

## Erin Kidd

### Special Counsel

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### About Erin

Erin Kidd is special counsel in the Labour & Employment Practice Group. She has over 15 years' experience advising on all facets of the employment relationship. Having university qualifications in law, human resources management and industrial relations, Erin understands the complexities of people management and provides her clients with practical and easy-to-understand advice.

Erin works with the senior management, in-house counsel and human resources personnel of her clients to assist on all aspects of the employment life cycle. This includes advice on recruitment procedures and employment contracts when an employee is first hired, to assistance with termination of employment and employment-related litigation. Erin also conducts workplace investigations in respect of allegations of discrimination, harassment and misconduct, and conducts workplace training.

Erin assists her clients to navigate contractual and regulatory issues, including entitlements of employees under legislation and industrial instruments, employee disciplinary issues, employee complaints and grievances, restraints of trade, workplace restructuring, redundancy, managing ill and injured workers, modern slavery and whistleblowing. She also advises on the employment aspects of corporate transactions, including business sales and acquisitions.

Erin acts for employers before various state and federal courts and industrial relations tribunals, but where appropriate seeks to negotiate settlement outcomes in contentious employment matters, both before and after litigation has commenced.

Erin works with both private sector and government clients, and she has experience acting for employers across a range of industries, including retail, manufacturing, engineering services, mining and resources, recruitment, earthmoving and industrial equipment, professional services, media and entertainment, education, technology, property development, construction and infrastructure, advertising and private equity.

### Experience

#### General Employment and HR Advisory and Compliance

- Assisting numerous multinational employers, many without local HR or legal teams, with all aspects of employment-related issues, including the development of Australian employment contracts and policies, and termination of employees, including senior executives.
- Advising numerous multinational employers, including a multinational renewable energy company, on matters regarding remote workforces and international secondments of employees.
- Advising a multinational technology company on the management of an employee who had been the subject of various workplace complaints, as well as having made workplace complaints and a workers compensation claim.
- Advising a large insurance company on the management of an employee with long-term absenteeism.

### **Litigation**

- Acting for a multinational environmental services company in defending a general protections claim made by an existing employee who alleged being subjected to adverse action as a result of having made a workplace complaint and having carer's responsibilities.
- Acting for a manufacturing company in Federal Circuit Court proceedings alleging underpayment of employee entitlements, which were commenced on behalf of a former employee by the union.

### **Post-employment Restraints**

- Acting for an education technology company in respect of enforcing the post-employment restraint obligations of a former employee who had resigned to commence work with a direct competitor.
- Advising a media and advertising executive looking to establish a new agency on various restraints, including those arising under their employment agreement, a shareholders agreement and a business sale agreement.
- Acting for an energy supply company in respect of enforcing the post-employment restraints of a senior executive who had been attempting to solicit customers following the termination of his employment.

### **Workplace Investigations**

- Acting as the investigator in respect of a complaint made by the employee of a not-for-profit organisation alleging bullying and discrimination on the basis of sexual orientation by the employee's manager.
- Acting as the investigator in respect of a complaint of misconduct made by a student against an educator in a registered training organisation.
- Acting as the investigator in an independent investigation for a large property company listed on the Australian Securities Exchange (ASX). The complaint of bullying and harassment against an employee was made through the organisation's anonymous whistleblowing service.

### **Discrimination**

- Acting for a multinational defence contractor in defending claims of race discrimination, racial vilification and victimisation made to the ACT Human Rights Commission.
- Advising on and acting for a NSW government department in respect of discrimination complaints made to Anti-Discrimination NSW and the Australian Human Rights Commission.
- Assisting a defence company in its successful application for an exemption from certain obligations under anti-discrimination laws on the basis of its obligations under the International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR).

## Workplace Training

- Preparing and presenting tailored workplace training covering acceptable workplace behaviour, workplace grievances and EEO to all employees of various organisations, including an Australian-based global travel company, an education technology company and a not-for-profit cultural organisation.

## Business Acquisitions and Restructuring

- Advising a multinational manufacturing company about the employment-related aspects of acquiring an Australian business, and then later advising on a major restructure of the Australian operations.
- Acting for a professional services firm in respect of all employment-related aspects of a merger, including preparing new employment contracts for all staff and redrafting human resources policies with reference to the existing policies of the two firms.
- Acting for a professional services firm in a successful application to the Fair Work Commission seeking orders that an enterprise agreement would not cover it or the transferring employees in the circumstances of a transfer of business.

## Credentials

### Education

- College of Law Graduate Diploma of Legal Practice, 2007
- University of Newcastle, LL.B., 2006
- University of Newcastle BBus, Human Resources and Industrial Relations, 2004

### Admissions

- High Court of Australia, 2009
- Supreme Court of New South Wales, 2007

## Recognitions

- Recognised for Labour and Employment Law in *Best Lawyers in Australia* 2023-2026 (18th edition)
- Finalist in the Special Counsel of the Year category of the *Lawyers Weekly* Women in Law Awards 2022
- "(Nicola Martin and) Erin Kidd give very practical advice and are fully across the changing landscape of employment law in Australia." *The Legal 500 Asia Pacific*
- "(Nicola and) Erin are my go-to lawyers for great labour law advice. They are responsive and give clear, detailed advice that provides me with a practical way forward, not just an analysis of the law." *The Legal 500 Asia Pacific*

## Expertise

### Services

- Labor & Employment

## About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of

clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.