



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 SYDNEY SPEAKER FACULTY



Tim Capelin
managing partner
Australian Business Lawyers



Jan Dransfield
partner
Blake Dawson



Andrew Gray
partner
Mallesons Stephen Jacques



Tim Lange
partner
Hunt & Hunt



Vanessa MacBean
head of people & communications
ABC



Andrew Martin
barrister-at-law
Latham Chambers



Mark Sant
partner
Gadens Lawyers



Justine Turnbull
partner
Freehills



Catherine Wilkinson
partner
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KEY MEDIA

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

Sydney Agenda: Wednesday 22nd 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

Vanessa MacBean, head of people & communications, **ABC**

9:10am **Analysis of good faith bargaining – Examination of case studies & 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

Tim Lange, partner, **Hunt & Hunt**

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

Andrew Gray, partner, **Mallesons Stephen Jaques**

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

Mark Sant, partner, **Gadens Lawyers**

11:45am **Refining your technical skills and 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

Jan Dransfield, partner, **Blake Dawson**

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

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

- What is a Workplace Right?
- What are Industrial Activities?
- What other protections exist?
- What is Adverse Action?
- What cases have arisen so far?
- How can the risk of claims be minimised?
- Other useful tips

Tim Capelin, managing partner, **Australian Business Lawyers**

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

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

Justine Turnbull, partner, **Freehills**

2:45pm **Refreshment break**

3:00pm **Occupational Health & Safety issues associated with bullying in the workplace; how this will change under the Model OHS laws & case studies**

- Bullying in the workplace – Tips to ensure you have policies and guidelines in place for a safe workplace
- Harmonisation - Obligations under the new model laws as it relates to bullying and harassment
- Case study – Review of *Victorian WorkCover Authority v Map Foundation Pty Ltd (trading as Cafe Vamp)*

Catherine Wilkinson, partner, **Sparke Helmore**

3:45pm **Analysing the Fair Work Ombudsman investigation & 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

Andrew Martin, barrister-at-law, **Latham Chambers**

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

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