The serious business of sexual harassment
The twin issues of sexual harassment and discrimination in corporate Australia have been firmly in the spotlight in recent months, largely due to the huge lawsuit launched by a former employee of retail giant David Jones against the company’s chief executive officer and board.

Whilst the lawsuit was settled for a much smaller sum than the $37 million originally being sought, the size of the claim has no doubt caused many company executives and directors some sleepless nights.

The size of the plaintiff’s original claim far exceeded the usual damages awarded by Australian courts. The rationale for this was as original as its dollar value. Not only was compensation sought for breach of contract, loss and damages; but in a highly unusual move, the company, its CEO and all of its directors were also being sued for punitive damages. The central allegation was that the company had engaged in misleading and deceptive conduct under the Trade Practices Act 1974 (TPA) by claiming that the alleged harassment of the plaintiff by the accused was an isolated incident.

The plaintiff’s core grievance was with an allegedly entrenched corporate culture, where limiting reputational damage purportedly took priority over the fostering of an appropriate workplace culture.

So, are employers doing enough? Do Australian companies and employers believe in the importance of creating not only appropriate policies and processes, but also a culture in which complaints can be raised and taken seriously? Are accountability issues well understood, and are those whom the law holds accountable fulfilling their responsibilities?

And, importantly, is the David Jones example a sign of things to come?

The David Jones incident involved a novel claim and an aggressive, multi-faceted strategy. As a result, many commentators are forecasting the rise of US-style litigation, an escalation in payouts for sexual harassment claims, an increase in the number of claims and more directors being sued - are they right? Are such changes surface developments only, or will we see a fundamental shift in the legal and commercial landscape?

We at DLA Phillips Fox believe that the biggest investment most organisations make is in their people - so managing workplace issues is vital.

Our team recently surveyed a cross section of public, private, not-for-profit and government agencies in Australia to test their views on a range of issues related to sexual harassment and discrimination. We are pleased to share our findings with you in this report.

If you have any questions or concerns after reading the report, we would be happy to meet with your organisation’s key stakeholders to discuss the many ways in which we are able to work with you on workplace relations and governance issues - from training and seminars to boardroom and management briefings, compliance audits, contract reviews and issues management.

Contact details for members of our specialist team can be found at the end of this report.

Kind regards
DLA Phillips Fox
SECTION 1: ABOUT THIS REPORT

A total of 294 representatives from a range of private, not-for-profit and public sector bodies in Australia participated in a survey about sexual harassment and discrimination issues in their organisations in the final quarter of 2010.

Individuals holding roles in human resources, executive management, board, legal and risk management were the main respondents.

WHAT IS YOUR ROLE IN THE ORGANISATION?

<table>
<thead>
<tr>
<th>Role</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Human Resources</td>
<td>38.9%</td>
</tr>
<tr>
<td>Legal &amp; Risk Management</td>
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</tr>
<tr>
<td>Executive Management</td>
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</tr>
<tr>
<td>Board</td>
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</tr>
<tr>
<td>Other</td>
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IN WHICH SECTOR DOES YOUR ORGANISATION OPERATE?

<table>
<thead>
<tr>
<th>Sector</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>59%</td>
</tr>
<tr>
<td>Public Sector/Government</td>
<td>31.4%</td>
</tr>
<tr>
<td>Not For Profit</td>
<td>9.6%</td>
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</tbody>
</table>

DEFINING SEXUAL HARASSMENT

Sexual harassment in the workplace can take various forms. It can involve unwelcome touching, hugging or kissing; suggestive comments or jokes; unwanted invitations to go out on dates or requests for sex; insults or taunts of a sexual nature; or sexually explicit emails or SMS messages.

Sexual harassment is unlawful in almost every employment situation and relationship. For example, sexual harassment is prohibited at the workplace, during working hours, at work-related activities such as training courses, conferences, field trips, work functions and office Christmas parties. It is also unlawful between almost all workplace participants.

In Australia, sexual harassment has been recognised by the courts to be a form of sex discrimination against women. This is because although men can be harassed, sexual harassment is generally experienced by women on account of their sex. This means that in many cases an act of sexual harassment against a woman will also be an act of sex discrimination.

Claims of sexual harassment at the federal level are dealt with under the Sex Discrimination Act 1984 (Cth) (SDA). Each of the states and territories also have legislation that prohibits sexual harassment.

FOUR OUT OF TEN respondents say that the lawsuit brought against David Jones has heightened concerns within their organisations about sexual harassment in the workplace.

84% of respondents confirmed that their organisations have policies in place that define appropriate and inappropriate workplace culture.

ONLY 63% of respondents could confirm that their organisations provide training for staff around equal opportunity/diversity issues such as sexual harassment.

Respondents believe that WORKPLACE CULTURE is far more likely to be the cause of inappropriate behaviour in the workplace than a lack of effective policies.

‘Sexual harassment is unwelcome conduct of a sexual nature that makes a person feel offended, humiliated or intimidated, where that reaction is reasonable in the circumstance’.

‘As an HR Manager I have had significant difficulty with getting management and senior leaders to act on harassment-related matters where the individual staff member has not made a formal complaint.’

‘You can have policies, you can have training, you can have a workplace culture; but if egocentric individuals think “normal rules don’t apply to me”, then it’s difficult to blame the organisation.’
SECTION 2: MIND THE GAP

Whilst concerns are running high about sexual harassment in the workplace, reassuringly, the majority of survey participants confirmed that their organisation has a policy in place that defines behaviour that can be construed as sexual harassment.

However, this is not an end in itself - it’s a minimal first step in eliminating inappropriate behaviour in the workplace. Our survey shows that approximately half of respondents believe that their organisation’s culture is consistent with its policies. Further, almost one third are concerned that a section of their workforce has developed a ‘rogue culture’.

Communication of sexual harassment policies has taken many forms. These include awareness raising activities such as presentations in employee induction programs, inclusion of zero-tolerance statements in employment contracts and communication through intranet or notice boards, and then entrenchment activities such as training. Obviously, the latter - along with positive role modelling - is most critical in effecting positive cultural change, or reinforcing the existing culture.

Our survey shows however that only two-thirds of respondents can say with certainty that their organisations provide training on these policies. In order for policies to be effective, they need to be communicated and enforced consistently, firmly and without exception by reference to seniority or employee performance or importance to the business. Policies also need to be reviewed on a regular basis to ensure they reflect current legal requirements and the employer’s values and culture.

MYTH BUSTING

One topic that may require better education and communication in many Australian workplaces is that of work-related social functions. Alarmingly, only half of respondents are sure that their employees know that sexual harassment policies still apply at work social events, such as Christmas parties - whether held at or away from company premises.

Prior to work social events, employers should remind their employees that:
- Sexual harassment will not be tolerated wherever and whenever it takes place.
- Employees are responsible for their inappropriate behaviour at a work social function.
- Being drunk is not a defence to sexual harassment.

Employers should also remind managers to model appropriate behaviour and be mindful that alcohol is served responsibly.

Social media channels such as Facebook and Twitter, as well as mobile phone text messaging and email, also present a grey area. Many employees may be unclear as to what constitutes inappropriate behaviour with colleagues across those forums, and what consequences their actions may bear.

Additionally, if a claim is made, legal representatives may attempt to look for evidence of other incidents of sexual harassment in the organisation, particularly involving the alleged harasser. Social media may make this task easier.

Company policies and procedures should be updated to reflect that inappropriate behaviour via social media channels may be considered a breach of company policy, and that new and existing employees are made aware of these changes.

IS THE MESSAGE GETTING THROUGH?

Communication of sexual harassment policies has taken many forms. These include awareness raising activities such as presentations in employee induction programs, inclusion of zero-tolerance statements in employment contracts and communication through intranet or notice boards, and then entrenchment activities such as training. Obviously, the latter - along with positive role modelling - is most critical in effecting positive cultural change, or reinforcing the existing culture.

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In our survey, two-thirds of respondents believe that if sexual harassment were to occur in their workplace, employees would speak out. However, in actual cases where inappropriate behaviour is deemed to have taken place, the statistics diminish rapidly. Half of our survey respondents concede that they are aware of instances of alleged sexual harassment where no official report or complaint was made.

Furthermore, a national telephone survey conducted in 2008 by the Australian Human Rights Commission (AHRC) found that only 16% of people who have been sexually harassed in the last five years in the workplace made a formal complaint.

Not only is it in employees’ best interests to have their complaints dealt with quickly and efficiently, but senior managers and directors have to do more to ensure they have acted reasonably and taken appropriate responsibility. This includes promoting a workplace culture that supports and encourages victims to come forward.

**HAVE YOU EVER BEEN AWARE OF INAPPROPRIATE BEHAVIOUR THAT COULD POTENTIALLY CONSTITUTE SEXUAL HARASSMENT IN YOUR ORGANISATION, FOR WHICH NO OFFICIAL REPORT OR COMPLAINT WAS MADE?**

| YES 49.8% | NO 50.2% |
SECTION 3: RESPONSIBILITIES, LIABILITIES AND COSTS

Given the recent high-profile developments and media coverage, it’s no surprise that 40% of respondents say concerns about sexual harassment issues in the workplace have increased in recent times. Perhaps what is surprising, considering the significant liability issues involving various stakeholders when a claim is made against an organisation, is that this statistic is not higher.

AT WHAT LEVELS OF YOUR ORGANISATION DO THESE CONCERNS EXIST?

<table>
<thead>
<tr>
<th>Section</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal &amp; Risk Management</td>
<td>30.6%</td>
</tr>
<tr>
<td>Human Resources</td>
<td>57.4%</td>
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<tr>
<td>Executive Management</td>
<td>67.6%</td>
</tr>
<tr>
<td>Board (if applicable)</td>
<td>39.8%</td>
</tr>
<tr>
<td>Unsure</td>
<td>9.3%</td>
</tr>
</tbody>
</table>

Please note: Respondents could select more than one answer.

DIRECTOR AND OFFICER LIABILITY

Responsibility for sexual harassment in the workplace extends beyond the employer. In an era of high-profile corporate collapses and scandals, directors and other company officers are in the spotlight like never before. Federal, state and territory parliaments are passing laws that expose directors and officers to personal liability simply through holding office, even if they are not directly involved in their organisation’s wrongdoing. When you consider that there are currently hundreds of such laws at state and territory level alone, it’s no surprise that concerns are running high that personal liability considerations are having a negative impact on board decision-making, as well as board recruitment and retention.

Regulators and other plaintiffs are bringing claims against directors and senior management for breaches of their duties, often successfully. In some cases, claims are being brought against all of the company’s directors (including non-executive directors - those who are not full-time employees of the company).

Courts are responding to market developments and changes in community expectations by imposing greater penalties on directors and officers who are found to have breached their duties. The media and general public are increasingly interested in ‘corporate governance’, with a particular focus on the responsibilities of those in senior roles within an organisation. After recent events, sexual harassment claims are likely to generate even more interest. There is a number of current reform proposals regarding the duties and liabilities of directors and other officers, however these reforms have stalled and have been criticised for not adequately addressing liability concerns. Nor would those reforms, if implemented, have a significant impact in addressing media-related risks in this context, or the types of litigation strategies exhibited in the David Jones case.

ACCESSORIAL LIABILITY

Individuals and employers may also be found liable if they ‘caused, encouraged, requested, authorised, instructed, induced, aided or permitted’ someone else to commit an act of sexual harassment - sometimes known as ‘accessorial liability’. For example, a manager who is aware that an employee is being sexually harassed and does nothing about it may be held liable as an accessory to the harassment. There is no defence available for this type of liability. Whilst this form of liability strictly applies to unlawful sex discrimination, courts have accepted that it also extends to sexual harassment.

Because of the risk of being an accessory to an incident of sexual harassment, managers and supervisors need to develop and implement a proper system, act on complaints and reports of policy breaches, enforce the policy fairly and consistently and report to the board on the operation of that system. It is the employer’s responsibility to ensure that managers and supervisors are aware of their responsibilities.

EMPLOYER LIABILITY

Our survey respondents are generally satisfied that managers are well-versed in liability issues, with 87% reporting that they are at least moderately confident that staff at a managerial level or above understand that an employer may be liable for sexual harassment committed by staff in the workplace.

Under sexual harassment and sex discrimination laws, employers are liable for acts of sexual harassment committed by their employees unless they have taken all reasonable steps to prevent it from taking place. This is known as ‘vicarious liability’.

While there is no uniform standard expected of employers in taking all reasonable steps, at a minimum they would usually be expected to have in place an appropriate sexual harassment policy, which is effectively implemented, monitored and communicated to all employees; and to take appropriate action if sexual harassment does occur.

The obligation to prove that all reasonable steps were taken rests with the employer. Lack of awareness that the harassment was occurring is not in itself a defence.

Even if an employer is found to be vicariously liable for sexual harassment committed by individual employees, the individual remains personally liable for their acts. However, in practice, employers who are vicariously liable for sexual harassment are generally more likely to end up paying compensation because of their greater capacity to pay than the individual harasser.
THE BIGGER PICTURE

It is essential for directors and officers to understand the current legal landscape and the changes that may occur in the future. An informed response to workplace-related sexual harassment issues is likely to extend across a number of areas in addition to individual duties, including governance processes, board/management relations, risk management, crisis management, corporate values and culture.

It is also essential that directors and officers understand the broader environment in which the organisation operates, including the expectations of other stakeholders. A sexual harassment claim might be satisfactorily resolved from a legal perspective, but not from a business or relationship perspective, and this could be equally or even more damaging for the employer.

Our survey found that approximately half of respondents feel that their organisation’s board members and executive management take an active interest in issues relating to equal opportunity and diversity.

CONCERNS IN THE BOARDROOM

Directors and officers are certainly aware of liability issues. Almost 80% of board-level respondents say that the recent David Jones example has heightened concerns within their organisation about sexual harassment issues, compared with only 40% of executive managers and less than 30% of respondents in a legal role.

And whilst approximately half of respondents feel their organisation’s board members and executive management take an active interest in issues relating to equal opportunity and diversity, the response received from board members suggests otherwise, with 60% revealing they do not. Furthermore, a quarter of board-level respondents say they have been aware of sexual harassment complaints that have not been dealt with in accordance with their organisation’s stated equal opportunity and diversity policy.

UNCOVERING THE TRUE COSTS

When the David Jones claim first became public, there was much discussion of the $37 million amount originally being sought and whether or not it was justified. In the aftermath of the settlement (for significantly less than the original figure), the true costs of sexual harassment claims against organisations have been largely ignored.

REPUTATIONAL DAMAGE

Increasingly, those involved in sexual harassment claims are using the media to bring maximum potential damage to an organisation’s brand and to force a higher payout. This means that the financial amount of any compensation or settlement may be an insignificant part of the total cost to the organisation. The cost of recovering from a major public relations disaster can be daunting for a high-profile company - if recovery is possible at all.

STAFF RECRUITMENT AND RETENTION

Workplaces involved in litigation often experience a drop in staff morale, leading to higher staff turnover and increased recruitment costs. Companies may also find it difficult to attract the best staff to replace outgoing employees due to reputational issues.

FINANCIAL COSTS

The legal costs of defending a claim of sexual harassment can be significant, particularly if the matter proceeds beyond the conciliation stage. Damages awarded in cases of sexual harassment over the last decade have varied significantly and may include general damages (pain and suffering), economic loss, medical costs and interest.

To date, $486,000 is the highest compensation awarded for a sexual harassment claim in Australia, which is in stark contrast to the high figures awarded in the US, UK and Canada. There is a possibility these awards may rise over time as sexual harassment is brought to the foreground, in an effort to send a message to organisations in relation to their responsibilities.

A listed company named in legal proceedings may also see its share price suffer, as it has an obligation to notify the exchange of certain types of information.
SECTION 4: THE FUTURE OF SEXUAL HARASSMENT CASES

The David Jones case has shifted how sexual harassment may be dealt with in the future. The plaintiff alleged that the company breached the TPA by making misleading or deceptive representations in her original offer of employment. This was in reference to the clauses guaranteeing a safe and healthy workplace and promising that the company did not tolerate harassment, discrimination or bullying.

The reason these claims were made is that sexual harassment damages are almost invariably low. According to AHRC statistics, very few cases involve payouts of more than $50,000; many more involve payouts of less than $5000. With such low damages, it is unsurprising that a claim was made against David Jones under the TPA, as well as a sex discrimination claim under the SDA. This may come as something of a wake-up call for the 43% of survey respondents who report that their organisation’s culture does not sit consistently with its stated equal opportunity and diversity policy.

THE FAIR WORK FACTOR

In addition to claims of breaches of the TPA, future complainants may also attempt to run sexual harassment cases as breach of contract claims or breach of the new general protections provisions of the Fair Work Act 2009 (Cth). Plaintiffs and complainants are likely to make their sexual harassment claim a health and safety issue. Legislation in the sexual harassment area is already taking on attributes of occupational health and safety legislation. For example, in Victoria, equal opportunity legislation will take effect shortly to enable members of the Victorian Equal Opportunity and Human Rights Commission to initiate investigations into breaches of the Equal Opportunity Act 2010, acting in a similar way to work safety inspectors. Employers may be faced with the prospect of inspectors coming into their workplace with little or no notice to examine workplace policies, systems and other records that deal with sexual harassment.

The similarities between the role of occupational health and safety investigators and the powers of inspection given under the new Victorian equal opportunity legislation should not be underestimated. A shift in this direction is likely to occur in other states and has been proposed at the federal level.

Take preventative measures now to ensure your workplace culture is free from sexual harassment and sits consistently with its policies and stated objectives.

NAMING OF INDIVIDUALS

Making directors and senior officers explicitly personally liable under anti-discrimination legislation if they do not take appropriate steps is likely to come next. Complainants may elect to name senior officers and directors in any litigation, where possible, to exert pressure for the claim to be settled promptly on the most favourable terms possible. In addition, all of the organisation’s directors may be named as defendants - this is a growing trend in both private litigation and claims brought by the Australian Securities and Investments Commission.

If all directors are named, the available directors’ and officers’ insurance cover may be significantly depleted in a short period of time, which could also force a prompt settlement of the dispute. One way or another, directors and senior executives are likely to become more directly involved in sexual harassment litigation. It is therefore imperative they take a more active interest in these issues.

THE IMPACT ON COURTS

Plaintiffs and complainants may craft claims in a way to bring them in superior courts, such as the Federal Court and State Supreme Courts, to increase the claim’s profile and financial compensation received. Importantly, whilst the size of the claim may not reflect existing payouts in Australian courts, it may cause collateral damage, particularly by generating media interest and increasing the pressure on the employer - as was the case with David Jones.

In particular, a sexual harassment claim may be ‘commenced’ in two courts simultaneously: a court of law, and the court of public opinion. Employers will need strategies to defend themselves in both of these courts, and those strategies need to be in place well before a claim is threatened or commenced - at which time it may be too late.

The majority of claims made to the AHRC are settled at the conciliation stage, with only a small percentage proceeding to court. However, given the possible additional pressures placed on employers in the event of a claim of sexual harassment, we may see even more claims being settled prior to court.
Our risk assessment tool proTECT can provide you with a comprehensive review of legal compliance risks, both in terms of sexual harassment and in a broader sense. Using the knowledge of the many former regulators working within DLA Phillips Fox and the compliances expertise we have developed from work for many clients, this tool can help you identify and analyse risks through the use of an anonymous employee survey tool; compare the level of risk in different parts of your organisation and benchmark performance against other companies; and then consult with you to reduce and monitor those risks.

The good news is that the risk of sexual harassment occurring in the workplace can be minimised when stakeholders at various levels understand their roles and responsibilities. Preventive action is better than remedial action, so a comprehensive workplace risk analysis is advisable.

The checklists on the following pages provide a starting point for employers and board members looking to assess the health of their organisation in the context of sexual harassment claims.

**SECTION 5: WHAT NEXT?**

**CHECKLIST FOR EMPLOYERS**

- Does your HR team have support from high-level management for the implementation of a detailed sexual harassment policy and procedures manual, and has that policy been properly implemented?
- Do you provide regular training and information on sexual harassment to all staff and management? Do your managers understand their responsibilities and how they should respond if they become aware of an occurrence of sexual harassment?
- Does your organisation deal with informal complaints as professionally, intensively and quickly as formal complaints, before the matter escalates?
- Have you appointed several contact officers, both female and male, and different levels for staff to contact if they believe sexual harassment has occurred?
- Have you assessed the workplace culture with reference to sexual harassment, and also more generally? Do you use targeted workshops, anonymous surveys and routinely talk to staff about concerns?
- Has your organisation adopted an adequate and appropriate communication strategy with those involved when they receive a complaint from an employee?
- In the event of a complaint, will you conduct a thorough, balanced investigation based on appropriate evidence that is carefully weighed up? Will investigations involving very senior executives be conducted externally to avoid allegation of bias or improper influence on internal staff?
- Has appropriate crisis management planning been undertaken at both board and management level so the company can respond to a claim and any related media and public interest effectively and without delay?
- Are you satisfied with the sexual harassment risk management framework and that sexual harassment incidents are being dealt with effectively and according to the organisation’s stated policies?
- Has ‘crisis management’ planning been undertaken, including training the chairperson, lead director or other board member to guide and represent the company in crisis situations where the chief executive officer or managing director cannot act (for example, because they are the subject of the complaint)?
- Do you understand the interplay between sexual harassment issues and the organisation’s internal culture as well as its external brand - and the board’s critical leadership role in both respects?
- Are suitable director and officer protection arrangements in place, including appropriate directors’ and officers’ insurance?

**CHECKLIST FOR BOARD MEMBERS**

- Do you understand your legal responsibilities and community, market and other stakeholder expectations?
- Is sexual harassment, anti-discrimination and diversity an item on the board agenda on a regular basis?
- Are you regularly informed of the number and nature of sexual harassment complaints, formal or informal, particularly against senior officers?
- Do you receive regular reports from the appropriate senior officer (for example, the human resources director) on the steps the organisation is taking in relation to sexual harassment?
- Is sexual harassment, anti-discrimination and diversity an item on the board agenda on a regular basis?
- Are you regularly informed of the number and nature of sexual harassment complaints, formal or informal, particularly against senior officers?
- Do you understand the interplay between sexual harassment issues and the organisation’s internal culture as well as its external brand - and the board’s critical leadership role in both respects?
- Are suitable director and officer protection arrangements in place, including appropriate directors’ and officers’ insurance?

**WE’RE ABLE TO ASSIST EMPLOYERS BY:**

- Helping you create and update the policies and train your people.
- Sourcing case studies to help bring the issues to life in training.
- Running regular training sessions to increase knowledge and understanding of behaviour that may amount to sexual harassment.
- Clarifying for you what constitutes reliable proof or evidence of wrongdoing.
- Helping you to manage complaints quickly.

**WE’RE ABLE TO HELP DIRECTORS & OFFICERS BY:**

- Helping you understand your role and legal responsibilities through training.
- Providing advice on key developments and reform proposals.
- Designing and updating governance policies and processes.
- Designing and implementing director and officer protection arrangements.

**Designing and updating governance policies and processes.**
RAPID RESPONSE

When sexual harassment allegations or complaints are made that involve high-level executives or those who otherwise have the potential to affect the reputation of the organisation, employers should have a rapid response strategy in place that can be immediately activated.

Litigation can arise when an organisation does not communicate adequately with the alleged perpetrator or alleged victim in a sexual harassment claim. Our survey found that only 37% of respondents can say with certainty that their organisation has a formal rapid response process to deal with major sexual harassment complaints.

A rapid response strategy needs to address the following questions:

☐ Does the alleged perpetrator need to be immediately suspended or otherwise removed from contact with the alleged victim?
☐ Does an investigation need to be conducted in-house or via an external person?
☐ Do alleged victims and alleged perpetrators need to be provided with support and counselling?
☐ Has the organisation prepared a communication for internal use or external use (including listed company disclosure requirements) if the issues become known to staff internally or become public?
☐ Have any witnesses or potential witnesses been identified?
☐ Does the alleged victim need time off from work?
☐ What communication and information will the organisation provide to the alleged perpetrator and alleged victim as the investigation unfolds?
☐ Has the organisation organised appropriate confidentiality measures for the alleged perpetrator, alleged victim and any witnesses that may be interviewed?

DLA Phillips Fox provides Rapid Response services to companies in crisis, offering critical support when and where it is most needed, whatever the nature of the problem. Our dedicated team is just a phone call away, 24 hours a day, every day of the year. Through a single point of contact, you can reach our trained and experienced international response teams, which can deploy to your site immediately and have extensive experience in crisis communications and media relations to ensure your reputation is protected.

HOW WE CAN HELP

We deliver:

- Tailored solutions – we devise workplace relations and employment strategies that are tailored to your business and your industry.
- More than just legal advice – managing issues in the workplace takes more than legal training. Many of our team have industrial relations backgrounds, so we know how the system works from the inside out. We hire professionals with demonstrated expertise in the crucial soft skills – empathy, listening, understanding and negotiation. These skills are essential in handling disputes that can be both personal and emotional.
- Shared knowledge – in the Australian workplace it’s not just the law that’s changed. Social, technological and economic factors have affected workplace culture and practices in ways that all employers need to understand. We do more than keep our clients up to date with legal changes; we share knowledge we’ve gained from working in the field so that we can arm our clients for the future.

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