



# WESLEY ROGERS

## PARTNER

Workplace Relations | Discrimination

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## EXTREMELY GOOD AT

- Employment contracts and service agreements
- Terminations of employment (redundancies, unfair dismissals and unlawful terminations), modern award interpretation, and contractual and statutory employment entitlements
- Workplace training
- Litigation of the employment variety
- Fair Work Ombudsman complaints and investigations
- Representing and advising clients through negotiation and conciliation processes
- Workplace investigations

## HIGHLIGHTS

- *Elleray v Rail Corporation New South Wales* – successful appeal against order for reinstatement
- *Oliphant v Savills [2014] FWC 6245* – successful jurisdictional objection to an unfair dismissal application
- *Alverson v Artcraft P/L [2017] FWC 5501* – successful defence against an unfair dismissal application on grounds of employee conducting rival business
- Assisted a large public sector employer to obtain the successful withdrawal of a Determination of Contravention by the Fair Work Ombudsman regarding (incorrect) allegations of non-compliance with applicable enterprise agreements
- Assisted a large national company in relation to separate investigations by the Fair Work Ombudsman and the Australian Tax Department regarding contractor sales agents and alleged back payment of unpaid employment entitlements and tax on grounds that the contractors are employees. The FWO did not make any prescriptive determinations and the ATO withdrew its preliminary finding that the contractors were employees
- Assisted a large national company in relation to remedying an employee underpayment matter in excess of \$6million including self-disclosure to the Fair Work Ombudsman, and reaching and complying with enforceable undertakings

## CLAIM TO FAME

Had the same 5th grade teacher as Tom Cruise (not for religious studies)

## FOOD PHOBIA

Anything pickled