

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 MELBOURNE SPEAKER FACULTY



**Alison Baker**  
partner  
Hall & Wilcox Lawyers



**Jeremy Cousins**  
special counsel  
Sparke Helmore



**Adam Lunn**  
head of workplace relations group,  
Melbourne,  
Allens Arthur Robinson



**Lesley Maclou**  
partner  
Harmers Workplace Lawyers



**Nick Ruskin,**  
partner & practice group leader, workplace  
relations, employment & safety,  
DLA Phillips Fox



**Sean Selleck**  
special counsel  
Mallesons Stephen Jacques



**Michael Tehan**  
partner  
Minter Ellison



**Ben Vallence**  
principal lawyer a/g  
Fair Work Ombudsman

**Sarah Ralph**  
partner  
Norton Rose

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# Employee & Workplace Relations MASTERCLASS 2010

## Melbourne Agenda: Wednesday 15th September

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

**Michael Tehan**, partner, **Minter Ellison**

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
- Analysis of case studies in protected action ballots

**Sean Selleck**, special counsel, **Mallesons Stephen Jacques**

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

**Nick Ruskin**, partner & practice group leader, workplace relations, employment & safety, **DLA Phillips Fox**

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

11:00am **Practical guidance on Flexible Working Arrangements & the national paid parental leave scheme**

- When is an employee eligible to request flexible working arrangements?
- How is a request for flexible working arrangements made by an employee?
- What are an employer's obligations and options when dealing with requests for flexible working arrangements?
- When is an employee eligible to receive government-funded paid parental leave and how much can they receive?

- What are an employer's obligations in the administration of the National paid parental leave scheme?
- How does the National paid parental leave scheme interact with existing employer-funded paid parental leave schemes?

**Alison Baker**, partner, **Hall & Wilcox Lawyers**

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

- Amendments to the *Corporations Act 2001* (Cth) – The impact on directors and senior executive remuneration arrangements and termination entitlements
- Timely reminder of the salient principles of drafting and negotiating post-employment restraints
  - > Getting the balance right between protecting your goodwill and being anti-competitive: *Stacks / Taree v Marshall* (No 2) [2010] NSWSC 34

**Adam Lunn**, head of workplace relations group, Melbourne, **Allens Arthur Robinson**

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

**Sarah Ralph**, 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

## 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

- What you need to know about the new obligations imposed on Victorian employers by the *Equal Opportunity Act*
  - > Exploration of the new mandatory positive obligations on employers to take reasonable measure to eliminate discrimination and sexual harassment
  - > What it means for employers – Being more proactive than ever before to prevent and manage discrimination risks and behaviour
  - > Reviewing current policies, practices and systems to ensure compliance for August 2011
- 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

**Jeremy Cousins**, special counsel, **Sparke Helmore**

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

**Lesley Maclou**, partner, **Harmers Workplace Lawyers**

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

**Ben Vallance**, principal lawyer a/g, **Fair Work Ombudsman**

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

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