SQUIRE PATTON BOGGS

James Pomeroy



Special Counsel

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About James

James Pomeroy has more than 25 years' experience acting for clients on a broad range of contentious and noncontentious employment and industrial relations matters, and workplace health and safety (WHS) compliance, investigations and prosecutions. James is known for his strategic and thorough approach.

James advises employers across the employment life cycle, from recruitment to termination of the employment relationship, including performance management, workplace grievances, whistleblowing complaints, workplace investigations, restructuring, advising in relation to underpayments and other noncompliance, including regulator engagement.

James drafts and negotiates all forms of work-related agreements, and advises employers on the coverage and interpretation of modern awards and enterprise agreements, and classifying employees under those instruments. He advises employers on employee benefits, retention and incentive arrangements, as well as advising on the employment implications of the ASX Listing Rules and the termination benefit provisions of the Corporations Act 2001 (Cth).

James has substantial experience acting in employment disputes before the Fair Work Commission and in superior courts, including proceedings to protect confidential information and seeking urgent relief to enforce post-employment restraints, as well as general protections and unfair dismissal claims. He is highly experienced in advising on the employment implications of M&A transactions and transfer of business issues.

James supports clients with the upskilling of their in-house legal and HR departments, through regularly presenting webinars and delivering training to boards and management.

Experience

Employee and Industrial Relations

- Acting for a civil construction company in a dispute before the Federal Court of Australia in relation to rights of entry claimed by the relevant union.
- Acting for a bakery supply manufacturer in respect of ongoing industrial action (including picketing) and an application to the Fair Work Commission for good faith bargaining orders.
- Acting for a regional airport operator and other employers in relation to noncompliance with industrial instruments and self-disclosure to the Fair Work Ombudsman.
- Acting for a major Australian bank and other clients in applications to the Fair Work Commission to stop the transfer of enterprise agreements in connection with business acquisitions, including advising on employee consultation and union engagement.
- Advising an insurance company on the implementation of payroll rules, office relocation issues and interpretation of an inherited enterprise agreement.
- Acting for employers in "stop bullying" applications before the Fair Work Commission and in investigating related bullying complaints.

WHS

- Acting for an automotive dealership charged with an offence under Queensland WHS legislation, from the commencement of the regulator's investigation of an incident until the conclusion of the sentencing hearing.
- Acting for a civil construction company in respect of the review of a penalty notice issued by SafeWork NSW.
- Acting for a building product manufacturer in respect of a guilty plea to a safety prosecution in the Victorian Magistrates Court.
- Acting for a New South Wales-based employer in negotiating an enforceable undertaking with SafeWork NSW in settlement of a safety prosecution.

Disputes

- Acting for a milling and bakery supply manufacturer in multiple proceedings before the Supreme Court of New South Wales seeking the enforcement of post-employment restraints, and, in another matter, the preservation of confidential information.
- Acting for a communications company before the Federal Circuit and Family Court of Australia (FCFCOA), defending a reasonable notice claim by a former employee
- Acting for a US-based diving equipment company in respect of a former employee who relocated overseas after resigning and provided confidential information to a competitor
- Acting for a National Disability Insurance Scheme (NDIS) provider in investigating anonymous complaints against the chief executive and enforcing post-employment restraints of the chief executive and other members of executive team involved in establishing a competitive business.
- Acting for a real estate franchise in FCFCOA proceedings commenced by a former employee involving allegations of preemployment misrepresentations, antidiscrimination, sexual harassment and breach of the contractual duty of care.

Credentials

Education

- University of Technology Sydney, Bachelor of Laws, 1999
- University of Sydney, Bachelor of Economics, (Honours), 1994

Admissions

- High Court of Australia, 2010
- Supreme Court of New South Wales, 2000

Memberships & Affiliations

- Law Society of New South Wales

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.