

Dominic Fleeton

Partner

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OVERVIEW

Dominic Fleeton is a partner in the firm's Labor, Employment, and Workplace Safety practice. He helps clients manage safety-related crises. This work goes beyond the provision of strict legal advice and includes managing internal and external stakeholders, ensuring that all relevant regulatory and internal obligations are complied with while always remaining focused on the minimising the client's legal risk exposure.

Dominic is an experienced employment, industrial relations and safety litigator and, in all cases, seeks to identify upfront the client's commercial and other goals and then looks for the most simple and effective options to achieve those goals. Dominic knows how to balance the robust pursuit and defence of claims and the management of clients' reputational outcomes.

Dominic was recognised as “Lawyer of the Year” by *Best Lawyers in Australia™* for Occupational Health and Safety Law, Melbourne in 2022 and is a member of the team which was recognised as "Law Firm of the Year" for Occupational Health and Safety Law in Australia by *Best Lawyers™* 2024.

In *The Legal 500 Asia Pacific* 2024 clients noted that:

'Dominic remains the go-to person for WHS advisory in Melbourne for our executive as well as functional teams. His ability to see and share strategic insight to help facilitate next steps for an organisation is strongly recognised within our teams.'

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Dominic was a senior member of the employment and safety team at another major Australian firm.

ACHIEVEMENTS

- Recognised by *The Legal 500 Asia Pacific* as a Recommended Lawyer for Labour and Employment: Workplace Health and Safety (WHS) in Australia, 2024-2025

- Recognised by *Doyle's Guide* as a recommended Leading Workplace Health & Safety Lawyer in Victoria, 2020-2026
- Listed in *The Best Lawyers in Australia*™
  - Lawyer of the Year for Occupational Health and Safety Law, 2022
  - Labour and Employment Law, 2020-2027
  - Occupational Health and Safety Law, 2020-2027

PROFESSIONAL / CIVIC ACTIVITIES

- Industrial Relations Society of Victoria
- Law Institute of Victoria

SPEAKING ENGAGEMENTS

- 24 April 2024, "Proactive vs Reactive Psychosocial Hazard Management: What Employers Need to Know", *Mindsafe 360*
- 12 November 2023, "Beyond the Busy Badge: Unveiling the Hidden Sources of Employee Stress", *MindSafe 360*
- 9 October 2023, "Health & Safety Regulators - Employers, are you ready for the next 12 months?", *MindSafe 360*
- 8 June 2023, “Sexual Harassment as a Psychosocial Risk,” *Australian Institute of Health and Safety*

EDUCATION

- Graduate Diploma in Legal Practice, College of Law, Australia, 2007
- B.A/LL.B, Australian National University, 2006

ADMISSIONS

- High Court of Australia
- Supreme Court of the Australian Capital Territory
- Supreme Court of Victoria

THOUGHT LEADERSHIP *POWERED BY HUB*

- March 2026, 2026 HR Perspective—Psychosocial Risk Unplugged

- 26 February 2026, Recent Developments in Bargaining
- 8 October 2025, Ready or Not, Here They Come: The Victorian Psychosocial Regulations and Compliance Code Explained
- 8 September 2025, Are Salaries Worth It?–When Getting Paid More Than the Award Is Still Not Enough
- 5 December 2024, State of the Workplace
- October 2024, Cyber Day: Session 2–Employment Laws and Expected Privacy Reforms
- September 2024, HR Perspective: Mental Health Issues in the Workplace: Recognising the Signs
- 15 May 2024, Right to Disconnect: A Needed Solution or a Potential Disruption to Businesses and Employees? Australia May Provide Some Guidance
- 22 February 2024, Workplace Reform Rolls on… Again
- 27 November 2023, Working Wise: Psychosocial Risk and Regulation–A Global Overview
- July 2023, HR Perspective: Sexual Harassment from a Safety Perspective
- 29 June 2023, Workplace Wrap - June 2023
- 31 March 2023, Federal Government Proposes More Fair Work Act Changes
- February 2023, Australian CPD Series 2023: Session 3 - What to do When the Inspector Calls
- 7 December 2022, Secure Jobs, Better Pay Bill is Now Law
- 4 November 2022, Secure Jobs, Better Pay Bill Introduced Into Parliament
- October 2022, HR Perspective (Australia): Managing Employees in Hybrid Workplaces
- September 2022, HR Perspective (Australia): What You Need to Know Post 2022 Jobs and Skills Summit
- 26 August 2022, Major Changes to the Australian Employment Law Landscape are Imminent
- 9 May 2022, New Mental Health Obligations for all Victorian Employers Expected to Take Effect on 1 July 2022
- March 2022, HR Perspective: Mental Health - New Obligations You Should Know About
- February 2022, HR Perspective (Australia): COVID-19: Is There a Light at the End of the Tunnel for Employers?

OTHER PUBLICATIONS

- "Sleepwalking into permanent flexibility," *HR Leader*, 14 March 2023

NEWS & EVENTS

- 16 April 2026, More Than 80 K&L Gates Lawyers Across Asia-Pacific Recognised in 2027 Best Lawyers, Ones to Watch Editions
- 15 October 2024, Cyber Day–Cybersecurity and Proposed Privacy Reforms
- 13 February - 21 February 2024, 2024 CPD Program–Australia
- 7 February - 16 February 2023, 2023 CPD Program–Australia
- 7 February 2022, K&L Gates Strengthens Australian Safety and Industrial Law Capabilities With Addition of Melbourne Partner

OTHER MEDIA MENTIONS

- Quoted, The right to disconnect from work is here, *Information Age*, 21 August 2024

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Workplace Safety

REPRESENTATIVE EXPERIENCE

- Represented Macquarie Bank in the Federal Circuit Court and Federal Court its defence of a range of complex underpayment claims brought by eight groups of former employees.
- Represented a major civil construction company and several of its employees who were sued by the CFMMEU alleging various breaches of the Fair Work Act's right of entry provisions relating to a level crossing removal project in Melbourne.
- Advising a large number of employers on a range of issues arising from the COVID pandemic, including the effect of Public Health Orders on the employment of various employees, mandatory vaccination policies, obligations under work health and safety legislation.
- Assisting various employers to defend claims brought by individuals whose employment came to an end due to the COVID pandemic.
- Advising a large superannuation fund on the employment and IR related aspects of a merger with another super fund and assisting with the process of transferring employees across from the other fund.
- Assisted a major construction company during a regulator investigation of a fatality which occurred during construction at a mine site in regional New South Wales. Mr. Fleeton assisted the client and various senior executives in its dealings with the regulator and to formulate responses to a large number of notices requiring the provision of information and documentation which were issued by the regulator.

- Advised and represented a client operating in the meat industry in a prosecution for an alleged breach of the Occupational Health and Safety Act 2004 (Vic) arising from a serious injury to a labour hire worker. Mr. Fleeton advised the client on prospects, worked with counsel to prepare a plea in mitigation and, as a result, helped the client to avoid conviction.
- Provided briefings and advice to senior executives and Boards in relation to the officers' duty of due diligence imposed under the harmonised work health and safety legislation and associated compliance mechanisms.
- Represented a Commonwealth agency in a racial discrimination action brought by a former employee in the Federal Circuit Court.
- Represented employers in relation to disputes raised by employees and trade unions pursuant to dispute resolution procedures contained in enterprise agreements. This work has involved representing employers in conciliation processes and arbitration proceedings conducted by the Fair Work Commission.
- Assisted a large number of employers to bargain for new or replacement enterprise agreements in a manner which ensures full compliance with the Fair Work Act 2009.
- Assisted employers to prepare for, and deal with, protected and unprotected industrial action taken by employees, including obtaining injunctions and similar orders from courts and the Fair Work Commission to prevent or stop such action.
- Assisted an employer in the manufacturing industry successfully resist an attempt by the CFMEU to have the Fair Work Commission reject the employer's application for approval of an enterprise agreement covering Queensland-based employees.
- Assists various Commonwealth agencies to comply with the Public Interest Disclosure Act 2013, including investigations conducted pursuant to that legislation.
- Represented a Commonwealth agency in relation to allegations made by a former employee to the Commonwealth Ombudsman allegation non-compliance with the Public Interest Disclosure Act 2013.
- Advising Commonwealth agencies in relation to the matters concerning the Public Service Act 1999, including alleged breaches of the Code of Conduct.
- Represented the Australian Building and Construction Commissioner and the Commonwealth to successfully defend a proceeding brought by a former employee in the Federal Circuit Court seeking judicial review of the decision to terminate his employment and alleging contraventions of the Fair Work Act 2009. The claim was dismissed and costs orders were made in favour of both respondents, including an indemnity costs order in favour of the ABC Commissioner. The former employee's subsequent appeal to the Federal Court was dismissed as a result of his failure to provide security for costs as ordered by the Court.
- Assisted a corporate group operating in the building and construction sector to take steps to ensure that the group members' industrial instruments were compliant with the Code for the Tendering and Performance of Building Work 2016. This involved varying some enterprise agreements and replacing others.