



## Employment Law for HR Practitioners QLD

Balancing HR objectives with legal imperatives

3 May 2012, Stamford Plaza Brisbane

### Program highlights

- Hear an exhaustive analysis on the *Fair Work Act* and on employment law issues in the two-speed economy
- Ascertain the impact of good faith bargaining laws and dispute management in the bargaining process
- Discover pertinent lessons from the Qantas disputes
- Ensure fairness and transparency alongside legal imperatives when undertaking workplace investigations
- Receive guidance on complex disciplinary matters and separation of senior executives
- Understand the General Protections Provisions of the *Fair Work Act* and the developments in adverse action
- Be familiar with compliance and enforcement undertaken by the Fair Work Ombudsman

### Speakers

- **John Lunny**, Principal, Workplace Resolve, Accredited Specialist in Workplace Relations
- **Hedy Cray**, Partner, Clayton Utz
- **Joanna Glynn**, Partner, Corrs Chambers Westgarth
- **John Payne**, Director, Hall Payne Lawyers
- **Michael Moy**, Partner, McCullough Robertson Lawyers
- **Murray Procter**, Partner (as of 27 February 2012), DLA Piper
- **Steve Ronson**, Executive Director, Regional Services and Targeting, Fair Work Ombudsman



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# Employment Law for HR Practitioners QLD

## Balancing HR objectives with legal imperatives

Thursday, 3 May 2012

8:30 Registration

8:50 Opening remarks from the Chair

**John Lunny**, *Principal, Workplace Resolve, Accredited Specialist in Workplace Relations*

### THE FAIR WORK ACT & CONFRONTING CHALLENGING ECONOMIC TIMES

9:00 Keynote address – Is the Fair Work Act fair?

- An overview of the operation of the *Fair Work Act* (Cth) in the first two years
- What to expect from the *Fair Work Act* review
- Employment law issues in the two speed economy

**Joanna Glynn**, *Partner, Corrs Chambers Westgarth*

■ 1 CPD point in Professional Skills

### NEGOTIATION & INDUSTRIAL ACTION

10:00 Bargaining update

- Can you be forced to bargain?
- What impact are the good faith bargaining laws having?
- Dealing with disputes during the bargaining process

**Michael Moy**, *Partner, McCullough Robertson Lawyers*

■ 0.75 CPD points in Professional Skills

10:45 Morning tea

11:00 Employer industrial action – lessons from the Qantas disputes

- Protected and unprotected action in the Fair Work system
- Weapons in the employers' armoury
- The concept of the workplace determination
- When compulsory arbitration can be insisted upon
- Pros, cons and alternative strategies

**John Lunny**, *Principal, Workplace Resolve*

■ 1 CPD point in Professional Skills

### COMPLAINTS & CLAIMS

12:00 Be aware in 2012: sexual harassment, bullying complaints and discrimination claims

- Sexual harassment
  - Recent cases
  - How should employers manage a formal or informal complaint
- Bullying complaints
  - State of the law
  - The rise of complaints and managing workplace bullying
- Discrimination claims
  - The legal choices available to complainants
  - Recent decisions and compensation orders

**Murray Procter**, *Partner (as of 27 February 2012), DLA Piper*

■ 0.75 CPD points in Professional Skills

12:45 Networking lunch for speakers and delegates

### INVESTIGATIONS, DISCIPLINARY PROCEDURES & REMEDIES

1:45 Workplace investigations

- When and why to investigate, including minimizing unnecessary escalation of matters
- Best practices for conducting investigations
- Appropriate confidentiality and privacy
- Managing issues such as any union involvement, fairness and transparency, legal privilege, use of external investigators, defamation and qualified privilege

**Martin Osborne**, *Partner, Norton Rose*

■ 0.75 CPD points in Professional Skills

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2:30 **Managing complex disciplinary matters and separation of senior executives**

Managing disciplinary action and separation of senior executives can be fraught with difficulty, including the risks of publicity, reputation damage and high profile litigation. In this session we will look at:

- Risks and issues which arise in senior executive disciplinary action, termination and separation
- Trends in relation to senior executive claims and litigation
- Practical steps and tips to minimise risk

**Hedy Cray, Partner, Clayton Utz**

■ 0.75 CPD points in Professional Skills

3:15 **Afternoon tea**

3:30 **General protections provisions of the Fair Work Act (Cth) and adverse action**

- Scope of the rights and protections conferred on employees pursuant to Part 3-1 of the *Fair Work Act 2009* (Cth)
- Operative provisions of Part 3-1 of the *Fair Work Act 2009* (Cth) which prevent employers from taking adverse action against employees because of a protected attribute
- Meaning of adverse action
- Attributes protected by the *Fair Work Act 2009* (Cth)
- Causative relationship between adverse action and protected attributes
- Practical examples

**John Payne, Director, Hall Payne Lawyers**

■ 0.75 CPD points in Professional Skills

**THE ROLE & RESPONSIBILITY OF THE FAIR WORK OMBUDSMAN**

4:15 **Compliance and enforcement undertaken by the Fair Work Ombudsman**

- Role and function of the Fair Work Ombudsman
- Investigation of complaints, suspected contraventions of workplace laws, awards and agreements
- Various issues on rates of pay, leave, termination, redundancy, etc
- Target campaigns and audits
- Actions such as litigation, compliance orders, enforceable undertakings
- Recent penalty decisions

**Steve Ronson, Executive Director, Regional Services and Targeting, Fair Work Ombudsman**

■ 0.75 CPD points in Professional Skills

5:00 **Close of conference**

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## Employment Law for HR Practitioners QLD

3 May 2012  
Stamford Plaza Brisbane  
Crn Edward and Margaret Streets  
Brisbane QLD 4000

# 5 easy ways to register

Online: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)  
Email: [registration@lexisnexis.com.au](mailto:registration@lexisnexis.com.au)  
Phone: 1800 772 772  
Fax: (02) 9422 2338

Mail: Conference Co-ordinator, LexisNexis  
Locked Bag 2222, Chatswood Delivery  
Centre, Chatswood NSW 2067  
or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD2412

ABN: 70 001 002 357

### A Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name  
Organisation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Position: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email (required\*\*): \_\_\_\_\_

### Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name  
Organisation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Position: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email (required\*\*): \_\_\_\_\_

### Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name  
Organisation: \_\_\_\_\_  
Address: \_\_\_\_\_  
Position: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
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\*\* to send conference confirmation

### B

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- ☐ Contracts Masterclass 2012, QLD – 1 March 2012
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  - ☐ Personal Injuries – 2 May 2012
  - ☐ Conveyancing QLD 2012 – 3 May 2012
  - ☐ Australian Women Lawyers 4th National Conference – 10-12 August 2012
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#### EXAMPLE

<input checked="" type="checkbox"/>	Conference	1	\$ 900 + GST = \$ 990	\$990
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#### Advanced price (register and pay before 9 March 2012)

Please Select	Options	Qty	Price	Subtotal
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	\$180 + GST = \$198	

\* Advanced price, team discounts and any other discount cannot be taken concurrently

TOTAL

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