

Josh Martin

Solicitor 2017

Barrister 2024

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Josh Martin specialises in employment and industrial relations. He also has an active practice in commercial law and building and construction matters.

Before to coming to the Bar, Josh was an Associate at the Fair Work Commission, a solicitor at a large private law firm, and the Senior Legal Officer at the Australian Manufacturing Workers' Union. At the AMWU, he was responsible for the strategic implementation of the union's legal objectives and appeared in the Local Court, Fair Work Commission, Federal Circuit Court, and Federal Court of Australia.

Josh is acutely aware of the stress clients endure throughout litigation and takes proactive steps to alleviate this through his collaborative and empathetic approach to running matters. Josh also utilises his meticulous attention to detail and pragmatism in advancing his clients' best interests in respect of both dispute resolution and contested litigation.

Outside the law, Josh enjoys being active outdoors, listening to and recording music, as well as playing and watching a variety of sports, including AFL, basketball, cricket and rugby league.

QUALIFICATIONS

Bachelor of Commerce, Macquarie University (2016)

Bachelor of Laws, Macquarie University (2016)

SPECIALISATIONS

Employment and Industrial Law

Commercial Law

Building and Construction

INDUSTRIAL DISPUTES

Unilever Australia Trading Ltd T/A Streets Ice Cream Minto v AMWU [2024] FWCFB 248 (unled) - Successfully defended an appeal of first instance findings that relevant employees were entitled to a heavy vehicle driving allowance for all hours worked under the enterprise agreement by virtue of the incorporated award.

AMWU v Cargill Australia Limited [2024] FedCFamC2G 168 (unled) - Backpayment claim contending an employee was incorrectly classified under an enterprise agreement on the basis they did not require a trade qualification.

ARTBIU & AMWU v Sydney Trains [2024] FWC 535 (unled) - Successful dispute application regarding employees' entitlement to wear shorts at work.

AMWU v Opal Packaging Australia Pty Ltd [2022] FWCFB 231 (unled) - Dispute regarding whether enterprise agreement preserved an entitlement to bank hours towards time off work. The AMWU's construction that such an entitlement was preserved by the clause was upheld on appeal.

AMWU v McCain Foods (Aust) Pty Ltd [2021] FWCFB 4808 (led by L. Saunders) - Leading authority on scope of 'employer response action'; employer lockout held not to be protected industrial action.

UNFAIR DISMISSALS AND GENERAL PROTECTIONS

Kumar v Opal Packaging Australia Pty Ltd [2023] FWC 2090 (unled) - Applicant dismissed for allegedly failing to lockout machine; reinstatement order made.

AMWU & Cunningham v Unilever Australia Trading Ltd T/A Streets Ice Cream [2023] FedCFamC2G 61 (led by H. Pararajasingham) - General protections claim contending that the employer took adverse action against Mr Cunningham for raising safety issues.

Club Assist Pty Ltd v Yap [2022] FWCFB 175 (led by P. Boncardo) - Applicant dismissed for allegedly failing to comply with KPIs; reinstatement order made; successfully defended appeal.