

Benjamin Marshall

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Workplace Relations & Safety

Expertise

Benjamin is a partner in our Workplace Relations & Safety group. He provides straightforward and practical guidance and direction to businesses in relation to all aspects of labour and employment law. He helps them to understand the issues they face and deliver their desired commercial outcomes. Benjamin works collaboratively with his clients, building a strong rapport and becoming their trusted adviser and an integral part of their team.

Benjamin's clients range from private business owners to multi-national and listed companies and government bodies. He has significant experience in managing highly unionised industries, such as construction, resources, manufacturing, transport, health and education. He also has a range of clients across the professional services, hospitality, retail and other industries.

Benjamin specialises in:

- workplace strategy, including change management, restructuring, enterprise bargaining and responding to industrial action
- defending against employee and union claims
- drafting and enforcing post-employment restraints
- resolving sham contracting investigations and prosecutions, and
- managing other complex or high stakes workplace issues for businesses (such as protection of reputation).

He also has particular expertise in:

- managing investigations and other dealings with regulators, including the Fair Work Ombudsman, the Office of the Australian Building and Construction Commissioner and WorkSafe

- general employment law, including drafting and negotiating contracts, managing ill and injured employees, and termination of employment
- bullying and discrimination matters, and
- WorkCover insurance premium classification disputes.

Experience

Benjamin has advised a number of Australia's leading employers in relation to matters of critical importance to their businesses, including some of Australia's most significant transactions.

He is also experienced in dealing with media and protecting the reputation of his clients.

He has managed major litigation in State and Federal courts across Australia, as well as regularly appearing before specialist industrial relations tribunals such as the Fair Work Commission.

Examples of Benjamin's litigation experience include:

- obtaining supreme court orders to remove various unlawful pickets in the construction industry
- obtaining ex-parte orders for a former employee to hand over electronic devices that may contain copies of confidential information
- restraint enforcement proceedings in the Victorian Supreme Court
- applications to industrial relations tribunals to prevent unlawful industrial action and to extend the notice required before lawful industrial action may be taken



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- bargaining claims before industrial relations tribunals, including applications to terminate or modify existing enterprise agreements and novel claims at full bench level
- enterprise agreement interpretation disputes before industrial relations tribunals
- defending general protections claims in the Federal Court and Federal Circuit Court, and
- defending unfair dismissal claims.

Qualifications

Bachelor of Laws - Australian National University

Bachelor of Science - Australian National University

Memberships

Australian Human Resources Institute

Industrial Relations Society of Victoria

