



6th Annual Industrial & Workplace Relations National Conference

Practical implications of WH&S laws, good faith bargaining and adverse actions

12-14 June 2012, The Grace Hotel Sydney

Program highlights

- Explore the intricacies of good faith bargaining in industrial disputes
- Grasp practical implications of the Workplace Health and Safety Harmonisation laws
- Learn how the courts are interpreting adverse action and general protections claims under the *Fair Work Act*
- Examine the complexity of disciplinary matters in industrial relations
- Gain insight into effective performance management to deflect legal action

Speakers

- **The Hon. Graeme Watson**, Vice President, Fair Work Australia
- **Margaret Diamond**, General Counsel and Team Leader, Harmers Workplace Lawyers
- **Giri Sivaraman**, Principal, Maurice Blackburn Lawyers
- **Tim Frost**, Partner, Allens Arthur Robinson
- **Joydeep Hor**, Managing Principal, People + Culture Strategies
- **Jack de Flamingh**, Partner, Corrs Chambers Westgarth

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17.75 points in Professional Skills

1 point in Practice Management and Business Skills

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6th Annual Industrial & Workplace Relations National Conference

Practical implications of WH&S laws, good faith bargaining and adverse actions

Tuesday, 12 June 2012

- 8:30 Registration
- 8:50 Welcome from the Chair
- Kellie Edwards, Barrister, Denman Chambers**
- 9:00 Keynote Address: *Fair Work Act – Legislative Update*
- Fair Work Act Review
 - Industry Overview: Significant cases over the last 6-12 months
 - Emerging case law around Fair Work legislation
- The Hon. Graeme Watson, Vice President, Fair Work Australia**
- 1 CPD/MCLE point in Professional Skills
- 10:00 Good faith bargaining in perspective
- Good faith bargaining orders, scope orders and majority support determinations
 - The role of arbitration in the resolution of industrial issues
 - Protected industrial action
 - High profile disputes
- Gareth Jolly, Partner, Minter Ellison Lawyers**
- 0.75 CPD/MCLE point in Professional Skills
- 10:45 Morning tea
- 11:00 Workplace health and safety harmonisation laws in the workplace
- What is work health and safety harmonisation – how did we get here?
 - The major features of the new regime
 - Significant changes for NSW
 - Practical implications in the workplace
- Margaret Diamond, General Counsel and Team Leader, Harmers Workplace Lawyers**
- 1 CPD/MCLE point in Professional Skills
- 12:00 Lunch
- 1:00 Adverse Action and General Protections claims under the *Fair Work Act*
- How the courts are interpreting applications
 - Implications of emerging adverse action claims
 - General protection – the High Court's decision in Barclay
- Giri Sivaraman, Principal, Maurice Blackburn Lawyers**
- 1 CPD/MCLE point in Professional Skills
- 2:00 Workplace flexibility in current climate
- Flexible working hours
 - Interpretations of parental leave and is it sustainable?
 - Overview of National Employment Standards with a focus on annual and long service leave
 - Dealing with requests for flexible working arrangements
- David Cross, Partner, Norton Rose**
- 1 CPD/MCLE point in Professional Skills

- 3:00 Post-employment due to redundancy
- Market/economy driven processes and their impact on businesses reviewing themselves
 - Issues for opening up your own business after redundancy
 - What to do to stop you losing your business when audited by Fair Work Australia
 - Managing a national business perspective
- Helen Carter, Director, PCC Lawyers**
- 0.75 CPD/MCLE point in Professional Skills
- 3:45 Afternoon tea
- 4:00 Modern awards
- Inflexibility in modern awards
 - The rising costs of applying modern awards to small business against large corporations that have the resources
 - Fairer and more certain modern awards for small business
 - Equal wage case run by ASU for the community services sector
- Sian Ryan, Special Counsel, HWL Ebsworth Lawyers**
- 1 CPD/MCLE point in Professional Skills
- 5:00 Close of day one

Wednesday, 13 June 2012

- 8:30 Registration
- 8:50 Welcome from the Chair
- Kellie Edwards, Barrister, Denman Chambers**
- 9:00 Managing sick and injured employees
- Overview of recent developments to disability discrimination and general protections laws regarding sick and injured employees
 - Consideration of the interplay between safety, workers' compensation, discrimination, industrial and contract claims regarding sick and injured employees
 - Managing an employer's evidentiary burden in dealing with sick and injured employees, and the question of privilege
- Bryony Binns, Partner, Baker & McKenzie**
- 1 CPD/MCLE point in Professional Skills
- 10:00 Disciplinary matters in industrial relations
- Strategies for dealing with a growing diversity of harassment claims
 - Sexual harassment
 - Bullying and cyber-bullying
- Tim Frost, Partner, Allens Arthur Robinson**
- 0.75 CPD/MCLE point in Professional Skills
- 10:45 Morning tea

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Thursday, 14 June 2012

11:00 **Managing contractor safety under the new work health and safety laws**

- What is the duty to contractors under the work health and safety laws?
- What approach is required by the new work health and safety laws to meet this duty?
- What should be included in contracts to meet this duty?
- Designing and implementing practical tools to manage contractor safety

Cormack Dunn, Senior Associate, Freehills

■ 1 CPD/MCLE point in Practice Management and Business Skills

12:00 **Lunch**

1:00 **Performance Management: Getting it right**

- How contractual provisions can facilitate effective performance management
- The importance of documentation
- The performance management process – tips and tricks
- How to create a high performance culture
- How to avoid claims of bullying and harassment during the performance management process

Joydeep Hor, Managing Principal, People + Culture Strategies

■ 1 CPD/MCLE point in Professional Skills

2:00 **Complex dynamics of employment termination**

- Difficulties in terminating an employee
- Termination of employment due to health reasons
- Termination during probation

Brooke Pendlebury, Principal Lawyer/Mediator/Investigator, Pendlebury Workplace Law

■ 1 CPD/MCLE point in Professional Skills

3:00 **Challenges of drafting employment contracts**

- Restraints of trade
- Issues arising from exercise of discretion
- Essential content of contracts: Award staff, middle management and senior staff/CEO
- Common law entitlements and implied terms

Chris McArdle, Principal Lawyer, McArdle Legal

■ 0.75 CPD/MCLE point in Professional Skills

3:45 **Afternoon tea**

4:00 **Practicalities of business transfer**

- Transfer of employment provisions of the *Fair Work Act*
- Practical operation of leave and redundancy
- Minimum employment period provisions during a transfer of business
- Practical scenarios

Jack de Flamingh, Partner, Corrs Chambers Westgarth

■ 0.75 CPD/MCLE point in Professional Skills

4:50 **Close of Conference**

WORKSHOP A – DISPUTE RESOLUTION STRATEGIES

8:30

[Workshop registration](#)

9:00-12:00

[Morning tea included](#)

In December Quarter 2006 there were 50 disputes involving 60,600 employees and 54,200 working days lost. In December 2011 there were 74 disputes involving 51,600 employees and 54,300 days lost.

- Productivity growth (multi factor productivity) has flatlined or declined since 2004
- Does the form of the legislation really matter much at all in effective dispute resolution? If so how? And how can it be improved?
- Effective dispute resolution as a road to productivity improvements
- Following Qantas and the Victorian nurses – do we all believe in compulsory arbitration now again?
- If so who apart from the FWA needs effective dispute resolution techniques anyway?
- Does s.172 of the *Fair Work Act* hinder effective dispute resolution?
- Why shouldn't employers and employees be able to make legally enforceable agreements about anything that they want and would this improve effective dispute resolution and productivity?

Jim Pearce, Barrister, Denman Chambers

■ 3 CPD/MCLE points in Professional Skills

WORKSHOP B – PRODUCTIVE PERFORMANCE MANAGEMENT

12:30

[Workshop registration](#)

1:00-4:00

[Afternoon tea included](#)

This workshop aims to equip attendees to advise and manage performance management issues. More specifically, the workshop will:

- Highlight the benefits of effective performance management
- Suggest measures to minimise the risks
- Outline the typical stages in effective performance management
- Address the more difficult types of situations
- Provide tools and tips

The workshop will use case studies, scenarios and group discussion to help reinforce the messages being conveyed. Attendees will also leave with some template documents and other tools to assist them in navigating this difficult area.

Tim Capelin, Partner, Piper Alderman

■ 3 CPD/MCLE points in Professional Skills

Who should attend?

- Workplace Relations Lawyers
- Employment Lawyers
- Human Resource Practitioners
- Performance Management Practitioners
- Learning and Development Consultants
- Business Strategy Consultants/Practitioners

To register now visit: www.lexisnexis.com.au/pd or ph: 1800 772 772 or fax: 02 9422 2338

Priority registration form

5 easy ways to register

6th Annual Industrial & Workplace Relations National Conference
12-14 June 2012
The Grace Hotel
77 York Street
Sydney NSW 2000

Online: www.lexisnexis.com.au/pd
Email: 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: PD2112

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: _____
Fax: _____
Email (required**): _____

** to send conference confirmation

C Event pricing (please tick your selection)

GROUP BOOKING

WEB

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

EXAMPLE

<input checked="" type="checkbox"/>	Conference	1	\$2550 + GST = \$2805	\$2805
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Advanced price (register and pay before 20 April 2012)

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	

Standard price (register and pay after 20 April 2012)

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		\$850 + GST = \$935	
	One workshop only *		\$450 + GST = \$495	



Conference Resources

☐ I am unable to attend but please send me the 6th Annual Industrial & Workplace Relations National Conference conference papers

Qty	Price	Subtotal
	\$360 + GST = \$396	

*I would like to attend:

☐ Day one ☐ Day two ☐ Workshop A ☐ Workshop B

☐ I am a member of Smart Manager Magazine/Australian Institute of Employment Rights, please apply my 10% discount

Membership no. _____

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

TOTAL

D Payment details

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

☐ Enclosed is my cheque for: \$ _____ made payable to LexisNexis

☐ Pay by credit card: Please charge \$ _____ to

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Future Event
Employment Law for HR Practitioners
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3 May 2012, Stamford Plaza Brisbane

B

Earn CPD/MCLE points:

Lawyers can earn up to 18.75 CPD/MCLE points.

Where did you hear about this event? _____

☐ Please add me to the LexisNexis Monthly Professional Development email list.



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- One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
- 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.
- 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.

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