



Rick Catanzariti

Partner

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For more than 20 years, Rick has advised leading private and public sector clients in the complex area of workplace relations, discrimination, employment & occupational health and safety (OHS) law.

His experience covers the full spectrum of industrial relations, employment and discrimination litigation, in addition to advising on the management of employee issues, including in relation to corporate restructures, mergers and acquisitions. He brings an in-depth knowledge and understanding of the Australian regulatory framework and combines excellent technical and analytical skills to help organisations to minimise their legal exposure and achieve their desired commercial outcomes.

Rick has advised on a number of significant industrial disputes in the former Australian Industrial Relations Commission (AIRC) and regularly appears in the Fair Work Commission on behalf of his clients which range from public hospitals, tertiary institutions and Victorian and Federal Government departments to private companies in the electricity, health, manufacturing and labour hire industries.

Rick's additional experience in privacy legislation and OHS gives him a complete understanding of workplace grievances and issues, enabling him to bring an innovative, holistic solution to problems. His breadth of knowledge in this area also enables him to bring a strategic focus to regulatory compliance issues.

Rick leads the Melbourne Employment team.

• Employment

• GENIE

- Developing strategies for a major international carrier to create labour mobility and flexibility within its enterprise bargaining restrictions
- Advising a Victorian State Government department on key regulatory issues in relation to the Sunbury Victoria Rail Project including compliance with building and construction industry legislation, code and guidelines
- Advising a large Australian manufacturing company on industrial relations strategies in relation to its expansions, including identifying and establishing its key industrial relations objectives and framework
- Advising a large Australian manufacturing company on industrial relation strategies in relation to its expansions, including identifying and establishing its key industrial relations objectives and framework
- Developing tools for various public and private sector clients to manage long term absenteeism which resulted in a reduction of staff

on modified duties and staffing costs generally

- Acting for clients in construction related projects in managing unlawful picketing disputes
- Providing industrial relations litigation advice and assistance on a major offshore gas project

CREDENTIALS

Professional Qualifications

- Solicitor of the Supreme Court of Victoria, 1993

Recognitions

- Rick has been recognised as one of Australia's leading Employment lawyers by Australian Financial Review's '*Best Lawyers*' since 2014 and is a recommended lawyer by *Legal 500 Australia* for Labour and Employment.
- Rick is also named as a *2020 Acritas Star*, nominated by clients around the world as a highly recommended lawyer.

Memberships

- Industrial Relations Society of Victoria
- Australian Human Resources Institute
- Law Institute of Victoria

INSIGHTS

Rick regularly writes for publications on workplace issues including updates on recent cases, new developments in the law and trends in the law. He has produced papers for his clients on the application of natural justice to employment law and management of long term employee absenteeism and ill health.

Most recently, Rick authored a report on sexual harassment following the major sexual harassment case involving David Jones in Australia. The report received coverage in a number of publications including the *Australian Financial Review*, *The Australian* online and numerous trade publications.

Rick regularly holds seminars to brief clients on a range of employment and workplace issues including managing employee absenteeism, restructuring, performance management and responding to industrial action.

Publications

Independent contractor or employee? The High Court of Australia in two landmark decisions says the answer is in the writing

10 February 2022

The High Court of Australia, in two landmark decisions, rejected the previous authorities for determining the contractor and employee dichotomy, and provided clarity on what constitutes an independent contractor at common law. Employers need to very clearly draft independent contractor agreements.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

If it's in writing, you're a casual: WorkPac Pty Ltd v Rossato provides clarity

4 August 2021

In recent years, the question of what constitutes casual employment has been relatively uncertain, sparking increased litigation. In particular, recent Federal Court decisions of *WorkPac Pty Ltd v Skene* [2018] FCAFC 131 and *WorkPac Pty Ltd v Rossato* [2020] FCAFC 84 which adopted a holistic approach to determine the true nature of an employment relationship, rather than simply relying upon written contract terms.

Australia: Fair Work Commission increases national minimum wage

16 June 2021

On 16 June 2021, the Fair Work Commission (FWC) published the Annual Wage Review Decision for 2020-21, announcing a rise of 2.5%.

Supplementary – Australia – Whistleblowing Laws in Europe: An international guide

This article will focus primarily on whistleblowing protections in the private sector, but it also provides an overview on the systems in place in the public sector below.

More money? – super! Compulsory Superannuation increases in Australia

8 June 2021

It's official. The 2021 Federal Budget has confirmed that the superannuation guarantee will increase from 9.5% to 10% on 1 July 2021 and then increase incrementally by 0.5% each year thereafter until it reaches 12% by 1 July 2025.

Reinforcing Respect at Work: Impending legislative reforms to address and prevent workplace sexual harassment

23 April 2021

Following months of intense public attention and debate regarding workplace sexual assault and sexual harassment, including within the highest echelons of the Australian government and legal system, the Australian Government has now released its long-awaited response to the landmark Respect@Work report delivered by the Australian Human Rights Commission to the Government in March 2020.

We can keep things casual: New casual employee laws enacted in Australia

1 April 2021

The Australian government's long awaited clarifying amendments to the *Fair Work Act 2009* (Cth) have now been passed in their reduced form.

As flagged, the new statutory provisions make a number of changes to the engagement of casual employees: statutory definition of 'casual employee'; casual conversion entitlement; casual Employment Information Statement (CEIS); ability to offset casual loadings.

Casual changes to Australian Government's IR Omnibus Bill

19 March 2021

Following contentious public scrutiny and prolonged debate, the Australian Senate yesterday passed a pared-back version of the ambitious *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020* which proposed a raft of changes to be introduced to the *Fair Work Act 2009* (Cth).

The road to recovery industrial relations bill

11 December 2020

The Australian Government's highly anticipated industrial relations reform legislation, the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020* has been introduced in Parliament, following a lengthy roundtable process which involved input from employer organisations and unions. The Bill, which aims to improve the operation and usability of Australia's industrial relations system. In this update we discuss the significant changes being made if passed in its current form.

Redundancy Series: Varying redundancy pay – making an application to the FWC

30 September 2020

Australia Redundancy Series

The *Fair Work Act 2009* (Cth) provides a mechanism by which an employer can make an application to the Fair Work Commission to vary the amount of redundancy pay that must be paid to the employee. Employers can seek that the amount be reduced to a lower amount or reduced to zero.

In the sixth part of this redundancy series, we look at where an employer can make an application to vary redundancy pay on the basis that the employer cannot pay the amount.

Redundancy Series: Varying redundancy pay – what you need to know

8 September 2020

Australia Redundancy Series

In most instances, if an employee's employment is terminated due to redundancy, that employee will be entitled to redundancy pay of 4-16 weeks' base rate of pay, depending on their period of service .

In the fifth part of this redundancy series, we set out the key principles of varying redundancy pay.

Working from home in Australia

8 September 2020

The Australian Fair Work Commission has released a Draft Award Flexibility Schedule in self-described effort to promote discussion about ways in which flexibility can be introduced into modern awards to assist businesses and industries impacted by COVID-19.

Redundancy Series: Redeployment

10 August 2020

Australia Redundancy Series

When considering and implementing redundancies, it is critical that employers understand the applicable processes to implement redundancies and best protect the business from claims. Getting redeployment right is essential to defeating an unfair dismissal claim.

In the fourth part of this redundancy series, we set out the key principles of redeployment.

Redundancy Series: Consultation lessons from ASU v Auscript Australasia

14 July 2020

Australia Redundancy Series

The failure to comply with consultation obligations can have serious ramifications for an employer attempting to implement redundancies. It can result in the Fair Work Commission (**FWC**), Australia's employment tribunal, issuing orders which delay or prevent the implementation of redundancies, leading to significant cost and disruption within the business and the workforce.

In the third part of this redundancy series, we review the decision of *ASU v Auscript Australasia Pty Ltd* and set out its key lessons.

NEWS

DLA Piper advises on AUD860 million proposed acquisition

17 December 2021

DLA Piper has advised POSCO International (PIC), a separately-listed trading arm of South Korea's steel group POSCO, with its proposed AUD860 million acquisition of a public Australian gas producer Senex Energy.

DLA Piper advises Whitehelm on sale to Patrizia

16 September 2021

Global law firm DLA Piper has advised Whitehelm Capital (Whitehelm) on its sale to PATRIZIA AG, a leading partner for global real assets. The initial purchase price of EUR67 million will be paid in a combination of cash and PATRIZIA shares.

DLA Piper advises insightsoftware on its acquisition of Australia-Based Bi and CPM platform Calumo

23 July 2021

Global law firm DLA Piper has advised insightsoftware, a global provider of financial reporting and performance management solutions for the Office of the CFO on the acquisition of Australia-based business intelligence and corporate performance management (CPM) platform CALUMO.
