



GALBALLY|&|O'BRYAN

Lawyers

Employment rights

What you need to know

Complex Laws

Employment law in Victoria has become increasingly complex with overlapping State and Federal law.

An employee needs to know his or her employment rights and how they can be enforced.

Galbally & O'Bryan can help you understand your rights and if necessary enforce them.

**To obtain expert advice from one of our lawyers
telephone 9200 2533 or arrange a free first appointment.**



Frequently asked questions regarding employment rights

What is an employment contract?

An employment contract is a legally binding agreement between an employer and an employee. The contract can be in writing, verbal or a combination of both. It contains the rights and responsibilities of the employee and employer toward each other.

What if my employment is terminated?

If you are terminated from your employment Galbally & O'Bryan can assist.

We can advise you as to your rights under your contract, under the Workplace Relations Act and under any other legislation.

You may be entitled to a notice payment from your employer under your contract. If your contract does not provide for termination by notice you are entitled to "reasonable notice". The period of notice will depend on factors including:

- Your age;
- Your length of service;
- Your seniority;
- Your qualifications and experience.

You may also have a right to bring "unfair dismissal" proceedings if you can demonstrate the termination of your employment was "harsh, unjust or unreasonable". Additionally you may have a right to bring "unlawful termination" proceedings if you have been dismissed for reasons including:

- Having complained about your employer's breach of laws;
- Absence from work due to illness or injury;
- Union membership;

- Race, colour, gender, sexual preference;
- Age, disability, marital status, family responsibilities, pregnancy, religion;
- Taking parental leave.

What if I am made redundant?

You will only be redundant when your job no longer exists due to an economic, technological or structural reason such as your employer closing the business or reducing employees because of new technology.

You will only be entitled to redundancy pay if there is:

- An award;
- A contract of employment;
- An enterprise agreement;
- An Australian workplace agreement

which makes specific provision for you to be paid redundancy benefits.

An employee does not have an automatic right to redundancy pay simply because their employment has been terminated.

If you are in a workplace with less than 15 employees and if there is an award providing for redundancy benefits you may no longer be entitled to those benefits.





What if I am discriminated against?

State and Federal Law prohibits discrimination against an employee for specific reasons including:

- Pregnancy;
- Family responsibilities;
- Disability and age;
- Sexual preference, race and colour;
- Absence from work due to illness or injury.

Our lawyers have substantial experience in providing advice in respect of equal employment opportunity and discrimination including pregnancy (return to work) and parental leave issues.

What if my employer breaches a pre-employment promise?

We regularly advise on matters concerning misleading and deceptive conduct in breach of the Trade Practices Act.

Employers in seeking to employ will often provide incentives to attract the best employee candidates but may not always be in a position to honour their promises.

Employees who have been misled and deceived about their terms and conditions of employment, their earnings or their career progress may have a claim against their employers.



How can Galbally & O'Bryan help?

We aim to help you obtain proper and just compensation by:

- Advising on your rights and entitlements;
- Where possible negotiating an early settlement;
- Acting decisively in court proceedings if a settlement cannot be achieved.

We offer

- No win-no charge” arrangements in most employment law cases, the details of which we would explain and set out in writing.
- Free telephone advice and if we can help a consultation at either:

Melbourne office:

259 William Street Melbourne VIC 3000

Phone: (03) 9200 2533

Dandenong office:

Shop Shop Nine 147 - 151 Foster Street Dandenong VIC 3175

Phone: (03) 9769 2510

Pakenham office:

Shop Shop One 15 John Street Pakenham VIC 3810

Phone: (03) 5941 7990



Legal services – our areas of expertise

Galbally & O'Bryan is a legal firm which was founded in 1935. Located in Melbourne and Dandenong we provide comprehensive legal services in the following areas:

Injury compensation claims including:

- Workcover
- TAC
- Medical negligence
- Defective products
- Accidents in a public place or on private property
- ComCare claims
- Superannuation and disability insurance claims

Wills and probate including:

- Challenging a Will
- Making a Will
- Probate and estate administration
- Estate planning

Criminal law - defence of police charges

Family law - marriage and de facto relationships, divorce, property and financial settlements, children and parenting issues

Employment matters - employment contracts, termination of employment, redundancy, discrimination

Property law - leasing, buying and selling a property or business

Commercial litigation/dispute resolution -

commercial and contractual disputes, debt recovery, property disputes, general and professional negligence claims.

For more information

visit www.galballyobryan.com.au

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