

ALB

MASTERCLASS SERIES

# Employee & Workplace Relations MASTERCLASS 2010

The ALB Masterclass Series is proud to present the latest learning and networking event for employment law specialists, HR professionals and union groups, focusing on the changing landscape of Australian employment law and workplace relations.

Earn up to 6 CPD points!

## PROGRAM HIGHLIGHTS

- Analyse **GOOD FAITH BARGAINING** case studies and the role of unions
- Understand how to comply with **MODERN AWARDS** transitional provisions
- Prepare for **PAID PARENTAL LEAVE** commencing January 2011
- Refine your knowledge of **EXECUTIVE REMUNERATION**, termination and post-employment restraints
- Examine general protection of **WORKPLACE RIGHTS**
- Explore **EQUAL OPPORTUNITY** and complaint investigation issues
- Gain guidance on **HARMONISATION OF OH&S** legislation
- Focus on the **FAIR WORK OMBUDSMAN** investigation and prosecution process

All sessions run 8:30am-4:30pm

**Melbourne:** Wednesday 15th September 2010  
Rydges Melbourne, 186 Exhibition St

**Sydney:** Wednesday 22 September 2010  
Sydney Harbour Marriott Hotel  
at Circular Quay, 30 Pitt St

**Brisbane:** Thursday 18 November 2010  
Brisbane Marriott Hotel, 515 Queen St

## YOUR BRISBANE SPEAKER FACULTY



**Aaron Anderson**  
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**Samantha Betzien**  
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**Martin Osborne**  
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## HOW TO REGISTER

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# Employee & Workplace Relations MASTERCLASS 2010

## KEY BENEFITS

- Earn up to 6 CLE/CPD points
- Hear the latest case law updates and legislative reforms
- Develop new strategies and innovative practices
- Receive comprehensive course notes
- Increase your industry contacts through networking

## Brisbane Agenda: Thursday 18th November

8:30am **Registration opens**

9:00am **Welcome & opening remarks from the Chair**

- Opening remarks reflecting on the employee relations landscape
- Inviting contributions from delegates about what they expect to get out of the conference

**Ken Greedy**, associate director, employment strategies, **Griffith University**

9:10am **Analysis of good faith bargaining – Examination of case studies and unions' role in the process**

- Practical guidance on what good faith bargaining should look like
  - > Role of the unions in good faith bargaining: *CFMEU v Tahmoor Coal* [2010] FWA 3510
- Lessons from Fair Work Australia – The implications of McDonald's and the Shop Distributive and Allied Employees Union (SDA)
- Analysis of case studies in protected action ballots

**Hedy Cray**, partner, **Clayton Utz**

9:55am **Modern Awards the sleeping giant: Essential concepts you need to understand to comply with the transitional provisions of Modern Awards**

- Practical tips and guidance on implementing Modern Awards' transitional provisions – Examination of Fair Work Ombudsman Guidance Note 7
  - > Guidance on which entitlements must be phased in
  - > Identify any allowances that must be paid immediately
  - > Correctly calculate wage and loading payments
- Application of the "Better Off Overall Test"
- Case studies and applied examples

**Samantha Betzien**, partner, **Minter Ellison**

10:40am **Refreshment & networking break**

11:00am **Practical guidance on Individual Flexibility Agreements (IFA) & paid parental leave**

- Comparing and contrasting Individual Flexibility Agreements and "Preferred working hours" clauses
- Drafting an effective IFA – satisfying the "Better Off Overall Test"
- What are the "reasonable business grounds" to refuse an IFA?
- Examples of essential workplace procedures required for an IFA request
- Be prepared for paid parental leave requests - tips on essential workplace policies and procedures you need to have by January 2011

**Dan Williams**, partner, **Minter Ellison**

11:45am **Refining your technical skills & knowledge in dealing with executive remuneration arrangements, executive termination payments & post-employment restraints**

- Tips for negotiating executive contracts
- Effect of amendments to the Corporations Act 2001 (Cth) – The impact on directors and senior executive remuneration arrangements and termination entitlements
- Best-practice drafting of senior executive contracts including:
  - > Ensuring flexibility
  - > Making sure your restraints are enforceable
  - > Dealing with incentive arrangements

**Joanna Glynn**, partner, **Freehills**

12:30pm **Networking lunch for speakers & delegates**

1:15pm **Examining general protection of workplace rights: Adverse action & other issues**

- Case studies on avoiding adverse action in termination and performance management of an employee
  - > *Jones v Queensland Tertiary Admissions Centre Limited* (No 2) 2010 FCA 339 (QTAC)
  - > *Barclay v The Board of Bendigo Regional Institute of TAFE* [2010] FCA 284
- Examples of best-practice procedures and training under the new general protection provisions
- Case studies and guidance on managing long-term ill workers including *McLachlan v Endeavour Coal Pty Ltd* [2009] NSWADT 312

**Martin Osborne**, partner, **Norton Rose**

2:00pm **Exploring equal opportunity & complaint investigation issues in the workplace**

- Amendments to the *Sex Discrimination Act* (Cth)
  - > Analysis of proposed changes in the first phase of reform and what it means to employers
  - > Exploration of the upcoming broader reform process and what it means to employers
- Complaint investigation
  - > Best practice in grievance investigations
  - > Analysis of the essential policies and procedures you need for natural justice
- Make sure your workplace policies aren't discriminatory: *Police Association of New South Wales v Commissioner of Police, New South Wales* [2010] NSWADT 56

**Heinz Lepahe**, partner, **Cooper Grace Ward**

2:45pm **Refreshment break**

3:00pm **Occupational Health & Safety issues – Practical tips on avoiding bullying in the workplace, harmonisation of OH&S legislation across Australia & case studies**

- Avoiding bullying in the workplace – Analysis of essential anti-harassment and anti-bullying policies and tips and guidelines for creating a safe workplace
- Essential guidance on the implication of the proposed harmonisation of OH&S legislation across Australia – What you need to know to be prepared
- Case studies – Impact of *Kirk v Industrial Relations Commission; Kirk Group Holdings Pty Ltd v WorkCover Authority of New South Wales (Inspector Childs)* [2010] HCA 1 on your OH&S policies

**Aaron Anderson**, partner, **Norton Rose**

3:45pm **Analysing the Fair Work Ombudsman investigation and prosecution process**

- Focus on Guidance Note 8 – FWO investigative process
- What you need to do to avoid prosecution
- Consequences of contravention – Media releases and fines

**David Cormack**, barrister-at-law, **Queensland Bar**

4:30pm **Closing remarks from the Chair & conclusion of Masterclass**

