

Kingsford Legal Centre's



Employment Pro Bono Clinic

21 Years of Impact



UNSW
Kingsford
Legal Centre



Overview

The Employment Law Pro Bono Clinic has lasted an incredible 21 years because of the wonderful support and commitment of our expert law firm partners. It has positively impacted the lives of over 1,000 people – usually at a time of crisis and huge stress. The Clinic gives UNSW Sydney Law students an opportunity to work closely and collaboratively with a range of expert employment lawyers which is an invaluable learning experience.

Our Clinic provides timely, expert legal advice and increases the capacity of Kingsford Legal Centre to respond to the needs of our community. With access to legal advice our clients have been able to maintain their employment, enforce their rights, recover owed money and work out how to resolve work disputes. This can be life changing assistance that has flow on impacts such as in relation to maintaining housing and schooling for children. Put simply access to expert employment law advice life can be life changing!

Huge thanks to our current Unsung Hero participating firms:

- > Bartier Perry
- > HWL Ebsworth
- > Holding Redlich
- > Kennedys

We look forward to celebrating the next 21 years with you!



What is the project worth in \$\$\$?

We estimate the project has been worth a huge \$980,000 across the 21 years. This is a conservative estimate!

Background

In 2000 KLC was successful in achieving a grant from the Federal Attorney General’s Department to provide employment law advice and casework, delivered through a clinical legal education model. At this time there was a huge need for expert employment law advice in community legal centres. We immediately approached our pro bono community and asked them to participate in a weekly advice session for our clients. Take up by law firms was swift and we commenced the Clinic in July of that year with our inaugural roster of eight firms – Abbott Tout, Acuiti Legal, Bartier Perry, Clayton Utz, Cutler Harris & Hughes, Deacons, Harmers Workplace Lawyers and Henry Davis York. One of the eight firms has stuck with us for the whole 21 years – Bartier Perry– an enormously generous commitment. A special mention must also go to Harmers Workplace Lawyers for 20 years with the Clinic who only concluded their participation reluctantly in the face of the overwhelming demands of a global pandemic!



The Clinic’s Clients:

We estimate that over 1,000 advices have been given to clients over the 21 years of the clinic.

The Value of the Clinic in the pandemic

We can’t take credit for foreseeing the global pandemic but the Clinic came into its own in 2020 with unprecedented need for expert employment law advice. Under enormous challenges (including volunteering remotely and the huge demand on their own practices) our Clinic ran during 2020. At a time of such distress for our clients to was critical to have such skilled lawyers available to us.

We drilled down and had a look at the clients seen at the pro bono clinic in 2020 (pandemic year):

- > 29% of our clients were unemployed
- > 28% had no income
- > 92% earned under \$80,000 pa
- > 34% were 50 years of age or older
- > 12% reported a disability
- > 21% of matters were unfair dismissal
- > 36% of matters were COVID-19 related

CASE STUDY

General Protections Dismissal

Fazeen* came to KLC’s Employment Pro Bono Clinic seeking advice in regard to her termination. She was told not to come back to work after refusing to clean facilities around her workplace which was not part of her job.

After speaking with one the lawyers from our pro bono partner firm it became clear that she had a claim against her employer for a general protections dismissal. On top of this, it was found that during her employment, Fazeen was being paid below minimum wage.

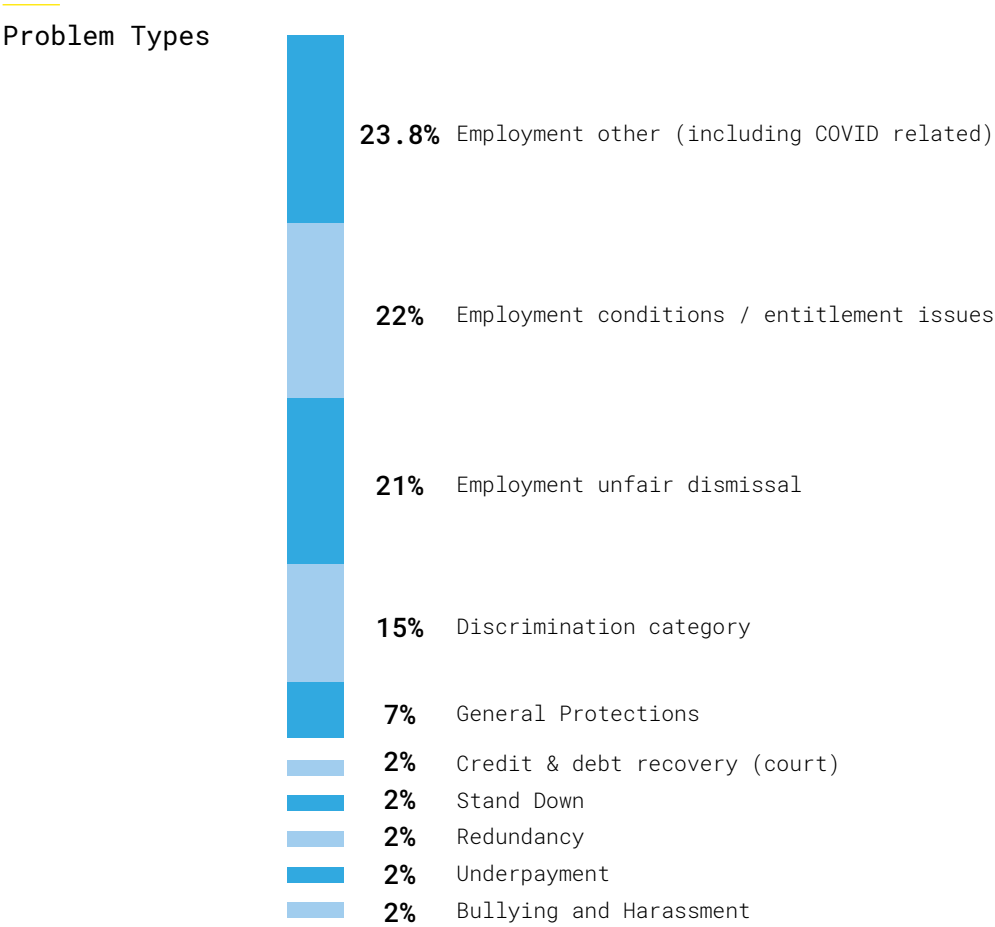
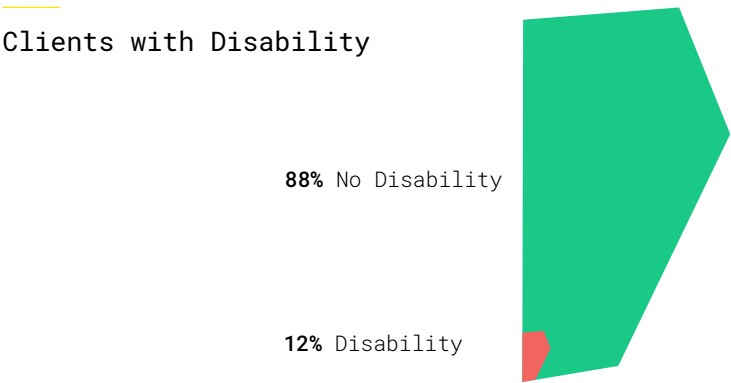
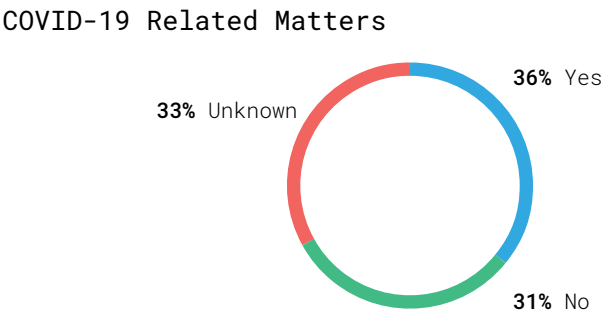
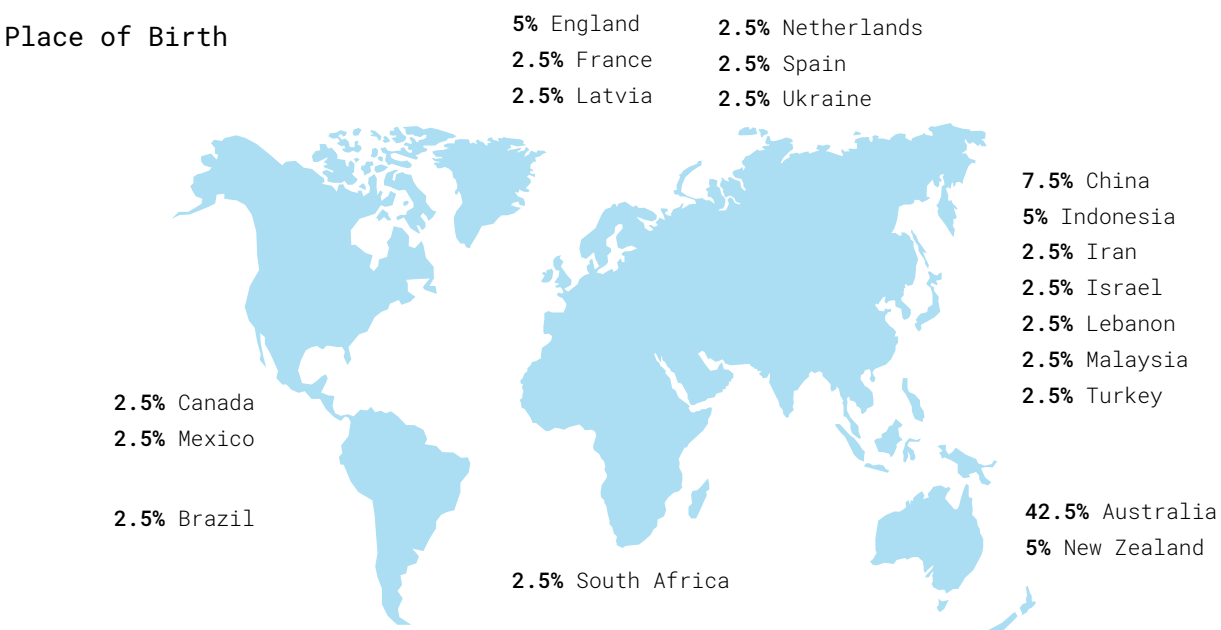
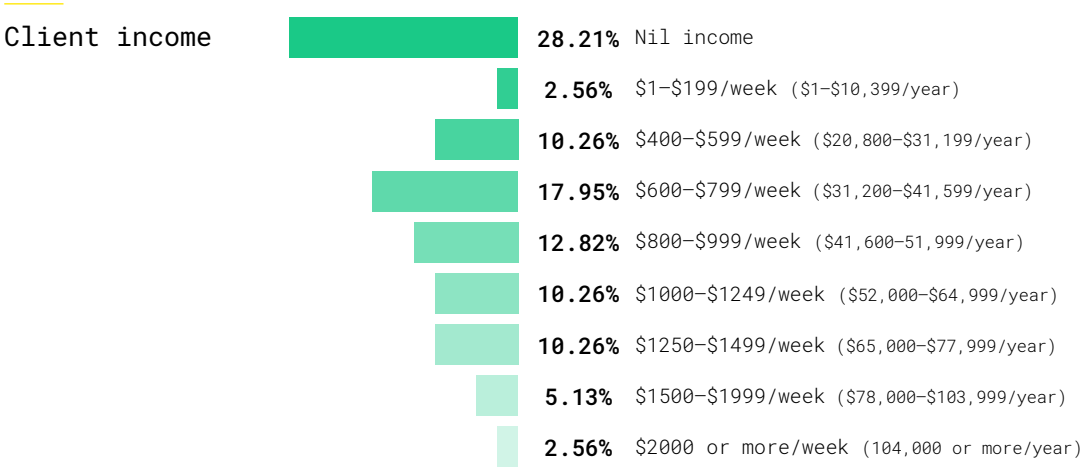
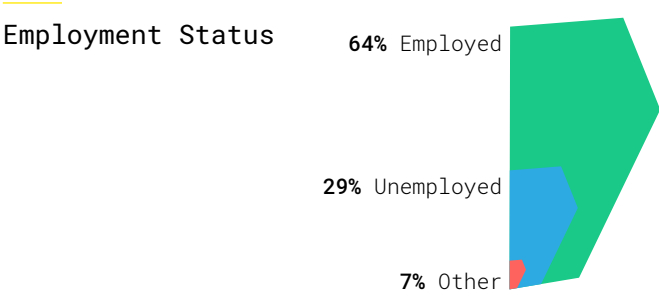
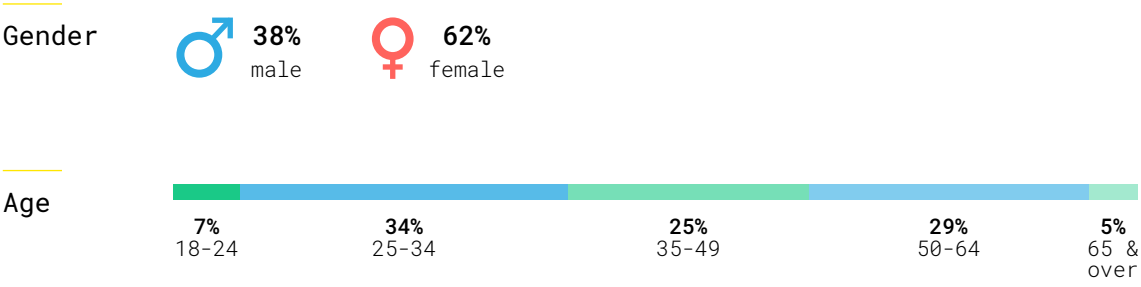
Based on the Pro Bono Clinic lawyer’s recommendation, KLC took on Fazeen’s case. Fazeen was successful in settling her case with the employer without going through a hearing and other lengthy proceedings. She said that she was under enormous stress before the help she received and was grateful for time the solicitor spent with her.

*Not her real name

“The Centre has had overwhelming support for the employment clinic from private practitioners specialising in employment law who have generously given their time to participating in our volunteer solicitor roster for weekly advice sessions and in delivering seminars as part of the class program. Students say they have gained invaluable practical experience in working with private practitioners in the advice sessions and have praised the high quality of the seminars”

KLC Annual Report 2000

There can be no doubt that the Employment Law Pro Bono Clinic has been formative in developing Kingsford as a leading community legal centre in employment law over the last 21 years. Our strong connection to the private profession during this time has developed our lawyers’ skills and increased the Centre’s capacity to respond to employment need. Along the way our students have been exposed to some awesome employment lawyers who have inspired many to go on to become employment lawyers themselves. The attendance of our Pro Bono lawyers has been a highlight of the week for our KLC Employment Law students.



What do Clients Think of the Pro Bono Clinic?

We emailed a survey to all of our clients seen through the Pro Bono Clinic in Term 1 2021. They responded:

- 100% Strongly Agree/Agree that the solicitor listened to their problem
- 100% Strongly Agree/Agree that the solicitor helped them understand how to deal with their legal problem
- 100% Strongly Agree/Agree that they know more about their rights and responsibilities because we helped them
- 75% of respondents reported that they were under Extreme/A Lot of Stress before getting help
- 75% of respondents reported that the help they received lowered their level of stress or anxiety
- 100% of respondents Strongly Agree that they would recommend the service to other people

The service our clients received from our pro bono partners clearly impacted their lives positively in a time when they were experiencing a lot of anxiety.

CASE STUDY

Change of Conditions and Caring Responsibilities

Steven* came to KLC’s Employment Law Pro Bono Clinic after expressing concerns about being unable to work due to changes to his work arrangements regarding alterations to days and hours worked, location, and roster; because of commitments to caring for his children and elderly parents.

Through the wonderful and knowledgeable lawyers at KLC’s Employment Law Pro Bono Clinic, Steven was advised that under his Award, his employer was required to consult him about any changes to regular roster or hours of work. He was also informed of his rights to request for

flexible working arrangements provided under the Fair Work Act for employees who are caring for children of school age and/or people who are frail or aged. Our solicitors further provided a comprehensive list of options Steven could choose under the basis for discrimination against carer’s responsibilities, should their dispute for working arrangements continue.

Steven left the KLC feeling relieved and grateful for the advice. He was able to use the Pro Bono Clinic advice to resolve his issues with his employer directly.

*Not his real name

What the Participating Firms Think of the Pro Bono Clinic

In Term 1 2021 we surveyed the participating firms in the Pro Bono Clinic to find out why they continue their commitment to the program:

- 100% of respondents chose to participate in the clinic to improve access to justice and give back to the community
- 100% of respondents were Very Happy with the level of support that KLC provides them
- 100% of respondents were Very Happy with their work at the pro bono clinic

Comments about what they liked most about participating in the pro bono clinic included:

- > Speaking to the clients and trying to resolve their issues.
- > Knowing that not only are you providing legal advice to those who require pro bono assistance, but also assisting young law students. Their involvement in the KLC sessions gives them knowledge of interviewing clients and taking a detailed file note, which is important as a junior lawyer.

Comments about what skills have been most important when participating in the pro bono clinic:

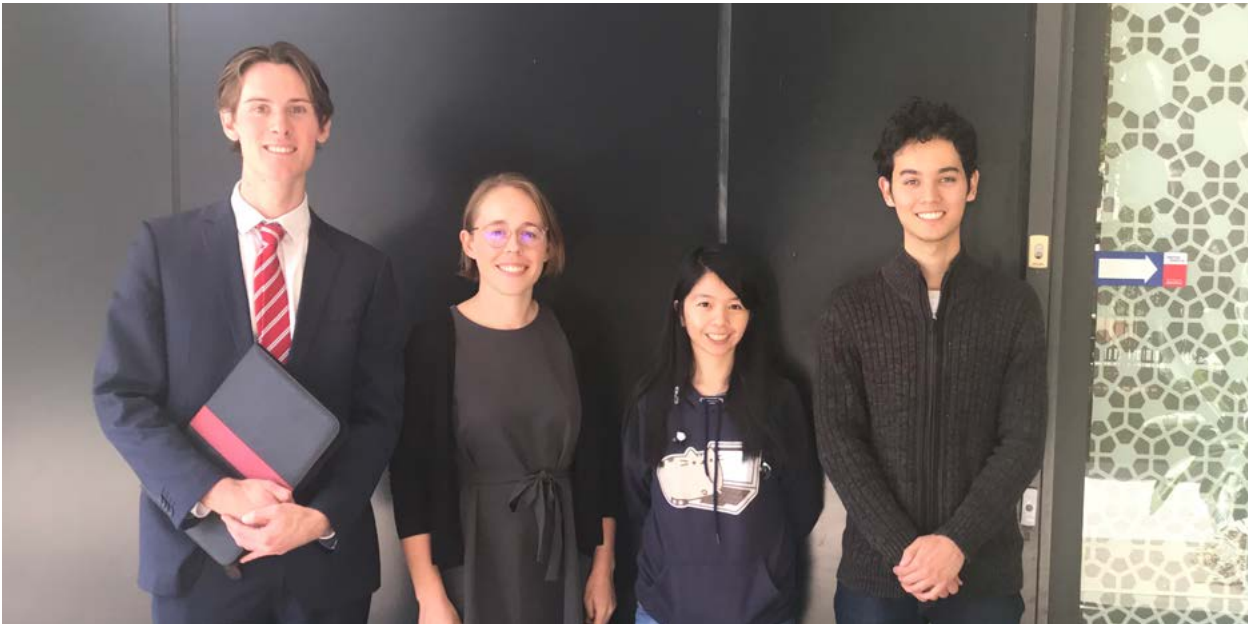
- > Speaking to clients in simple English.
- > Explaining to students what to focus on in their interviews.
- > Delivery of legal advice over the telephone and quick-thinking on your feet when matters arise which perhaps were not disclosed during the initial interview stage.

What does working with our students add to the pro bono clinic experience?

- > Having the students take down notes whilst speaking is very helpful.
- > Seeing it through innocent eyes; what they see as important.
- > Allows the lawyer further time to consider the matters raised by the client to the student and focus on the advice.

What have been the most enjoyable aspects of the pro bono clinic?

- > Assisting clients
- > Face to face [client contact]
- > Considering the matters raised by the client and determining strategy and/or legal advice to the client.



Kurt Nakkan from Kennedys Law with KLC Employment Solicitor Tess Deegan and students

Participating Firms

The below table shows all firms who have participated in the Clinic over the 21 years.

FIRM/CHAMBERS	DATES	TOTAL YEARS
Abbott Tout	2000 – 2010	11
Acuiti Legal	2000 – 2002	3
Banco Chambers	2010	1
Bartier Perry	2000 – Present	21
Clayton Utz	2000 – 2012	13
Cutler, Hughes & Harris	2000 – 2005	6
Deacons	2000 – 2005	6
Ebsworth & Ebsworth/ HWL Ebsworth	2005 – Present	17
Harmers Workplace Lawyers	2000 – 2020	20
Henry Davis York	2000 – 2019	20
Holding Redlich	2020 – Present	1
Kennedys	2018 – Present	3
Pricewaterhouse Coopers Legal	2005 – 2010	6

The Impact of the Clinic on KLC

KLC is now a recognised specialist in employment law and we use that expertise to capacity build across the community legal centre sector. The Clinic has enhanced our ability to meet the demand for employment law services ensured that clients have access to lawyers within their 21 day time limits. Meeting the demand for employment law advice within this time frame is a huge challenge for KLC and without the Pro Bono Clinic many clients would not have received the advice they need to exercise their rights.

KLC lawyers have benefited from our connections and relationships with the Clinic lawyers- and let’s face it everyone loves to shoot the breeze over the interpretation of an Award provision.

Over the years our KLC students have benefited from the very patient Clinic lawyers who have worked with our students and given them thoughtful feedback. They have also answered every question under the sun about what it’s like to work as an employment lawyer. We know that exposure to Clinic lawyers has influenced many KLC students to work in employment law.

Lastly, KLC has continued to argue and advocate around the systemic issues that affect our clients. Over the period of the Clinic we have seen significant legislative and policy change in employment law. The complexity of employment law, especially for people from culturally and linguistically diverse communities and disadvantaged workers is a persistent theme, and in recent times the rise of sham contracting, underpayment and exploitative work arrangements are all common issues seen in the Clinic which has informed our law reform and policy work as well as evolving KLC’s service delivery in this area.

The next 21 years

The longevity of KLC’s Employment Law Pro Bono Clinic is a testament to the commitment of our pro bono partners and the strength of the Clinic model in bringing expert lawyers, students and clients together. The Clinic was able to stand up to the challenges of 2020 and come out the other side stronger than ever. We look forward to many more productive years of the Pro Bono Clinic. We look forward to working on the new and emerging employment years together as well as continuing to assist our local community.





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