record some of my own reflections about who we are and what we do together, as Australia's largest specialist workplace law firm.

Watch Video: Kingston Reid Turns Five

Success at a glance

In our first five years, we have:

- Worked alongside 8 of the 10 largest employers in the country
- Defended clients in relation to more than 5,000 termination, discrimination and underpayment claims
- Helped our clients to successfully negotiate more than 250 enterprise agreements
- Won Beaton's Client Choice Award three years in a row
- Supported clients in the aftermath of more than 150 workplace incidents
- Helped more than 200 employers to source talent from outside Australia through our global mobility practice

Kingston Reid is proud to work with clients across a range of industries, including:


Agriculture, forestry and fishing


Construction


Mining


Retail


Manufacturing


Education and training


Public administration and safety


Information, media and telecommunications


Banking and insurance


Health and social services


Transport and warehousing


Professional services

What we do

Our national team of deeply experienced lawyers advise and represent Australian and multi-national corporations, as well as Australian Government departments and agencies, in matters spanning the full spectrum of employment, workplace relations and safety and regulatory law.

We work seamlessly together.

We have extensive experience in employment law, workplace relations, safety and regulatory matters across various industries, as well as for federal and state government departments and agencies.

Our teams are located in Sydney, Melbourne, Perth and Brisbane and work seamlessly together to provide support to our clients across Australia wherever they're based, including Canberra and regional areas.

"Kingston Reid have gone out of their way to learn and understand our business. This allows them to provide advice on complex matters while being considerate of our business."

Our expertise

Employment and Industrial Relations

Employment relationships can be complex and challenging. Helping employers with internal discipline and performance management issues, processes and procedures is a regular component of our support to clients.

> *We partner with our clients as they navigate the difficult legal landscape.*

We represent employers in all courts and tribunals in relation to all types of employment claims, including unfair dismissal and general protections claims, flexible work claims, discrimination claims, enforcing (or defending) restraint-of-trade and restrictive covenant cases, contractual and statutory compliance matters. We are experts in managing sensitive employment law matters which have the potential to cause reputational damage.

We have handled all types of issues, including the prevention of sexual harassment, bullying, and discriminatory conduct in the workplace, through to fraud and dishonesty issues.

We provide our clients with employment policies and procedures, design and implement training modules, help manage and resolve in-house complaints (including investigations and public interest disclosures), and advise and represent clients through conciliations, mediations and in hearings.

Our workplace safety and regulatory lawyers eat, breathe and sleep safety and compliance.

Safety & Regulatory

Safety is a vital component of your workplace. We work with our clients to mitigate risks by assisting them to put effective systems in place and to otherwise do what's practicable to assist them to prevent workplace incidents. But when they do occur, we are there to guide and represent them throughout the legal processes.

Kingston Reid's safety and regulatory team have acted for a number of employers in various prosecutorial regimes (in both federal and state jurisdictions), spanning WHS, environment, heavy vehicle, marine, mining, offshore, electrical and aviation.

We regularly advise clients on how to manage psychosocial risks. This includes developing and reviewing workplace policies, facilitating training and awareness on the identification and management of psychosocial hazards and assisting with the development of risk assessments to implement control measures.

> *We are proud to say we've been through a lot with our clients.*

We work through workplace incidents (and near misses) as well as coronial inquests in relation to public safety issues and concerns. Our team is well-versed in criminal jurisdictions, working with regulators and frequently liaising with police, coroners and specialist authorities.

Our team know that safety issues can have a wide range of serious implications for our clients' businesses. Through tailored education and training and in-the-moment guidance, we offer pragmatic insights and advice into the latest legal and industry developments and are there by your side to guide you as you respond quickly to workplace incidents and issues.

Employment

2024 continued to shine a light on corporate culture claims, which to be fair, follows several years of increased media scrutiny of cases in which individuals (some high profile, others not) have been accused of inappropriate conduct, including sexual harassment.

What these cases demonstrate is the **changing public sentiment** towards inappropriate behaviour in the workplace. This has driven a change in the way that organisations respond to and address these kinds of claims. Take for example, the recent independent external review undertaken by Nine Entertainment into allegations of inappropriate behaviours impacting the company's culture. The public discourse around such behaviours has in recent years been elevated to such an extent that the external report has been voluntarily published publicly, indicative of a rising "high water mark" in corporate accountability, particularly in light of increasing regulation with respect to psychosocial hazards and of course, the positive duty to prevent sex-based discrimination (including sexual harassment) in the workplace, which has now been in effect for over two years.

In 2025, another area that might be broadly bundled under the moniker of "corporate culture", will be the issue of free speech and political opinions being aired in the workplace – a notoriously vexed area that can present a myriad of challenges for employers to address, for a range of reasons.

There is no shortage of people who hold strong views, and this has the potential to become an increasingly challenging area to navigate for employers in light of political developments overseas, as well as other significant local events. This may also pose psychosocial risks in the workplace, which will become increasingly difficult to control.

Whistleblower frameworks will also be an area of much focus in 2025, as ASIC undertakes its **5-year statutory review of the federal whistleblowing regime**. That review will of course take place against the backdrop of the scathing conclusions reached by the Senate Economics References Committee in its investigation into ASIC's own performance as a regulator, published in July 2024[1], which also included a range of recommendations for the whistleblower regime more generally, including – of note – "pecuniary incentives and compensation for whistleblowers who make a substantiated disclosure".

Essentially, establishing a financial incentive to whistleblowers to make a disclosure where there would be a "significant public benefit", or otherwise where that person might experience significant personal detriment in making such a disclosure.

With this level of scrutiny applied to the behaviour of individuals (both alone and collectively), and the possibility of changes to the statutory whistleblowing framework on the horizon, it is a must for organisations to be revisiting their governance frameworks around conduct issues.

This will remain a high priority issue for the C-suite, with regulator activity, particularly with respect to psychosocial hazards and sexual harassment, on the increase...

One observation of 2024 was that, at least in some of our offices, there appeared to have been an **increased number of individual claims**, particularly unfair dismissal and general protections claims with which our lawyers were asked to assist. This seems to be consistent with Fair Work Commission (**FWC**) data showing that unfair dismissals were (still) the most common lodgement type in 2023-24, making up 37% of total lodgements, with general protections claims making up 14%[2].

The reasons for the volume of individual claims are less clear; although there is speculation that economic (or "cost of living") pressures could be playing a role. However, what does seem apparent is that the visibility of high-profile individual claims in recent years, coupled with ongoing discourse regarding both the ***Respect@Work*** and ***Closing Loopholes*** legislative reforms, seem to have re-established more broadly the industrial rights of the individual.

With this trend in mind, employers will be well advised to revisit their approach to internal investigations, highlighted by some recent decisions from the FWC. In one such case, the FWC determined that, despite the conclusions of an investigation, bullying allegations against an employee were not, in fact substantiated at all and that the employer had had no valid reason to dismiss. In that case, the FWC commented that the employer ***"appeared to believe that the sheer number of allegations presented a persuasive case of guilt"***[3].

Aside from ensuring investigations are conducted fairly, and with sufficient evidence collected and appropriately tested and weighed, it's also critical to recognise the collateral risks of workplace investigations and to assess how those risks must also be managed, including for example, the risk of re-traumatisation.

Regulators will continue to have a strong presence in 2025, noting the Fair Work Ombudsman (**FWO**) announced that it recovered $473m in underpayments in 2023-2024[4]. According to its media statement, this is the third highest annual figure recorded. As the FWO has previously indicated[5], vulnerable migrant workers, visa holders, and the large corporate sector (which represented $333m of the recovered underpayments) will continue to remain a focus for the regulator.

This is particularly so as the new criminal "wage theft" provisions take effect on 1 January 2025, following the release of the ***Voluntary Small Business Wage Compliance Code***[6] in December 2024. With the potential of criminal sanctions for intentional underpayments and significantly increased penalties for underpayments generally, compliance with industrial instruments must remain a top priority for all organisations in 2025.

1. The Senate Economics References Committee: ASIC final report available online here.
2. Statistics extracted from the Fair Work Commission's 2023-2024 Annual Report (stated as at 30 September 2024), available online here.
3. Vanitaben Panchal v Bulla Mushrooms (Aust) Pty Ltd [2024] FWC 2784 at [24].
4. Fair Work Ombudsman media release dated 23 October 2024: available online here.
5. Office of the Fair Work Ombudsman 2023-2024 Annual Report: final report available online here.
6. The Voluntary Small Business Wage Compliance Code is available online here.

2024 saw the introduction of the highly controversial **right to disconnect**. While the right to disconnect quickly became the subject of significant media coverage and debate, the full impact of the new laws is yet to be seen. The FWC's new jurisdiction to deal with disputes relating to the right to disconnect will continue to be an area to watch for employers in 2025. We also expect to see further developments in the federal courts as applicants rely on the exercise of the right to disconnect in general protections applications.

The other area of focus for employers in 2024 was compliance with the introduction of further WGEA[7] reforms and the herald of its **new private and public sector gender pay gap data publishing requirements**.

On 20 November 2024, ***WGEA's Gender Equality Scorecard 2023-24***[8] was published, which highlighted the observable shift in employer focus and public attention on the issue of gender equality. The report suggests that the anticipated publication of employer gender pay gap data has had a motivational effect, with the median gender pay gap decreasing slightly by 0.6pp between 2022-23 and 2023-24.

The report also highlights further areas of continued focus, including gender segregation of industries, seniority of appointments (particularly at the board level), prevention of sexual harassment in the workplace, and employment conditions relating to family and caring responsibilities.

Employees have always had the right to request **flexible work arrangements** under the ***Fair Work Act 2009 (Cth)*** (**FW Act**). However, changes to the flexible workplace arrangement regime came into effect in June 2023, which not only expanded employees' rights to make such requests, but also opened the door to refusals being the subject of arbitration in the FWC.

Following those changes, in 2024 we started to see a steady stream of flexible working arrangement disputes filed in the FWC. So far, the FWC's approach to determining these disputes has been finely balanced and notably, one case[9] even **acknowledged the importance of face-to-face interactions and attendance at the workplace** in refusing a working-from-home request in which the employee sought to work 100% of his five-days working week from home.

> ***People managers and supervisors should be trained to ensure they recognise what a flexible work arrangement request is, and the importance of genuinely considering and consulting with an employee on the request before implementing a decision.***

Given the FWC now has powers to arbitrate a decision to refuse a flexible working arrangement, businesses should review what systems and process they have in place for receiving, reviewing and determining any such request, and ensure that in doing so, that they balance the needs of each of the parties.

In addition to these rights, those with cover under the ***Clerks – Private Sector Award 2020*** will be watching and waiting to see how the Full Bench of the FWC deals with developing a **standard working-from-home clause** in the first half of 2025. For others, this development will be on the radar as any new term will likely become a "blueprint" for other modern awards.

With effect from 1 July 2025, Queensland employers will be required to comply with broadened anti-discrimination laws, including new attributes, definitions and an **expanded positive duty** to eliminate all discrimination, harassment and objectionable conduct.

7. Workplace Gender Equality Agency.
8. The WGEA Gender Equality Scorecard 2023 - 2024 is available online here.
9. Shane Gration v Bendigo Bank [2024] FWC 717.

Queensland's ***Respect at Work and Other Matters Amendment Bill 2024*** **(Qld)** (**Respect@Work Bill**) adopts a broader approach than the national standards, by introducing a new positive duty to take reasonable and proportionate measures to eliminate discrimination on the basis of **all protected attributes**, as well as sexual harassment.

> ***The new legislative requirements will also interact with the recent amendments to the Work Health and Safety Regulation 2011 (Qld) which requires PCBUs to prepare, consult and implement a sexual harassment prevention plan by 1 March 2025.***

A sexual harassment prevention plan must outline and assess the risks related to sexual harassment, control measures to mitigate those risks and clear procedures for reporting and handling harassment incidents. The plan must be accessible to all employees, and reviewed regularly after an incident, requested by a WHS representative, or otherwise every three years.

Finally, 2024 was a year where it could be said that we saw more new compliance requirements than ever before, with the introduction of new powers for the FWC to set minimum conditions for workers who are not employees at all.

The new concept of a regulated worker captures particular independent contractors working in road transport and through digital platforms who work in a manner that is "employee-like".

The Transport Workers Union was quick off the mark to make applications to the FWC for the making of Minimum Standards Orders, the run to making Minimum Standards Orders hit a quick stop, with the FWC expressing its commitment to consulting heavily on the process for making the Minimum Standards Orders, and making orders for the Road Transport Advisory Group to provide advice about how it proposes to conduct itself and undertake consultation for its advice to the FWC to support this process.

In the meantime, the Minister for Workplace Relations has made the ***Digital Labour Platform Deactivation Code*** and the ***Road Transport Industry Termination Code*** which will each commence on 25 February 2025 (or the date of their formal registration, if later) to codify the disciplinary processes that must be followed to ensure the fair deactivation of digital labour platform workers, and the fair termination of owner-drivers and other independent transport workers.

While observers might have anticipated that the Codes might have taken inspiration from the ***Small Business Fair Dismissal Code*** (which applies in respect of the dismissal of employees of small businesses), the Codes go considerably further and require particular warning and appeal processes to be followed, before a deactivation or dismissal may be considered fair.

As **employee-like workers gain access to unfair deactivation and termination processes** from 26 February 2025, it will remain to be seen how the FWC exercises its discretion in respect of the application of the Codes to perform its functions in a sensible manner, which appropriately balances the desire for procedural fairness with a need to maintain the integrity of independent contracting arrangements.

With the reforms that have already taken place in 2024 and the issues we see staying squarely in focus for employers in 2025 (and beyond), it will be critical for organisations to undertake a fresh look at their workplace policies and training offerings, to ensure they align with new legislative or regulatory requirements.

Kingston Reid is proud to partner with Ombpoint – Australia's first independent workplace ombuds service, which offers a safe, independent and confidential space to encourage early conflict resolution in the workplace.

Employment Insights

Click to revisit some of our most read insights of 2024:

High Court confirms damages for psychiatric injury arising from flawed termination

Redefining the employment relationship (again)

Levelling the Playing Field – Fair Work Commission to umpire services contract terms

Familiar changes afoot in Western Australia - reforms bring employment laws in line with the federal system

A quick look at the scope of the new criminal wage theft offence

Handle with care: employer obligations when handling personal information about their employees

A Kingston Reid Halloween case update: tricks and treats for effective employee management

Queensland raises the bar: new Respect@Work Bill demands higher standards

Responding to flexible work arrangements – getting the expanded rights 'right'

The regulatory connections involved in enacting the Right to Disconnect

"The employee you are trying to reach has disconnected": everything you need to know about the new right to disconnect

Employers gear up for gender pay gap reporting: is your organisation ready for the discussion?

From relief to risk: navigating the haze of medicinal cannabis and safety in the workplace

To restrict or not to restrict? The debate over restraint of trade clauses

Employment

Podcast Episodes

Click to listen to our 2024 podcast episodes:

An exercise in restraint

In this podcast episode, Kingston Reid's Managing Partner Alice DeBoos, Partner Emily Baxter and Special Counsel Rachel Bevan discuss developments relating to the use of restraint of trade (such as non-compete and non-solicitation) clauses in Australia and abroad.

Initially flagged in September 2023 as an area for review, a 2024 Treasury Issues Paper cited research that suggests the use of these clauses are widespread and may be having a broader economic impact on jobs, business and productivity across Australia.

Are these clauses still appropriate for use given today's much more mobile workforce, and is there a need for greater regulation?

What are the arguments in favour of a prohibition on non-solicitation clauses?

How should these clauses be drafted to aid enforceability and minimise unintended consequences on workers?

New conversations about changing rights

Join our lawyers for a refresher on the operation of new workplace rights introduced into modern awards in mid-2024, namely the 'right to disconnect' and workplace delegates rights, as well as the new conversations set to take place in Australian workplaces going forward.

Workplace Relations

When it comes to workplace relations, the last 12 months have been a wild ride, with a host of significant labour hire reforms, changes to the multi-employer bargaining framework, a new 'right to disconnect' for workers, expanded union delegate rights and the introduction of a federal wage (and superannuation) theft offence, amongst many other changes...

The Federal Government's ***Closing Loopholes*** reforms, introduced in two tranches over the course of 2024 (with a range of commencement dates), proved an even greater shakeup of Australia's workplace relations system than the ***Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*** (**Cth**) (**SJBP Act**).

Of course, the first part of 2025 will **set the stage for a federal election**, so to an extent, the future is uncertain until the outcome of the election is known. But for now, join us as we take a quick look at what employers can expect in 2025...

Working with our clients as they deal with **enterprise bargaining** and **protected industrial action** has kept our national team extraordinarily busy in 2024 across the board, with no signs of slowing into the new year.

On a more positive note, for some clients, the expansive legislative reforms over the last 12-18 months have acted as something of a catalyst - offering up a unique opportunity to support clients with a more strategic conversation about their industrial instrument landscape and to look at some really exciting and novel strategies to meet their forward-looking objectives.

In September 2024, the Full Bench of the Fair Work Commission (**FWC**) ruled on the jurisdictional scope of the FWC to deal with disputes under s240 of the ***Fair Work Act 2009*** (**Cth**)(**FW ACT**), shedding light on what the FWC will deem to be a dispute "about the agreement" for the purposes of s240 and when it can be said that those parties are "unable to resolve the dispute".

Essentially, the FWC clarified in ***Qube Ports***[1] that s240 of the FW Act encompasses disputes about both the content and the process of bargaining. As such, bargaining employers should be prepared for the possibility that disputes about the bargaining process, not just the content of agreements, can be brought before the FWC, following the decision.

This means that procedural disagreements, such as the method of bargaining, may be subject to the FWC's intervention. However, it is important to note that the FWC can only make a recommendation and cannot arbitrate an outcome without the agreement of all parties.

After a reasonably slow (and mostly, non-adversarial) uptake in the second half of 2024, four major black coal industry operators and APESMA[2] compelled the FWC to analyse the **multi-employer bargaining provisions** under the microscope in the ***Ulan Coal Mines***[3] case - the first significant contested application of its kind since the commencement of the SJBP Act.

Without a definition under the FW Act, the FWC found that the term "common interests" should be given its ordinary meaning. That is, **"common"** means "shared, joint, united" and "shared or joint" consistent with previous decisions. Similarly, **"interests"** means "concernment", "business, concerns or cause", "goals, principles and business concerns" and "characteristics or matters that impact or influence the organisation". That is to say that where the employers have shared or joint business concern, goals or principles (among others), it will be difficult to argue against the common interest.

The FWC also identified that the "common interests" must be clearly identifiable, or plainly discernible or recognisable, however they need not be self-evident. The matter is on appeal and will be listed for hearing before a Federal Court Full Court in March 2025.

If you are an employer who is faced with an application for a **single interest authorisation**, understanding the differences and similarities between you and your co-employers is important. However, the next layer of that analysis needs to be on developing how these matters impact bargaining interests, goals and objectives such that it may be a point of distinction from another entity who may be at the bargaining table.

Through this approach, a more refined defence to an application, which not only goes to distinguish an employer from its counterparts, but also informs how those distinctions will impact an employer's bargaining stance, interests, goals, objectives and drivers and ultimately mitigate against a finding that multi-employer bargaining should occur, will be possible.

> ***Whether this line of reasoning prevails before the Federal Court is yet to be seen...***

So, with some significant cases expected to be heard in the early part of 2025, there will be an opportunity for the FWC and the courts to shed some much-needed light on the intended operation of the multi-employer bargaining rules, amid the potential for increased contestation in the coming year. Whilst most of the multi-employer bargaining cases have to date been resolved by consent, it's safe to expect that 2025 will be a year in which we see more of these applications contested, which will, at least, lead to clearer guidelines and the setting of precedents for future applications.

1. Qube Ports Pty Ltd T/A Qube Ports v Construction, Forestry and Maritime Employees Union [2024] FWCFB 370.

2. The Association of Professional Engineers Scientists and Managers Australia.

3. Association of Professional Engineers, Scientists and Managers, Australia v Great Southern Energy Pty Ltd T/A Delta Coal, Whitehaven Coal Mining Ltd, Peabody Energy Australia Coal Pty Ltd, Ulan Coal Mines Ltd [2024] FWCFB 253.

Back in mid-2023, the **intractable bargaining provisions** replaced the old schemes of issuing "serious breach declarations" and "bargaining related workplace determinations", under which the FWC could make "serious breach declarations" (i.e. where there were serious and sustained contraventions of a good faith bargaining order that significantly undermined the bargaining process), which then gave the FWC scope to make "bargaining related workplace determinations" if negotiations remained unfruitful. The language in the old schemes (think "serious and sustained", "significantly undermined", "exhausted all other reasonable alternatives to reach agreement" and "agreement will not be reached") created a high bar for applicants to meet in order to satisfy the FWC that a "serious breach declaration" should be made.

The upshot is that the old schemes were not used and the FWC was never called on to make a "serious breach declaration". However, under the current intractable bargaining scheme, it is significantly easier for employees, unions and employers to request the FWC's intervention in making bargaining determinations.

> ***Throughout 2024, a number of intractable bargaining declaration applications were made, and our prediction is that this will continue to be a really interesting area to watch over the next 12 months.***

These new provisions represent one of the **most fundamental shifts to the industrial relations landscape in decades,** as there is now a realistic alternative to impasse or agreement – with a readily accessible pathway for the FWC to determine bargaining outcomes.

The intractable bargaining framework allows the FWC to make an intractable bargaining declaration, in effect bringing bargaining to an end and setting the stage for the FWC to arbitrate bargaining outcomes, where it is satisfied that:

- it has dealt with the dispute through the existing bargaining dispute resolution processes (under s240 of the FW Act);
- that there is nevertheless no reasonable prospect of the parties reaching an agreement; and
- it is reasonable in all the circumstances to make the declaration.

Having done so, the FWC must substantively resolve bargaining by making an intractable bargaining workplace determination "as quickly as possible" – although some post-declaration negotiating period can be afforded to the parties.

The "post declaration negotiating period" assumes some significance, given that the workplace determination ultimately made by the FWC must include any "agreed terms" between the bargaining representatives as defined in s274(3) of the FW Act. This requires an assessment of the agreed terms at three stages including at the end of the post declaration negotiation period. Moreover, following the passage of the second tranche of ***Closing Loopholes*** reforms, an intractable bargaining workplace determination cannot include any term which is less favourable to any employee (or employee organisation) than a term of the existing enterprise agreement dealing with the same matter (other than a term that provides for a wage increase). The FWC's approach to its new powers is important for all employers who engage in enterprise bargaining to be across.

2024 was also a year of reckoning for the CFMEU, with one of the most notable developments being the administration of the Construction and General Division of the union. Mark Irving KC took on the formidable task of cleaning up Australia's most notorious union, amidst allegations of bribery, corruption, and links to outlaw motorcycle gangs. These revelations have sparked widespread controversy, igniting urgent calls for reform, and exposing a troubling picture of union leadership plagued by criminal influence and self-interest.

These developments raise pressing questions about the state of workplace law in Australia, sparking renewed debate over union oversight and regulation, and reinforcing the need for stronger mechanisms to prevent and address misconduct within unions[4].

Meanwhile, whilst the CFMEU is somewhat subdued, there are several other unions who are actively stepping into the "void", particularly on the Australian east coast within the construction industry, where unions such as the EPU, CEPU and AWU are taking advantage of an opportunity to grow their existing membership bases. Alongside the changes in the representatives sitting across the bargaining table, we have also seen the continuation of a post-COVID era trend, in which **increasingly assertive unions** are more **aggressively calling for significant wage increases** that many employers may be unable to afford, particularly in light of current economic conditions.

New **wage theft provisions** commenced operation on 1 January 2025, aimed at criminalising intentional conduct that results in the failure to pay an employee their minimum statutory entitlements (that is, entitlements arising under the FW Act, or a Fair Work instrument such as a modern award or enterprise agreement), with penalties for "related offences" also on the table.

Importantly, employees, officers and agents of an employer may be implicated by these related offence provisions, with penalties including a term of up to 10 years' imprisonment or significant fines being imposed. Further, whilst non-payment of superannuation was initially excluded from the new wage theft provisions, readers may recall that a last-minute deal with the Greens in early 2024 secured amendments to extend the new offence to unpaid superannuation. As a result, superannuation entitlements for the vast majority of national system employees will have an additional layer of protection afforded to them by the new criminal offence.

These amendments and the serious contravention regime under the FW Act significantly raise the risk/penalty profile associated with underpayments, and our team has been working tirelessly with clients during 2024 to help them understand how these new provisions will apply and to ensure their payroll and HR processes and systems are compliant and functioning as intended.

We have also been seeing underpayment claims filed in state and territory courts with federal jurisdiction, seeking penalties in relation to unintentional underpayments. These underpayment claims are designed to see pay contraventions addressed in a shorter timeframe than filing in the Federal Court or Federal Circuit and Family Court of Australia. In some cases, these local courts are being asked to consider significant and serious contraventions as forming the basis of relief (even where the actual underpayment is on the low end of the scale).

The goal is reasonably clear; start to stack up smaller contraventions so that, if a large-scale underpayment arises, there is a history of contraventions on the books to justify imposing large penalties on employers...

With this in mind, early 2025 is a good time to ensure your organisation's systems and processes are working well together, noting also that unions are able to exercise right of entry rights to investigate suspected pay contraventions, in addition to the broader rights workplace delegates already have in place.

4. We note that the legislation and associated legislative instrument through which the administration was achieved are the subject of a challenge in the High Court.

In contrast to the much more restrained uptake of multi-employer bargaining, the Regulated Labour Hire Arrangement Order (**RLHAO**) framework has been rapidly embraced, with well over 40 applications having already been made. These primarily relate to the black coal sector in New South Wales, with further applications relating to warehousing, retail and aviation and meatworks.

While several orders have already been made (and decisions published), none of these concluded cases involved any significant challenge to the respective application. Accordingly, the occasion has not arisen for extensive guidance to be provided about the operation of the statutory scheme.

The first major test of the provisions will occur early this year with a Full Bench hearing listed for 20 to 31 January 2025, in relation to several BHP entities. That said, while this case is expected to involve detailed examination of the distinction between labour hire and service provision, there is less focus upon questions about whether it is "fair and reasonable" to make an order. We will continue to see much development in this space over the next 12 months.

Of course, even apart from the present uncertainty around when an order might be made, various other aspects of the RLHAO scheme are equally complex and perhaps uncertain, and it may be some time before these "downstream" issues are tested. For example, how will the FWC resolve disputes around the calculation of the "protected rate of pay", and what precisely is the breadth of its capacity to make orders about these matters? How exactly will the exceptions operate and particularly those concerning short-term arrangements? How will the (on its face, incredibly broad) anti-avoidance scheme be interpreted by the courts?

> ***These are important and challenging questions, which will make the RLHAO framework a space to watch over the coming year...***

"Working with our clients as they deal with enterprise bargaining and protected industrial action has kept our national team extraordinarily busy in 2024, with no signs of slowing in 2025..."

Workplace Relations
Insights & Podcast Episodes

Click to revisit some of our most read insights of 2024:

Multi-employer enterprise bargaining faces its first true test: interests, characteristics and comparability

All together now: Unpacking applications for a supported bargaining authorisation

Navigating the rough seas of enterprise bargaining: FWC steers Qube Ports' appeal into uncharted waters

Early wayfinding in the intractable bargaining framework

Express rights to representation in a matter before the Fair Work Commission

The explosion of rights and regulation – workplace delegates

'Same Job, Same Pay' labour hire provisions still waiting for first test

Unions and 'Free-Riders': avoid getting caught in the crossfire

Evergreen guarantee of annual earnings clauses given the green light

A quick look at the scope of the new criminal wage theft offence

Click to listen to our 2024 podcast episodes:

Enterprise bargaining – unpacking the latest updates

New Conversations about changing rights

Safety & Regulatory

2024 was an incredibly busy year for work health safety and regulatory practitioners, with a significant amount of legislative changes across various jurisdictions. With all these changes taking place, the regulatory landscape in Australia has only become more complex for duty-holders in 2025...

The year began with a raft of changes to the ***Work Health and Safety Act 2011*** (**Cth**) (**WHS Act**) (introduced as part of the federal government's ***Closing Loopholes*** legislative reforms), which significantly increased work health and safety (**WHS**) penalties under that Act and provided for future indexing, meaning an increase in potential jail time for workplace deaths of up to 25 years for individuals, or a fine of up to $18m for companies.

Other changes included the introduction of an offence of **industrial manslaughter** for workplace deaths and amendments to the criminal liability provisions for bodies corporate, the Commonwealth and public authorities, under which a corporation will be taken to have committed the offending conduct if it can be established that the board of directors, officers, employees or agents engaged in the conduct through express or implied authorisation. Even more significantly for PCBUs, the **mental state** or fault component of an offence (excluding negligence), will be **attributed to the corporation** in certain circumstances, including if a "corporate culture" exists which can be shown to have tolerated or led to the conduct constituting the offence. Following that development, provisions for a criminal industrial manslaughter offence were introduced over the course of 2024 in all remaining Australian jurisdictions, with the final piece of legislation coming into effect in Tasmania on 2 October 2024.

While there are a number of cases in jurisdictions that were early adopters of industrial manslaughter, we expect to see the safety regulators across Australia look closely at significant incidents, and whether reckless or gross negligence has been committed by organisations and their leaders. Whilst to date most of these prosecutions relate to smaller businesses, recently the former Port of Auckland CEO was convicted of exposing workers to serious risks in breach of his due diligence obligations. This prosecution represents the first of its kind for a large complex organisation.

> ***Is this an indication of what the Australian regulators may be doing in 2025?***

The national conversation on **engineered stone** and the need to address occupational dust diseases such as silicosis, asbestosis and mesothelioma led to a national prohibition on engineered stone in July 2024, following the establishment of the re-badged national Asbestos and Silica Safety and Eradication Agency, intended to better coordinate action at a national level.

In August 2024, Safe Work Australia announced the next step towards **changes to the incident notification framework** under the model WHS laws. The changes had been anticipated for some time and follow a review of the framework which found there was an opportunity to improve the coverage and operation of the provisions. A key focus of the changes is to expand the framework to capture psychosocial hazards and related psychological injuries and illnesses. In particular, changes include requiring notification of work-related suicides and attempted suicides of workers. The next step is for amendments to the model WHS laws to be drafted, which are expected to be released early this year.

With all these changes taking place, the regulatory landscape in Australia has only become more complex for duty-holders in 2025...

Psychosocial hazards have continued to keep our Safety and Regulatory team extremely busy and there is no sign of this slowing down in the new year, as Australian safety regulators are becoming increasingly active with issuing improvement notices and taking enforcement action. With each state regulator taking a slightly different approach to their compliance and enforcement activities, the landscape remains incredibly tricky for organisations with national or multi-state operations and will continue to remain so into the new year.

A key opportunity for organisations in 2025 will be to focus on embedding a collaborative, cross-functional approach to solving for this unique breed of WHS hazards and risks, which cannot necessarily be effectively addressed by elimination or engineering controls, given the propensity for individual workers to perceive and respond to situations differently. Perhaps one of the most important reflections to take away from 2024 is that psychosocial hazards effectively present a **safety "problem" that requires a multi-disciplinary solution.**

When it comes to psychosocial hazards, many of the answers are not yet abundantly clear, and will likely be questions for the courts to grapple with in 2025...

A key challenge for organisations in 2025 may be grappling with an even more fundamental question; ***what exactly is a psychosocial hazard?*** Further, does the applicable WHS legislative framework require a systematic approach to managing psychosocial risks, or must a duty-holder address the idiosyncratic responses of individuals in the workplace?

Key areas where this challenge (and conversely, opportunity) commonly arise include interpersonal interactions, job/role design, organisation change management and performance management processes (to name just a few) and of course, the **positive statutory duty** to eliminate, as far as possible, sex-based discrimination and harassment, and sexual harassment, which exists under the federal ***Sex Discrimination Act 1991*** (**Cth**).

More recently, Queensland introduced its **own state-based positive duty**, aimed at the elimination of all forms of unlawful harassment, including sexual harassment under the state's ***Anti-Discrimination Act 1991*** (**Qld**), in respect of which a sexual harassment prevention plan will be required to be implemented. It is possible that other states may follow suit.

In early 2024, we also wrote about the **growing trend of enforcement activity** in Australia within the WHS space in recent years. This increased enforcement activity can be linked to the ***Australian Work Health and Safety Strategy 2023-2033***[1] published by Safe Work Australia, which represents the peak body's national vision for WHS, agreed to by the various state WHS regulators, outlining targets that aim to achieve national WHS improvements and a goal of reduced worker fatalities, injuries and illnesses. One of the actions focuses on compliance and enforcement across WHS legislation and regulations.

> *Common risks that WHS regulators are targeting in 2024-25 include falls from height, harms to workers in the health and social assistance sector with a focus on the disability sector, psychosocial risks, including the risk of sexual harassment, exposure to hazardous substances including silica, asbestos, hazardous chemicals and carcinogens, being injured by mobile plant, fixed machinery or vehicles in the workplace and vulnerable workers.*

Having spent the last 12 months working closely with a number of clients across a range of industries, all grappling with the impact of increased regulatory scrutiny (predominantly in relation to psychosocial hazards), we have witnessed first-hand the impact of these activities, prompting the question - what happens when the regulator's compliance and enforcement activities are the cause of, or are a significant contributing factor to, psychosocial risks and psychosocial hazards … essentially, **how are the regulators regulating themselves?**

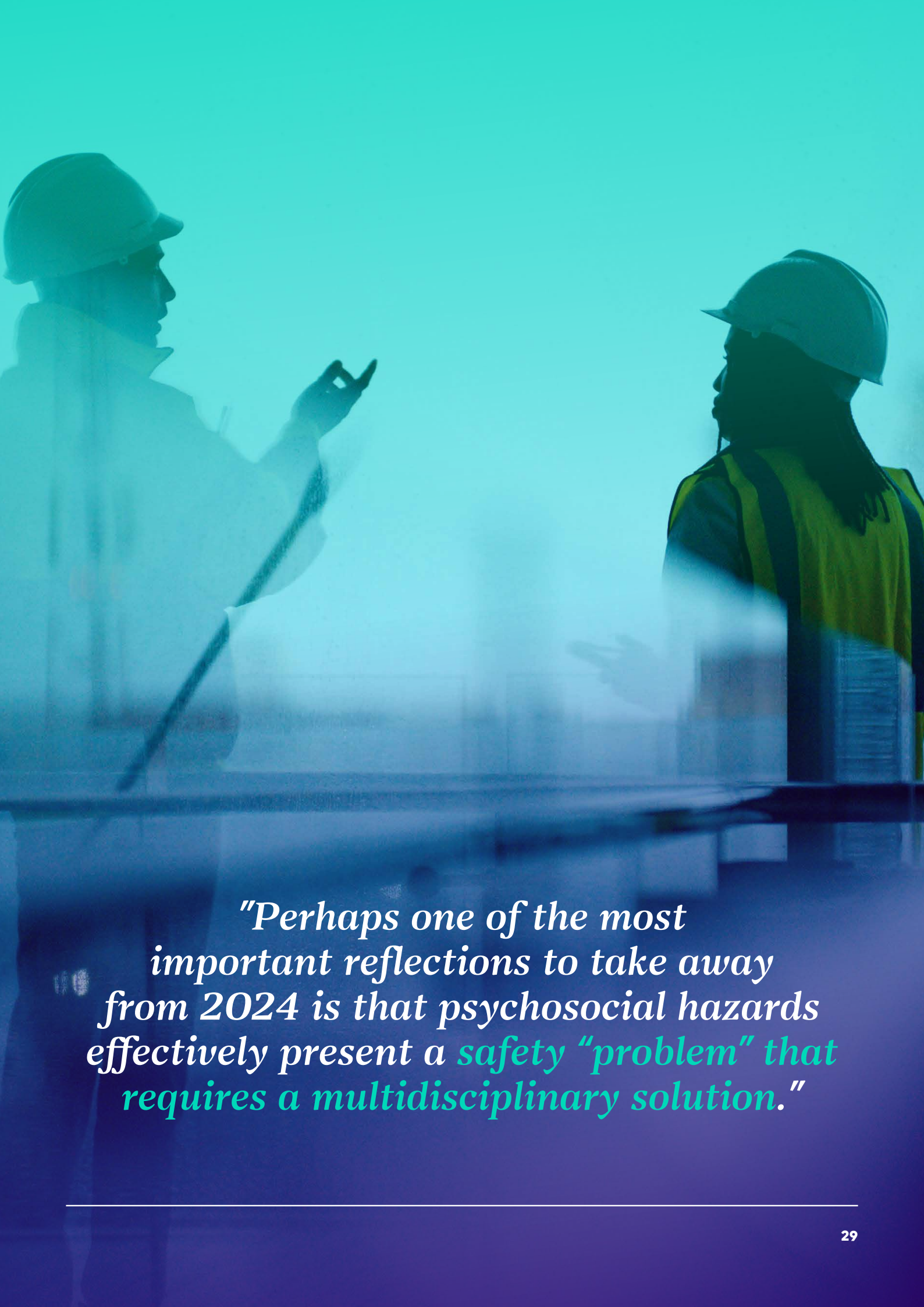
Of course, regulators have a duty to ensure (so far as is reasonably practicable) that their undertakings do not expose anyone to psychosocial risks. Business and other duty-holders are well entitled to ask regulators how they are complying with the same laws that they are administering and to which they are holding everyone else accountable.

Finally, perhaps one of the biggest shifts that took place throughout 2024 was the area of technological advancement – specifically, the rise of artificial intelligence (AI). At the end of November 2024, the ***Senate Select Committee on Adopting Artificial Intelligence*** tabled its final report[2], with the first of 13 recommendations being that the Government introduce new legislation to regulate "high-risk" use of AI. Importantly, it also recommended that any final definition of high-risk AI ***"clearly includes the use of AI that impacts on the rights of people at work, regardless of whether a principles-based or list-based approach to the definition is adopted".***

> *Another key recommendation was that the Government "extend and apply the existing work health and safety legislative framework to the workplace risks posed by the adoption of AI".*

Issues relating to the use of AI at work which the Committee flagged as requiring serious regulatory consideration include the loss of jobs, need for training and reskilling, and the impact of algorithmic management of work. However, the report noted that many of these issues are being explored in further detail by the ***House Standing Committee on Employment, Education and Training's*** inquiry into the digital transformation of workplaces, so we can expect to hear more on this in the future.

1. Australian Work Health and Safety Strategy 2023-2023, published by Safe Work Australia and available online here.
2. Senate Select Committee on Adopting Artificial Intelligence. The final report is available online here.



"Perhaps one of the most important reflections to take away from 2024 is that psychosocial hazards effectively present a safety "problem" that requires a multidisciplinary solution."

Safety & Regulatory
Insights & Podcast Episodes

Click to revisit some of our most read insights of 2024:

HR professionals are from Saturn, WHS professionals are from Mercury, so how on Earth could they ever work together?

Changes to the incident notification framework are on their way

From direct involvement to delegation: WHS due diligence challenges for directors of large companies

Paper based health and safety does not make work (or a workplace) compliant or safe

Strengthening the resilience of your workforce through Psychosocial Capital

Click to listen to our 2024 podcast episodes:

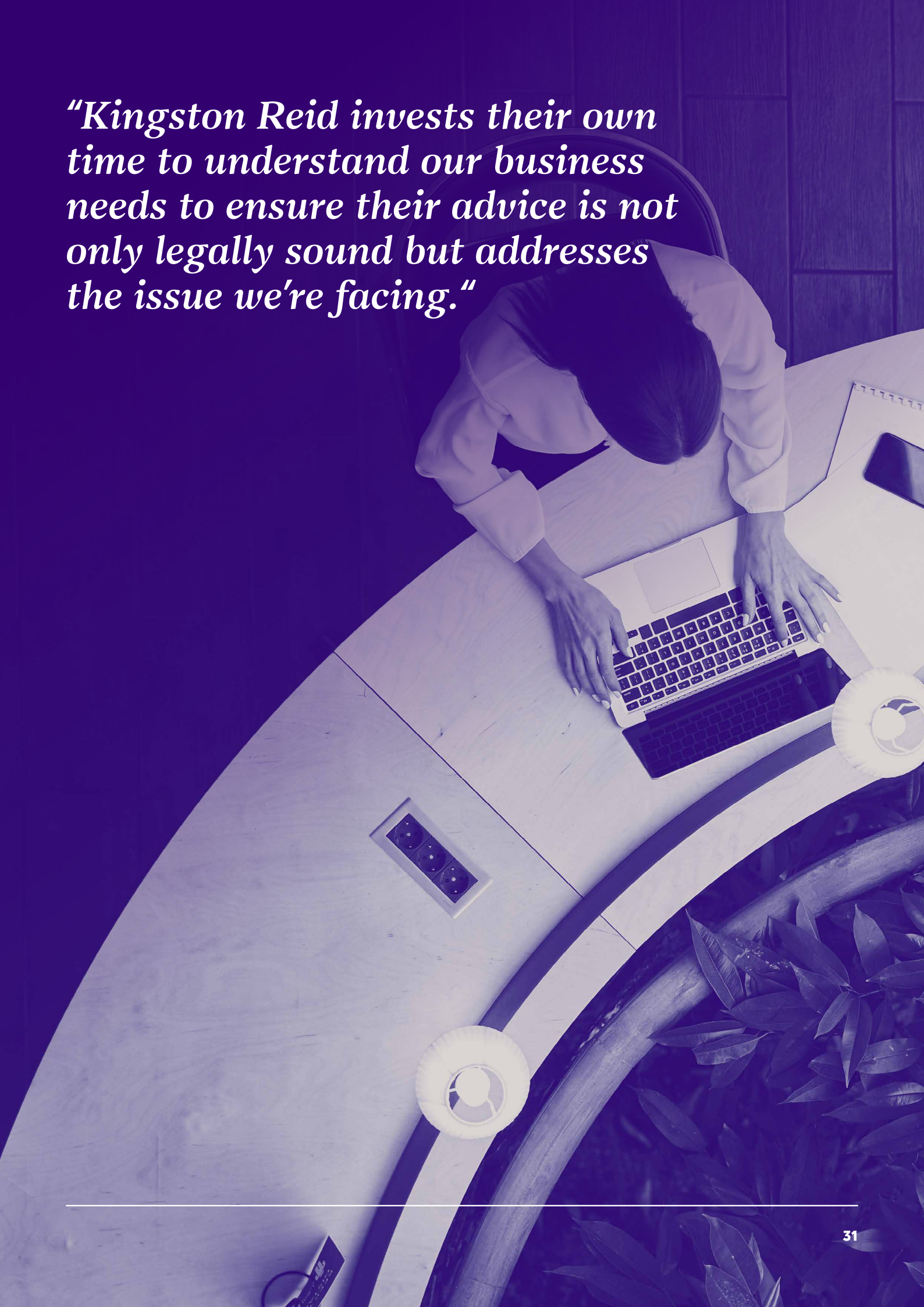
Navigating the quagmire: psychosocial risks

To mark National Safe Work Month 2024, Safety and Regulatory Partners Michael Stutley, John Makris and Liam Fraser discuss the challenge facing employers with respect of managing psychosocial risks for their employees.

The quagmire strikes back: reasonable belief in statutory notices

In the second episode of our special three-part series to mark National Safe Work Month, Safety and Regulatory Partners Michael Stutley, John Makris and Liam Fraser join forces again for a frank discussion about what should form a 'reasonable belief', statutory notices and the current approach being taken.

"Kingston Reid invests their own time to understand our business needs to ensure their advice is not only legally sound but addresses the issue we're facing."



Global Mobility

2024 Reflections: adjustment (and opportunity)

Skilled migration program adjustments

Employer-sponsored migration continues to be Australia's Achilles' heel; it solves skill shortages, it boosts the economy and it occasionally weaponises political debate. However, as 2024 draws to a close, so too does the workhorse of the employer-sponsored visa program – the Temporary Skill Shortage (TSS) visa.

From 7 December 2024, the Skills in Demand visa replaced the TSS visa and we had a return to the CSOL; once the Consolidated Skilled Occupations List, but now the Core Skilled Occupation List.

Industry shortages continue the upward trajectory

While some skills shortages have eased up, various sectors continue to struggle with little end in sight. Healthcare, aged care, education and childcare, information technology, engineering, and the trades are all in need.

For employers in these fields, the new Skills in Demand visa may very well be the answer with its three new streams: Core Skills, Specialist Skills and Essential Skills.

Increased salary thresholds

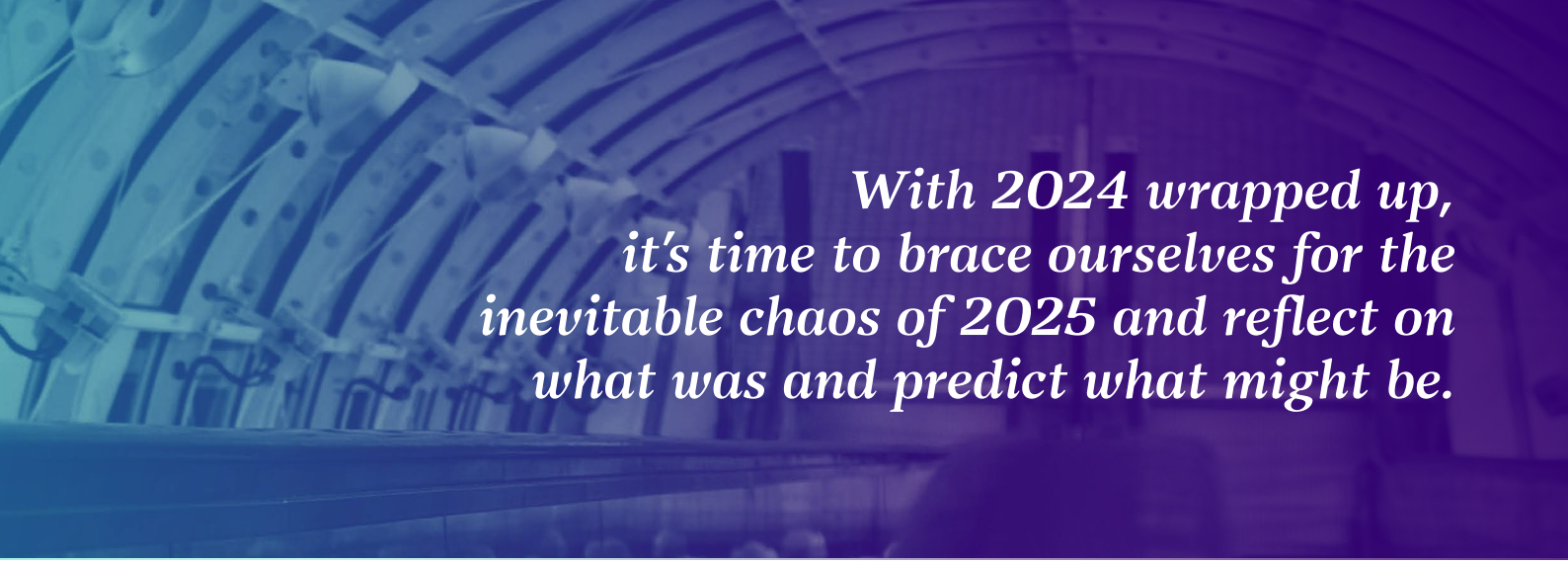
One of the most significant changes over the last 12 months was the rise in the Temporary Skilled Migration Income Threshold (TSMIT). The TSMIT is the entry level salary threshold used in the temporary employer-sponsored program.

- since 2013, it had been frozen at $53,900;
- then, on 1 July 2023 it shot up by around 30% to $70,000;
- then, again, on 1 July 2024, it was indexed to $73,150.

This adjustment aimed to ensure that sponsored roles reflect genuine skill needs and attract a highly skilled workforce. However, it has posed significant challenges for small businesses and sectors reliant on lower-wage roles, such as hospitality and agriculture, sparking calls for a more nuanced approach.

Pathways to permanent residency

The Government's commitment to providing clearer pathways to permanent residency for skilled migrants under the employer-sponsored program remained a focus over 2024. The increased flexibility in transitioning from the TSS visa to permanent residency under the Employer Nomination Scheme (ENS) was welcomed by employers and migrants alike, fostering retention of talent in Australia.



With 2024 wrapped up, it's time to brace ourselves for the inevitable chaos of 2025 and reflect on what was and predict what might be.

Compliance crackdowns

2024 also saw heightened scrutiny on compliance with sponsorship obligations. Employers faced increased inquiries to ensure compliance with the terms of sponsorship, including appropriate remuneration, job duties, and working conditions. Non-compliance attracts significant penalties, highlighting the importance of robust HR processes for sponsoring employers.

2024 Reflections: chaos... and opportunity?

Further occupation list revisions

With workforce demands evolving rapidly, the CSOL is poised to be the answer. The Government says that the new CSOL fulfils the Government's commitment to replace complex, out of date and inflexible occupation lists in the temporary skilled visa program.

The CSOL is a single consolidated list, informed by labour market analysis and stakeholder consultations by Jobs and Skills Australia that provides access to temporary skilled migration for 456 occupations.

So, whether you need a Yoga Instructor or a Managing Director, there is bound to be something on the CSOL for you!

Strengthened regional migration strategies

In 2025, expect further incentives for regional migration, including higher allocations for regional employer-sponsored visas. Policies encouraging settlement in regional areas will likely become a cornerstone of the Government's strategy to balance population distribution and meet regional skill demands. Regional may not be as far away as you think; go West (or North or anywhere that's not a capital city)!

Reforms to permanent residency pathways

The transition from temporary to permanent residency may undergo further simplification in 2025, with streamlined pathways aimed at improving Australia's competitiveness in attracting global talent. Changes could include shortening the residency requirement for ENS eligibility or removing the occupation list restrictions for certain high-demand roles.

Enhanced digital processes

The Department of Home Affairs is likely to continue its focus on digital transformation in visa processing. Faster processing times and a more transparent application process will be key priorities, particularly for employer-sponsored visas, to reduce administrative burdens and enhance user experience.

Looking ahead

The Australian Government's commitment to employer-sponsored migration remains steadfast, recognising its pivotal role in bridging skill gaps and supporting economic growth. However, employers must stay informed and adaptable as policies evolve to align with national priorities.

Kingston Reid's Global Mobility team

Our team of dedicated migration professionals specialise in providing comprehensive and practical advice and assistance to our clients on strategic migration matters across all sectors.

Our migration services go hand-in-hand with our expertise in employment law to provide an end-to-end service offering, and that's not all...

Kingston Reid is here, not only to assist with various visa processes, but to provide guidance, representation with Australian Border Force matters, assistance with streamlining the sponsorship process and continued support throughout the lifetime of your sponsorship period (that is, at the very minimum, 5 years!).

With the knowledge and expertise of the Kingston Reid migration team, we are committed to guiding our clients through the complexities of sponsorship that will allow you to harness international expertise, drive business growth and innovation.

"For employers planning to sponsor workers in 2025, now is the time to review your workforce needs, ensure compliance with sponsorship obligations and explore new opportunities within Australia's dynamic migration framework."

Workplace by Numbers

Rates, thresholds and limits applicable from 1 July 2024

Superannuation guarantee 11.5%

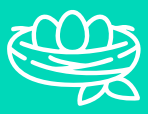
High income threshold $175,000

Unfair dismissal compensation limit $87,500

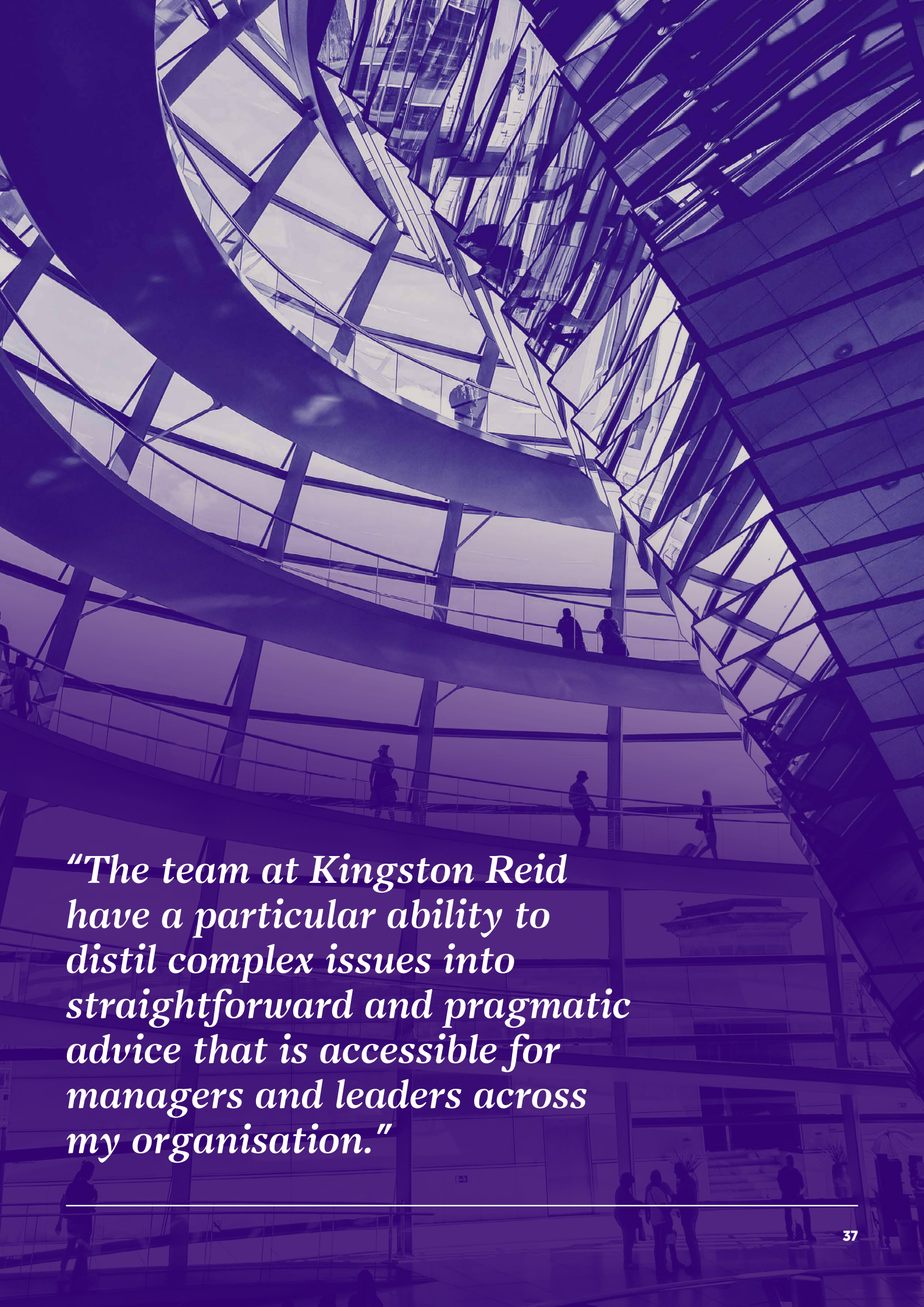
Modern Award minimum wage raise increase by 3.75%

National Minimum Wage
$915.90 per (38 hour) week
$24.10 per hour

Tax-free limit for genuine redundancy payments
$12,524 base limit
$6.264 for each completed year of service



Maximum superannuation contribution base
$65,070 per quarter



"The team at Kingston Reid have a particular ability to distil complex issues into straightforward and pragmatic advice that is accessible for managers and leaders across my organisation."

Our Contributors

Alice DeBoos
Managing Partner, Sydney

Duncan Fletcher
Partner, Perth

Christa Lenard
Partner, Sydney

Steven Amendola
Partner, Melbourne

John Makris
Partner, Sydney

Michael Stutley
Partner, Perth

Lucy Shanahan
Partner, Sydney

Michael Mead
Partner, Sydney

Beth Robinson
Partner, Perth

Liam Fraser
Partner, Brisbane

Shelley Williams
Partner, Brisbane

Brendan Milne
Partner, Melbourne

Katie Sweatman
Partner, Melbourne

James Parkinson
Partner, Perth

Emily Baxter
Partner, Sydney

Brad Popple
Partner, Melbourne

Jane Silcock
Director of Markets and Knowledge

Serena Dolling
Chief Operating Officer

Azuhr

REDEFINING HR SOLUTIONS

Want to build a thriving work culture while minimising legal risk?

Let us help you empower your team to handle workplace issues with confidence and create a positive, productive work environment.

Azuhr, backed by Kingston Reid, is a national HR consultancy business, delivering end-to-end HR solutions for employers. We provide straightforward, compliant, and insightful support across the HR, ER, and IR landscape, with an uncompromising focus on our clients' needs.

Given the vast array of legislative change facing Australian organisations, we are sure that leaders are struggling to understand how to address their obligations. Although legislation and compliance obligations are the levers driving the shifts, it is a need for cultural and behavioural change which is at the heart of any response.

One of the fundamental building blocks of driving this change is an educated and informed workforce, best achieved through practical, engaging, and thoughtfully designed training programs.

At Azuhr, we understand that every organisation is unique. That's why our programs are fully customisable, with the flexibility to tailor both the content and delivery to fit our clients specific needs, business units and levels. We partner with clients to create a learning solution that encompasses an omni-channel approach and ongoing strategy through facilitated sessions and digital learning modules, to ensure that the learning outcomes are reinforced.

We believe that learning is effective when it is engaging, informative and relevant. From interactive exercises to case studies and reflective discussions, we ensure that learners not only understand the key concepts but also know how to apply them.

Our relationship with Kingston Reid ensures our training programs align with the latest legislative developments and legal best practices, while also enabling us to offer enhanced executive sessions co-facilitated by a Kingston Reid Partner, delivering invaluable insights.

Equipping leadership and people managers with the skills to identify and address issues before they escalate ensures that organisations not only meet their legal duties but also promote a healthier, more productive workplace, reducing conduct risks and fostering a positive organisational culture.

Our interactive programs cover everything your team needs to know when it comes to HR: from Appropriate Workplace Behaviour (Respect@Work), psychosocial hazards to performance management, team effectiveness and more.

For more information on Azuhr, visit **azuhr.com**

Azuhr's Learning Solutions

*Appropriate Workplace Behaviour (Respect@Work)

This session aims to raise awareness of workplace behaviour and the effects of inappropriate conduct, covering the legal frameworks, discrimination types, and potential consequences. The session also explores protected attributes, bystander intervention, and the complaints handling process.

*Psychosocial Hazards

This session aims to raise awareness of psychosocial hazards, their impact, and employers' duties to mitigate risks in the workplace. It covers practical applications and preventative strategies to address psychological injury in the workplace.

Unconscious Bias

This session explores the nature and origins of unconscious biases, their impact on behaviour and decision-making, and offers strategies to mitigate their effects. Participants learn to recognise their own biases, developing skills to foster a more inclusive and equitable environment.

High Performing Teams

These workshops are customised to specific team needs, focused on the role of trust in team performance, featuring practical exercises to explore new ways of working. The session aims to improve collaboration and sustain enhanced team effectiveness.

Recruitment

This session explores how to lead effective recruitment and selection processes including behavioural interviewing techniques and strategies to minimise unconscious bias. Participants are also guided in the importance of communication and candidate care.

Difficult Conversations

This session equips learners with practical tools to plan and conduct difficult conversations, manage emotional reactions, and maintain working relationships. The session explores why some conversations are challenging, how to handle them, and strategies for post-conversation relationship care.

Key Principles of Workplace Investigations

This workshop covers the key steps in conducting successful workplace investigations, detailing the roles, duties, and obligations. The session combines theory and practice, focusing on interview preparation, evidence analysis, and report writing to conduct legally robust investigations.

Effective Feedback & coaching conversations

This session aims to equip learners with practical tools for conducting effective performance feedback and coaching conversations. Participants learn to manage resistant behaviours, promote psychosocial safety, and adapt coaching styles to suit individual team members and situations.

People Risk Management

This session aims to raise awareness of the potential people risks within an organisation, strategies for mitigating them, and when to escalate issues. The session covers escalation pathways and the support available to line managers for addressing people risks.

** Available as advanced sessions specific to ELT & Managers*

CPD Webinars 2025

You're Invited to Kingston Reid's

CPD Webinars 2025

10 - 20 March 2025

It may be summer, but the 31 March 2025 CPD deadline will be here before we know it...
The good news is that Kingston Reid has got you covered with our online 2025 CPD webinar series!

Join our partners and guest speakers for a series of webinars, in which they offer a range of unique insights covering each of the core CPD fields of study, with a particular focus on issues relevant to practitioners working in employment, workplace relations and work health and safety.

Our 2025 CPD Program will be held between Monday 10 March and Thursday 20 March 2025 and registration is free.

Follow the link and subscribe to our mailing list for further information about our CPD Webinar Series 2025.

"No matter is ever too difficult or too menial for the Kingston Reid team to tackle, and the lawyers pride themselves on providing high quality, practical, timely, and well considered advice to us.

In all cases, a clear summary of commercial and industrial risks is presented to us with recommendations to allow for us to make the most legally and commercially sound decisions, while knowing that we will have the support of the firm in our decision making."

Ombpoint

Australia's First Independent Workplace Ombuds

Ombpoint, backed by Kingston Reid is Australia's first workplace ombuds service helping employees navigate workplace conflict.

Why Our Services Matter

At our core, Ombpoint provides a safe, independent, and confidential space for employees to address workplace concerns. In 2024, our focus remained on delivering impactful services tailored to the needs of employees and organisations alike.

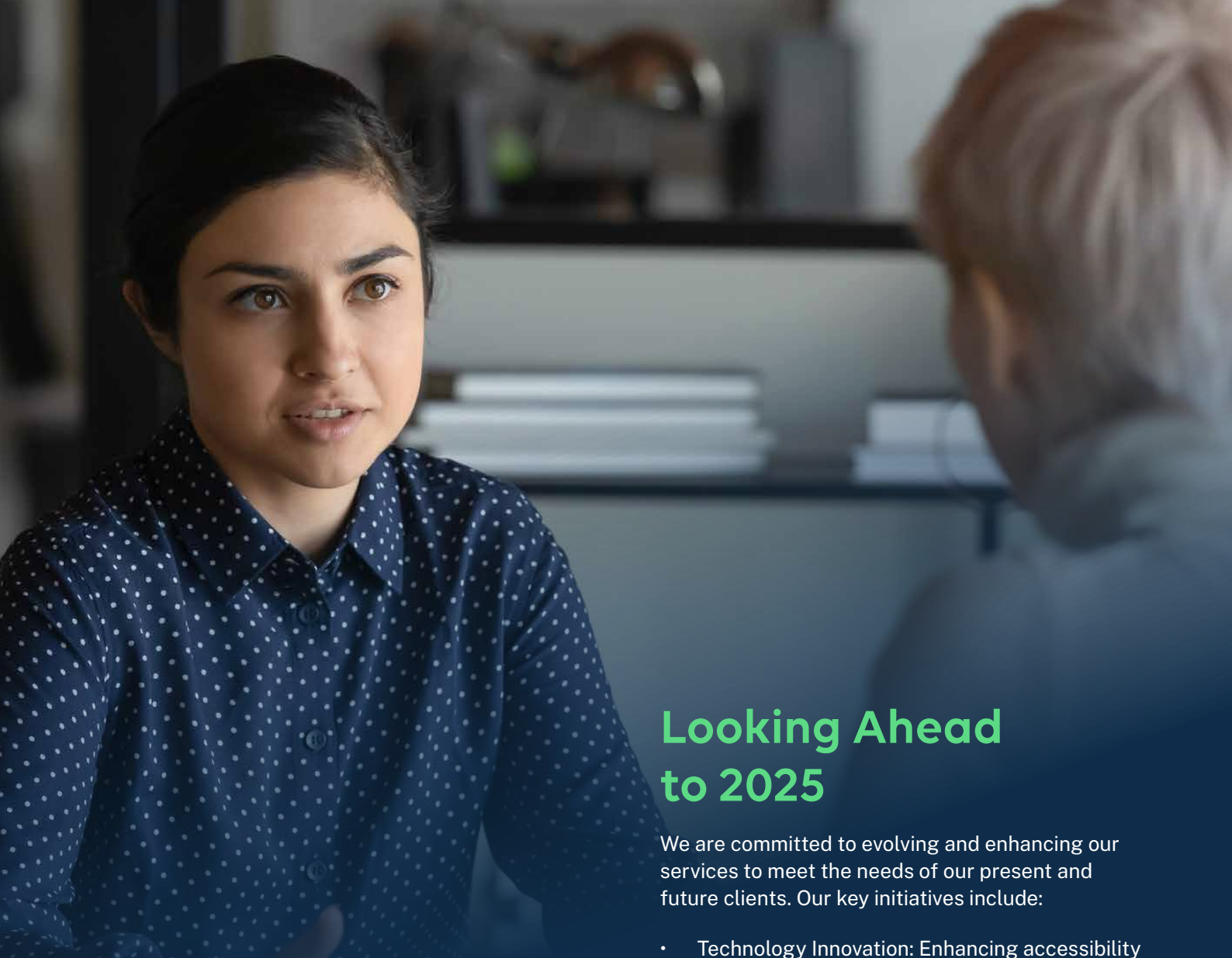
For Employees

- **Confidential Support:** Offering a trusted platform for employees to raise issues like interpersonal conflicts, harassment, or workload concerns without fear of retaliation.
- **Solutions focus:** Providing solutions-focused guidance that prioritises upskilling employees to navigate workplace issues confidently.

For Organisations

- **Organisational Insights:** Analysing anonymised trends and providing actionable insights to address root causes of workplace issues.
- **Early Intervention:** Facilitating early resolution of workplace issues and reducing the risk of costly escalations.
- **Partnering through change:** Partnering with organisations as they manage downsizings, transformations and cultural change, to ensure employees can navigate these new environments.
- **Cost-effectiveness:** Providing a scalable and cost-effective solution compared to similar fixed in-house functions.

For more information, visit **ombpoint.com**



2024 Highlights

With 2024 behind us, we take a moment to reflect on the impact Ombpoint has made this year as Australia's first independent workplace ombuds service. Our work is more than resolving workplace concerns - it's about creating environments where employees feel safe, valued, and heard, and where organisations can thrive by fostering trust and accountability.

In 2024, Ombpoint again handled a wide range of cases, helping employees find their voices and navigate workplace concerns. Through our anonymised insights, we continued to empower leadership teams to drive transformational change by tackling systemic issues and mitigate risks in a changing landscape with the new Respect@Work and psychosocial hazards obligations. Together with our clients, we are driving real change, one conversation at a time.

Looking Ahead to 2025

We are committed to evolving and enhancing our services to meet the needs of our present and future clients. Our key initiatives include:

- Technology Innovation: Enhancing accessibility to our services and channels of engagement for both employees and organisations.
- Expanding to New Regions: Introducing our services to the Asia-Pacific offices of key clients with our multilingual capabilities in Mandarin and Hokkien. In addition to our dedicated First Nations Adviser and expertise in neurodiversity, this expansion highlights our flexibility and ability to adapt to diverse workplace cultures and environments.

2024 has shown us what's possible when employees feel supported, and organisations commit to meaningful change. Together, we've built trust, inspired action, and created healthier workplaces.

Thank you for partnering with us in 2024. We are committed to creating workplaces where employees and organisations can thrive, and we look forward to an even more impactful 2025.

Where you'll find us

SYDNEY

+61 2 9169 8400
Level 5, 1 Bligh Street
Sydney NSW 2000

PERTH

+61 8 6381 7070
Level 29, 108 St Georges Tce
Perth WA 6000

MELBOURNE

+61 3 9958 9600
Level 17, 459 Collins Street
Melbourne VIC 3000

BRISBANE

+61 7 3071 3111
Level 7, 300 Queen Street
Brisbane QLD 4000

NEWCASTLE

1 Tudor Street
Newcastle West NSW 2302

KINGSTON REID

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