



October 2008

Welcome to the
Watkins Tapsell
Newsletter.

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How to Manage Your Employees and Not End Up in Court

From experience, employers usually like to think they are doing the right thing by their employees. Generally there is no conscious plan to underpay employees or deny entitlements. Employers are usually shocked when they discover that employees are going to sue them.

There are five common errors that employers make when dealing with the employee relationship. These mistakes expose them to risks of litigation. All it takes is a disgruntled employee:

- 1 Failing to properly set out in writing the terms of the employment and agreement**
Whilst some employers think that they are protected by awards agreements or NAPSA's, disputes can still arise eg as to whether an employee is a part-time or a casual employee creating significant differences in entitlements such as annual leave. It is important to clarify this at the beginning of the employment relationship.
- 2 Failure to inspect awards**
Often employers do not realise their employees are entitled to allowances and penalty payments. Disgruntled employees can sue an employer for underpayment that could extend back for the entire period of service costing the employer large amounts of money in both repayments as well as litigation costs.
- 3 Failure to customise standard computer generated payroll documents and forms which do not properly reflect the state of the relationship**
A software system may print out as a standard that the employee works 40 hours per week when in actual fact they only work 38 hours. Without other evidence this can expose the employer to a claim for unpaid additional overtime over the period of the employee's service.
- 4 Failure to have policies and procedures in place**
Additional exposure to OH&S and workers compensation claims arise where there are no properly prepared risk management plans, policies and procedures.
- 5 Wrongfully terminating employees**
Many employers are under the misapprehension that they can terminate employees without repercussion as a result of Workchoices. This is far from the truth. Many employers are still being sued for harsh, unjust and unreasonable termination or unlawful termination.

As always, prevention is better than cure. The cure is documentation and seeking proper legal advice. Employees are often a businesses' greatest assets however if not properly managed can easily turn into liabilities.

If you are unsure if your documentation is adequate, please contact Tiana Daly on 9545 7255.



“Our aim is to work together

with our clients and build relationships while offering more than just legal support.”



First Home Owner Grant

For more information go to www.watkinstapsell.com.au

The First Home Owner Grant is a \$7,000 grant and is available to people buying or building their first home. The following is a summary of some of the requirements which must be met:

- Permanent resident or Australian citizen
- At least 18 years of age
- Applicants and/or their spouse or partner have not owned or occupied a residential property previously
- Applicant must occupy the home as their principal place of residence for a period 6 months within 12 months of settlement

There are no income or assets tests. In addition to the \$7,000 grant, you may also be eligible for stamp duty savings.

Watkins Tapsell are a well-established, innovative and dynamic law firm that provides clients with expert legal advice and representation.



Women in Business Luncheon

Please contact Nichole Dickson on 9521 6000 for details.

*Pictured right from the top are:
Kerry Andrew and Debby Chang
Melissa Gawinek and Julie Ritchie
Vicky Dyson and Rachael Glasson*

The Watkins Tapsell inaugural Women in Business Luncheon was held on 26 August 2008 at the Royal Motor Yacht Club, Woolooware.

A fantastic group of over 45 successful business women were in attendance. Many industry groups were represented including recruitment, finance, accounting, graphic design, and franchising to name just a few.

We were inspired by the number of business women who attended and the general enthusiasm for this type of event. We believe these events provide excellent opportunities to meet innovative business people and develop mutually beneficial business relationships.

Fiona Cosgrove of Wellbeing Australia was the guest speaker at the luncheon. Fiona was well received by the attendees and got everyone thinking about taking personal responsibility for the decisions they make.

The format of the Luncheon also gave each attendee the opportunity to introduce themselves and their business to a captive audience. Further networking opportunities were taken up after lunch. This semi-formal format is intended to be carried on into the future.

The next Watkins Tapsell Women in Business Luncheon is scheduled for 3 December 2008 at the Bluefin Restaurant, Cronulla Leagues Club.



Client Profile - KPR Partners

For more information go to www.kprpartners.com.au

*Pictured above right are:
Matthew Knight, Mark Pinhorn
and Simon Perkovich*

Introducing KPR Partners who are a local accounting firm. Watkins Tapsell and KPR have worked jointly on a number of matters with great success.

Why consider KPR Partners:

Whether you are starting out in business, seek assistance and ideas in structuring your business or simply want to better manage your business, KPR Partners will work with you to provide tailor made solutions to meet your needs.

KPR Partners can:

- Improve cashflow
- Generate more profit
- Protect your business and personal assets
- Systemise your business
- Develop strategies to maximise the sale value of your business



UPCOMING EVENTS:

20 November 2008

Building and Construction Networking Night

27 November 2008

Family Law Seminar

3 December 2008

Women in Business Luncheon

Liability limited by a scheme approved under Professional Standards Legislation

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