



## Michaela Moloney

### Partner

Melbourne  
+61.3.9640.4430

[michaela.moloney@klgates.com](mailto:michaela.moloney@klgates.com)

### OVERVIEW

Michaela Moloney is a partner in the labour, employment and workplace safety practice, providing advice and supporting employers in all aspects of employment, industrial and discrimination law. She has significant expertise supporting government organisations and providing advice in the health and sporting industries.

In sensitive and high risk matters, Michaela is known as being a trusted advisor to her clients' C-suite, board and senior management and supports organisations to manage both internal and external stakeholders. She conducts complex workplace investigations, including whistleblower complaints, particularly where allegations are levelled at members of senior management.

Michaela prides herself on partnering with clients to deliver proactive, straight talking practical solutions that align with an organisation's objectives and values. She works with clients to understand their requirements and seek an early resolution of workplace issues, whether they be individual grievances or collective disputes.

Where litigated claims cannot be avoided, Michaela has significant litigation experience and has successfully defended a number of large Australian employers in claims including unfair dismissal, discrimination, industrial disputes, general protections and breach of contract in the state and federal courts.

As a mediator, Michaela is able to facilitate mediations in all areas of employment and industrial law including bullying, discrimination and sexual harassment. She is also regularly invited to present training across the scope of her employment, safety, industrial relations and discrimination law expertise.

### ACHIEVEMENTS

- *The Legal 500 Asia Pacific*, Recommended for Labour and Employment
- *Doyle's Guide*, listed in Employment Lawyer for Employer Representation (2019)
- *Best Lawyers in Australia*, listed in Employee Benefits Law (2021), Labour and Employment Law (2018-present), Occupational Health and Safety Law (2020-present)

## PROFESSIONAL / CIVIC ACTIVITIES

- Employment and Industrial Law Committee of the Workplace Relations Section of the Law Institute of Victoria member
- Australian Human Resources Institute member
- Board Member, Women's Information Referral Exchange

## EDUCATION

- LL.B., Monash University, 1998 (*Honours*)
- B.A., Monash University, 1995 (*Honours*)

## ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of Victoria

## LANGUAGES

- Japanese

## THOUGHT LEADERSHIP POWERED BY HUB

- 1 September 2020, COVID-19: (Australia) Further Changes To JobKeeper: What Do Employers Need To Know Now? (*Alerts/Updates*)
- 14 August 2020, What's In A "Day"? – High Court Majority Overturns *Mondelez* Personal/Carer's Leave Decision (*Alerts/Updates*)
- 10 August 2020, COVID-19: (Australia) JobKeeper 2.0 – Expanded Eligibility (*Alerts/Updates*)
- 5 August 2020, COVID-19: (Australia) Pressing Issues Facing Employers (*Alerts/Updates*)
- 3 August 2020, COVID-19: Victorian Government Draws Upon the 'Big Stick' on COVID-19 Notification (*Alerts/Updates*)
- 29 July 2020, Beware – The Law May No Longer Tolerate So Called 'Independent Contractor' Arrangements (*Alerts/Updates*)
- 22 July 2020, COVID-19: (Australia) JobKeeper 2.0 – What Does This Now Mean? (*Alerts/Updates*)
- July 2020, Getting Back to the Workplace After COVID-19 (*Research Surveys*)

- 30 June 2020, COVID-19 (Australia): Much Has Happened on the Employment Front During COVID-19 (*Alerts/Updates*)
- 1 May 2020, COVID-19: (Australia) JobKeeper Legislation – How Does it Change Things? (Second Edition) (*Alerts/Updates*)
- April 2020, COVID-19: HR Perspective - Supporting You to Respond to COVID-19 (*Research Surveys*)
- 27 April 2020, COVID-19: (Australia) Employer Guide to the JobKeeper Scheme (Third Edition) (*Alerts/Updates*)
- 14 April 2020, COVID-19: (Australia) Employer Guide to JobKeeper Payments (Second Edition) (*Alerts/Updates*)
- 9 April 2020, COVID-19: (Australia) JobKeeper legislation – How Does it Change Things? (*Alerts/Updates*)
- 3 April 2020, COVID-19: (Australia) Guide to JobKeeper Payments (*Alerts/Updates*)
- 1 April 2020, COVID-19: (Australia) JobKeeper Payment Program – What Do I Need to Know? (*Alerts/Updates*)
- 25 March 2020, COVID-19: (Australia) Stand Down What Does it all Mean? (*Alerts/Updates*)
- 11 March 2020, It's Time-Sheet O'clock - Don't be Alarmed (*Articles*)
- 17 February 2020, Recapping the Modern Award Review: What is Happening now? (*Alerts/Updates*)
- 1 February 2020, Fashion Law – February 2020 Edition (*Alerts/Updates*)
- 6 December 2019, Victoria Legislates Workplace Manslaughter (*Alerts/Updates*)
- 18 November 2019, ASIC Whistleblower Policy Requirements More Onerous but 1 January Deadline Remains (*Alerts/Updates*)
- 23 August 2019, ASIC Releases Draft Whistleblower Policy Guide (*Alerts/Updates*)
- 4 July 2019, It's July: Employment Related Rate Increases Effective Now (*Articles*)
- 15 March 2019, Whistle While you Work (*Alerts/Updates*)
- 17 October 2018, Mega Rallies: a Mega Drive. Coming to a City Near you! (*Alerts/Updates*)
- 26 September 2018, Casual Conversion Clause Kicks in From 1 October 2018 (*Articles*)
- 2 July 2018, It's July: Employment Related Rate Increases Effective Now (*Alerts/Updates*)
- 15 June 2018, Top 5 Tips to Assist With Terminating Employment (*Research Surveys*)
- 6 February 2018, We've Got You Covered: Award Coverage Wider Than Expected (*Alerts/Updates*)
- 24 May 2017, Can I Get That in Writing? (*Alerts/Updates*)
- 17 August 2016, Take It or Leave It (*Alerts/Updates*)

- 30 June 2016, Up We Go Again – Financial Threshold Increases Effective 1 July 2016 (*Alerts/Updates*)
- 4 December 2015, What is 'Ordinary and Customary Turnover' When it Comes to Employees? (*Alerts/Updates*)

## OTHER PUBLICATIONS

- “Santa's Naughty List,” *Ragtrader*, 20 December 2018
- “Penalty Goal,” *Ragtrader*, May 2017

## NEWS & EVENTS

- 4 February 2020, K&L Gates Advises Touchstone Group's Management Team on Merger with Microgen (*Press Release*)

## AREAS OF FOCUS

- Labor, Employment, and Workplace Safety

## INDUSTRIES

- Consumer Products
- Sports

## REPRESENTATIVE EXPERIENCE

- Managing large scale investigations into employee conduct and bullying on behalf of a number of health organisations, including providing advice in respect of a concurrent investigation by WorkSafe.
- Supporting the internal investigation by a sporting organisation of a high-profile incident involving player misconduct and providing advice on the subsequent disciplinary process.
- Providing advice to a large construction company on industrial relations issues associated with a significant road project including advice on industrial strategy, right of entry, enterprise agreement interpretation and responding to protected industrial action to minimise its effect on operations.
- Successfully defending a number of general protections, unfair dismissal and discrimination claims brought against Victoria public hospitals by both employees and patients.
- Advising a number of sporting organisations on the development of policy that guides applications by transgender and gender diverse sports people to participate in professional sporting competitions.
- Successfully defending a number of Australian universities and secondary schools in unfair dismissal, general protections, breach of contract and discrimination claims brought by both employees and students.

- Acting for a federal government agency in enterprise bargaining including providing advice on compliance with the APS Bargaining Policy, good faith bargaining orders, assessing the proposed agreement against the BOOT and to ensure compliance with the Fair Work Act requirements and developing individual flexibility agreements under the new Agreement.
- Advising on the management of workplace relations issues in a major outsourcing transaction by one of Australia's leading energy suppliers.
- Providing advice and assistance on the management of long term injured employees for a number of large employers in the manufacturing and health industries.
- Delivering training to a state government department on conducting effective workplace investigations, particularly dealing with out of hours conduct and employee conduct that amounts to a criminal offence.
- Advising a national importation business on the enforceability of post-employment restraints in its employment agreements and successfully obtaining an injunction in the Federal Court of Australia to prevent an employee continuing to operate a business in competition.
- Providing advice to a state government department on the interpretation of enterprise agreement provisions and transfer of business issues arising from the transfer of services from the department to private sector providers.
- Advising a large manufacturing employer on the management of unlawful industrial action, including seeking injunctive relief to prevent industrial action.