



## 5th Annual Industrial and Workplace Relations National Conference 2011

Regulatory, policy and legal updates including case studies

7-8 June 2011, Two-day program

9 June 2011, Post-conference workshops

PARKROYAL Darling Harbour, Sydney

### Program highlights

- **General protections:** the new black in workplace law
- **Mental health** and industrial relations
- **Social media:** Employee responsibilities when chatting on line
- The obligation to accommodate **flexible work arrangements**
- **Workplace bargaining** and practical tips on **good faith bargaining**
- Support mechanisms for those impacted by **natural disasters**
- **Workplace bullying**
- Up to date cases regarding **redundancy**
- Enforcing **post employment restraints**
- Tips & traps when **drafting employment contracts**

Claim up to 18 CPD/MCLE points

Product of:



### Speakers

- **The Hon. Justice Michael Walton**, Vice President, **NSW Industrial Relations Commission**
- **John Watson**, General Manager Work Health & Safety Division, **WorkCover NSW**
- **Des Kennedy SC**, Barrister, **Jack Shand Chambers**
- **Joydeep Hor**, Managing Principal, **People & Culture Strategies**
- **Tim Capelin**, Consultant, **Piper Alderman**
- **Justice George Miller**, Former NSW Chief Industrial Magistrate and Magistrate
- **Sharlene Wellard**, Partner, **Piper Alderman**
- **The Hon. Justice Alan Boulton AO**, Senior Deputy President, **Fair Work Australia**
- **Jeffrey Phillips SC**, Barrister, **Denman Chambers**
- **Joe Catanzariti**, Partner & National HR Partner, **Clayton Utz**

Early bird discount expires 6 May 2011

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# 5th Annual Industrial and Workplace Relations National Conference 2011

Regulatory, policy and legal updates including case studies

## Day one: 7 June 2011

- 8:30 **Registration**
- 8:50 **Welcome from the Chairperson**  
**Justice George Miller**, *Former NSW Chief Industrial Magistrate and Magistrate*
- 9:00 **Fair Work System two years on**  
Justice Boulton addresses the *Fair Work Act 2009* and how we fair 2 years hence. This comprehensive overview from the Senior Deputy President details significant changes and observed trends in the act.  
**The Hon. Justice Alan Boulton AO**, *Senior Deputy President, Fair Work Australia*  
**0.75 CPD/MCLE points**
- 9:45 **Unfair dismissal: case studies and trends**
  - The employer's responsibilities in relation to redeployment when retrenching employees
  - The importance of disciplinary warnings, including communicating to the employee the consequences which flow from breaches of workplace policies
  - Having a valid reason for termination and the significance of making the decision to terminate on a case by case basis
  - The implementation of policies, and the training to be carried out by employers to ensure employees are aware of their obligations**Joydeep Hor**, *Managing Principal, People & Culture Strategies*  
**0.75 CPD/MCLE points**
- 10:30 **Morning tea**

### Discussion Panel

- 11:00 **The social media phenomenon: what goes around comes around.**
  - Reputational risks for organizations when employees gossip/complain on line
  - So many grey areas
  - Recent examples of litigation and conciliation**Lisa Berton**, *Partner, Kemp Strang*  
**Joydeep Hor**, *Managing Principal, People & Culture Strategies*  
**1.5 CPD/MCLE points**

- 12:30 **Networking lunch for speakers and delegates**
- 1:30 **Adverse Action: Legislative update from the Fair Work Ombudsman**
  - Adverse action claims under the *Fair Work Act 2009*
  - Overview of recent cases
  - Role and function of the Fair Work Ombudsman**Alistair Salmon**, *Director Legal Practice ACT/NSW, Fair Work Ombudsman*  
**0.75 CPD/MCLE points**

- 2:15 **Sexual harassment**  
Sexual Harassment is never far from the front pages and even closer to the thinking of HR Directors and CEOs. Recent high profile cases have again highlighted the need for a healthy corporate culture and for sane and salient contingency plans. Jeffrey Phillips SC will provide a comprehensive update on the sexual harassment landscape and give a bird's eye view from the bar.  
**Jeffrey Phillips SC**, *Barrister, Denman Chambers*  
**0.75 CPD/MCLE points**
- 3:00 **Afternoon tea**
- 3:30 **Workplace bullying**
  - Legal principals
  - Negligence in the workplace
  - Intentional tort
  - Injury and case studies**Des Kennedy SC**, *Barrister, Jack Shand Chambers*  
**0.75 CPD/MCLE points**
- 4:15 **Drafting and enforcing employment contracts**
  - Types of employment contracts
  - Interaction with legislation and company policies
  - Reducing the risk of underpayment claims
  - Gardening leave, notice and post employment obligations
  - Additional considerations for award covered employees and officers**Sharlene Wellard**, *Partner, Piper Alderman*  
**0.75 CPD/MCLE points**
- 5:00 **Close of day one**

## Day two: 8 June 2011

- 8:30 **Registration**
- 8:50 **Welcome from the Chairperson**
- 9:00 **OHS harmonisation**  
In January 2012, new work health and safety legislation will be introduced in New South Wales. Mr. Watson, will present an update on the implementation of the new legislation and how New South Wales will continue its commitment to effective health and safety requirements for all Australian workers and employers.  
**John Watson**, *General Manager Work Health & Safety Division, WorkCover NSW*  
**0.75 CPD/MCLE points**
- 9:45 **Enterprise bargaining agreements**  
This session will take account of the latest cases on the topic and answer the following questions:
  - Can/Should an enterprise agreement be avoided?
  - What is bad faith bargaining?
  - When will a protected action ballot be disallowed?
  - When will orders be made ending industrial action?
  - How do you ensure Fair Work Australia approves your agreement?
  - What key things will maximise your bargaining outcomes?**Tim Capelin**, *Consultant, Piper Alderman*  
**0.75 CPD/MCLE points**

Claim CPD/MCLE points with all LexisNexis Professional Development events



## 7-8 June, Two-day program 9 June, Post-conference workshops

10:30 Morning tea

### Discussion Panel

11:00 **Obligations to accommodate flexible work practice requests**

- Flexible working arrangements. A brief overview
- Enhancing the value of your organisation?
- The tail wagging the dog?
- Paid parental leave
- Diversity issues
- What's happening in the courts?

**The Hon. Justice Michael Walton**, *Vice President, NSW Industrial Relations Commission*

**Jane Comensoli**, *Director Human Resources, Catholic Education Office Sydney*

**Gerard Phillips**, *Partner, Middletons*

**1.5 CPD/MCLE points**

12:30 Networking lunch for speakers and delegates

1:30 **Support mechanisms for those impacted by natural disasters**

- Stand down under the *Fair Work Act* and industrial instruments
- Working from home & 'early release'
- On going communication with employees
- Pay for absent employees
- Occupational health & safety; and
- Opportunity to build working relationships

**Justine Turnbull**, *Partner, Freehills*

**0.75 CPD/MCLE points**

2:15 **Up to date cases regarding redundancy**

- Meaning of Redeployment and Redundancy
- Sources of Redundancy Entitlements
  - Contractual
  - Modern Awards and Industrial Agreements
  - *Fair Work Act* / NES
- Case Law Update
  - Common Law and Industrial cases
  - *Fair Work Act* cases
- Taxation Issues

**Steve Godding**, *Partner, Kemp Strang*

**0.75 CPD/MCLE points**

3:00 Afternoon tea

3:30 **Proposed changes to equal opportunity reporting**

- Equal opportunity in employment and diversity principles in general
- How Australia fares compared with our global competitors in terms of gender diversity
- The changes to the ASX Corporate Governance Recommendations and how these will affect the diversity space
- *The Equal Opportunity for Women in the Workplace Act 1999 (Cth)* – current reporting requirements and the effect the proposed amendments will have on EEO reporting requirements
- Ensuring diversity compliance in your Workplace

**Joe Catanzariti**, *Partner & National HR Partner, Clayton Utz*  
**Christa Lenard**, *Senior Associate, Clayton Utz*

**0.75 CPD/MCLE points**

4:15 **Mental illness in the workplace**

- Monitoring the work environment: being aware of potential triggers for, and signs of, mental illness
- Rights and responsibilities of employers and employees
- Review of legal considerations: discrimination, bullying, OHS, workers compensation, common law claims, etc
- Managing employees with a mental illness: those that tell you, and those that do not
- Case studies

**Bronwyn Maynard**, *Senior Associate, Henry Davis York*

**0.75 CPD/MCLE points**

5:00 Close of Conference

## Day three: 9 June 2011

### Workshop A

8:30 Workshop registration

9:00-12:00 Morning tea included

#### Enterprise bargaining

There is a reasonable argument that many enterprise agreements create barriers to workplace productivity. The *Fair Work Act* provisions may help facilitate agreements that reinforce this hypothesis. However, your next enterprise agreement need not add to this negative argument. Tim Capelin has nearly two decades of advising on and negotiating enterprise agreements.

- Pre-negotiation preparations
- Maximising the effectiveness of bargaining
- Protecting against accusations of bad faith bargaining
- Avoiding stalemates in negotiations
- Managing threats of industrial action
- Drafting agreements effectively
- Avoiding Fair Work Australia approval problems

**Tim Capelin**, *Consultant, Piper Alderman*

**3 CPD/MCLE points**

### Workshop B

12:30 Workshop registration

1:00-4:00 Afternoon tea included

#### Drafting and enforcing employment contracts

A properly drafted employment contract clearly sets the terms of the engagement and is critical to minimising the impact of many legal claims. Participants will be taken through a contract of employment and the ways in which it can be improved will be discussed. The session will cover what types of contracts should be used and when, the interaction with legislation and policies, how to protect the employers confidential information and how to reduce the chances of former employees poaching business and will canvass particular terms in contracts that can be used for award covered employees and other considerations in relation to company officers.

**Sharlene Wellard**, *Partner, Piper Alderman*

**3 CPD/MCLE points**

# Priority registration form

## 5th Annual Industrial and Workplace Relations National Conference 2011

4 easy ways  
to register

Online: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)  
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: PD5011 ABN: 70 001 002 357

A

### Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_

Suburb Postcode State

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

\*\* to send conference confirmation

B

#### PLEASE SEND ME MORE INFORMATION ON:

- Workplace Relations Australia – Looseleaf
- Employment Law Bulletin – Newsletter
- IR Monitor Format – E-Newsletter
- Industrial NSW Service – Looseleaf & online
- Workplace Law Fair Work Service
- Workplace Relations Legislative
- Industrial Law QLD – Looseleaf
- HR Leader – Magazine

For more information on these products call 1800 772 772

#### Earn CPD Points:

Conference: Up to 18 points

#### CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the 5th Annual Industrial and Workplace Relations National Conference 2011 conference papers for \$360 + GST = \$396.

#### PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

#### CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

1. One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
2. Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
3. 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

C

### Event pricing (please tick your selection)

EXAMPLE

Two day conference + both workshops	<input checked="" type="checkbox"/>	\$900 + GST = \$990	<b>\$990</b>
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Advance price (register and pay before 1 April 2011)				
Please Select	Options	Qty	Price	Subtotal
	Two day conference + both workshops		\$2550 + GST = \$2805	
	Two day conference + one workshop*		\$2150 + GST = \$2365	
	Two day conference only		\$1800 + GST = \$1980	
	One day conference + both workshops*		\$1700 + GST = \$1870	
	One day conference + one workshop*		\$1300 + GST = \$1430	
	One day conference only*		\$900 + GST = \$990	

Early bird price (register and pay after 1 April 2011 and before 6 May 2011)				
Please Select	Options	Qty	Price	Subtotal
	Two day conference + both workshops		\$2750 + GST = \$3025	
	Two day conference + one workshop*		\$2350 + GST = \$2585	
	Two day conference only		\$1950 + GST = \$2145	
	One day conference + both workshops*		\$1850 + GST = \$2035	
	One day conference + one workshop*		\$1450 + GST = \$1595	
	One day conference only*		\$1050 + GST = \$1155	

Standard price (register and pay after 6 May 2011)				
Please Select	Options	Qty	Price	Subtotal
	Two day conference + both workshops		\$2850 + GST = \$3135	
	Two day conference + one workshop*		\$2450 + GST = \$2695	
	Two day conference only		\$2050 + GST = \$2255	
	One day conference + both workshops*		\$1950 + GST = \$2145	
	One day conference + one workshop*		\$1550 + GST = \$1705	
	One day conference only*		\$1150 + GST = \$1265	
	Both workshops only		\$900 + GST = \$990	
	One workshop only*		\$450 + GST = \$495	

\* Early Bird, team discounts and any other discount cannot be taken concurrently

TOTAL

#### I plan to attend

- Day 1     Day 2     Workshop A     Workshop B

Where did you hear about this event? \_\_\_\_\_

- Please add me to the LexisNexis Monthly Professional Development email list

#### GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the advanced price per person (excluding workshops).

D

### Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for upon completion of payment.

- Enclosed is my cheque for: \$ \_\_\_\_\_ made payable to LexisNexis
- Pay by credit card: Please charge \$ \_\_\_\_\_ to
- Mastercard     Visa     American Express

Card number: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Expiry: \_\_\_\_/\_\_\_\_

Name of cardholder: \_\_\_\_\_

Signature of cardholder: \_\_\_\_\_

#### IMPORTANT PRIVACY NOTICE:

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Please note, delegate information will be provided to sponsors.

- Please tick here if you do not want sponsors to receive your information

- Tick here if you DO NOT wish to receive information about upcoming events