



4th Annual National

Bringing Law
and Business Together

Industrial & Workplace Relations 2010

For HR professionals and employment advisors

2 - 3 June

Stamford Plaza, Brisbane

Program highlights

- **Receive an intensive briefing** on the practical implications of FWA
- **Know the strategies** of enterprise bargaining; timing, impacts and the outcomes
- **Take an informed approach** to managing exit strategies and pay out provisions
- **Manage workforce participation;** tailoring retention strategies with insight from recruiters
- **Know what to do, when and how** to contain claims of unfair dismissal

Expert speakers

Director

*Equal Opportunity for Women in the Workplace Agency,
Australian Government*

Barry Leahy

*Deputy Director-General, Department of Fair and Safe
Work Queensland*

Neroli Holmes

*Acting Commissioner,
Anti-Discrimination Commission Queensland*

Kay Gaffney

*Queensland Dispute Resolution Centre, Department of
Justice & Attorney General*

Ben Swan

Assistant Secretary, Australian Worker's Union

Julie Campbell

Manager of Employee Relations, University of Queensland

Mischa Fahl

*Managing Director, Fahl E.R, specialists in employee
relations*

Helen Carter

Director, PCC. People, Culture & Compliance

Early Bird Discount expires 23 April 2010

PLUS: Fair Work Australia Intensive Briefing

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Industrial & Workplace Relations 2010

For HR professionals and employment advisors

Day 1 – Wednesday, 2 June 2010

8:30 **Registration**

8:45 **Welcome from the Chairperson**

Yvette McLaughlin, Partner, Macdonnells Law

8:50 **Speaker Spotlight: Sparke Helmore Lawyers**

Fair Work Australia Intensive Briefing

9:00 **Following on from prior practice when approaching Fair Work Australia**

- Setting out the original jurisdiction of the Tribunal and its Divisions
- What FWA offers the community and how it relates to prior practice
- Working through the types of relief available and time frames involved
- Looking at the scope of the Tribunal and matters to be heard
- Passing on the lessons learned from experience at FWA

John Payne, Principal, Hall Payne Lawyers

9:30 **Setting out the review & appellate jurisdiction of the Tribunal**

- Practical advice for advising on, bringing and dealing with a review
- Providing accurate advice by knowing what can and can't be heard
- Considering the relevant and likely time frames to be involved
- Looking at when and how to commence an application
- Issues arising in the past that are likely to arise in the future

Charles Massy, Senior Associate, Hall Payne Lawyers

Managing redundancy, redeployment, and preventing unfair dismissal

10:00 **New employee options concerning dismissal under Fair Work**

- Options for employees during the course of employment
- Meaning and effect of a General Protection Application
- Coercive action claims from the employee's point of view
- Addressing bias, evidence and representation

Linking adverse action with unfair dismissal provisions

- Discrimination and adverse action in the FWA regime
- Investigating and documenting unfair dismissal claims

Matthew Smith, Partner, Sparke Helmore Lawyers

10:30 **Morning tea**

10:45 **Application of the FWA to senior executives**

- Circumstances that could give rise to an unfair dismissal claim
- Qualifying requirements to bring an action; scenarios and risks
- When an unfair dismissal application must be filed and the process
- Comparing rights and remedies for public vs private executives

Helen Carter, Director, PCC. People, Culture & Compliance

11:20 **Recruitment & Retention in 2010; trends and tactics**

- Overview of trends following on from the market in 2009
- Recruitment trends; what should and shouldn't be done
- Retention trends; what has and hasn't worked well for employers
- Good and bad examples of performance measurement and management
- How flexibility and recognition is working well for employers

Kathy Kostyrko, Director, Hays Recruiting

11:50 **Practical implications of the Fair Work Act to large employers**

How the University of Queensland has managed up to 12,000 employees

- Providing increased flexibility in a flexible work place
- Practical issues with the application of the Act

Julie Campbell, Manager of Employee Relations, HR Division, University of Queensland

12:20 **Insight on FWA from the Australian Workers' Union perspective**

- The common issues taken to the AWU by employees
- The responses and actions that are undertaken
- Examples of good relationship management with union activity

Ben Swan, Assistant Secretary, Australian Worker's Union

12:35 **Networking lunch for speakers and delegates**

1:35 **Using individual agreements in circumstances under Award**

- Critical implications arising out of the Legal Services Award 2010
- How to change awards with specific agreements
- Coordinating entitlements to pay with offsets from an employer's point of view
- Advice for employing people under agreements that differ to the relevant Award
- Varying impacts of awards and conditions on industry or occupation-based
- The awards that include conditions concerning redundancy

Union Services Team, Slater Gordon

2:15 **Integrating the Model Work Health and Safety Act (Cth)**

- Setting out the relevant aspects of OHS on employment law
- Understanding the nature of the beast; safety inspectors
- Trends in lump sum compensation claims and rising penalties
- Setting out the rights and defences used by employers
- Advocating tips for representing employees, self incrimination issues

Barry Leahy, Deputy Director-General, *Fair and Safe Work Queensland*

2:45 **Afternoon tea**

Workshop

3.00 **Drafting FWA compliant employment contracts**

- Comparing the use and suitability of Common Law Contracts
- Hours of work; businesses reliant on few hours vs many hours
- Record keeping; what employers are most likely to defend
- Managing standard and varied awards; the common variations
- Unpaid parental leave entitlements
- Calculations for accrued entitlements vs offsets
- Performance management options with people and psychology in mind

Helen Carter, Director, *PCC. People, Culture & Compliance*

Industry Insight

4.00 **Harassment resources for HR managers**

- Harassment in and out of the workplace; the high risk scenarios
- The role of managers and supervisors presented with a complaint
- Setting out liability and risk mitigation measures for employers through HR
- Relevant issues following any conciliation of claims; vilification and discrimination

Joanna Minchinton, Employment Relations Manager, *Queensland Hotel Association*

4:30 **Managing workforce participation with maternity and parental leave**

- Implications of the National Employment Standards from a commercial point of view
- Options and innovations for retaining talent in small businesses & departments
- Examples of putting processes in place for real performance management
- Effective methods for minimising staff-turnover; HR role in career development
- Key lessons learned from 30 years management at both Coles Myer and Big W

Lynn Cook, Managing Director, *Personalised Business Coaching & Solutions*

5.00 **Close Day 1**

“Very good presentations addressing current changes and trends. Great overview of what’s to come with the new legislation change.”

Emilia Pirello, Solicitor, Harris Wheeler Lawyers.

 Register online today:
www.lexisnexis.com.au/pd

2 - 3 June 2010
Stamford Plaza, Brisbane

Day 2 – Thursday, 3 June 2010

8:30 Registration

8:50 Welcome from the Chairperson

Yvette McLaughlin, Partner, Macdonnells Law

9:00 **Anti-Discrimination applications from the Commission's perspective**

- Working through the complaint process and time frames involved
- Practical advice for how to handle a complaint based on lessons learned
- Interactions and overlaps with work choices
- Advice for the types of complaints often unresolved and referred to the Tribunal

Neroli Holmes, Acting Commissioner, Queensland Anti-Discrimination Commission

9:45 **Conflict in the workplace**

- Positive & negative effects of conflict
- Costs of unresolved conflict
- Precursors & causes of conflict
- Styles of conflict & their costs & benefits
- Conflict & emotions
- Role of Managers
- Value of training
- Benefits of early intervention
- Alternative Dispute Resolution
- Workplace harassment/bullying-a special case

Kay Gaffney, Practice Manager Dispute Resolution Branch Qld Department of Justice & Attorney General

10:30 Morning tea

“Speakers were excellent and provided very helpful information.”

Claire Brown, Human Resources Manager

Feature session

10.45 **Parental rights and flexible work arrangements in practice feature session**

- Experiences and views of independents, trade unions, and small businesses
- Rights to request vs rights to enforce; business considerations
- Examples, options and trends with refusing on grounds of inconvenience
- Dealing with unenforceable rights at the enterprise level
- Benefits of being a flexible employer

Director, Equal Opportunity for Women in the Workplace Agency, Australian Government

Feature session

11.15 **Enterprise bargaining at Queensland Health; employer and employees**

- The role of the Workplace Relations Unit in enterprise bargaining
- Issues and methods of resolution used during negotiations at QLD Health
- Expectations for tailoring agreements between employer and employees
- Types of agreements, types of relationships and the impact of unions
- Experience and expectations for enterprise bargaining; what needs to be done, when, how

Peter Patmore, Senior Director, Human Resources Department, Queensland Health

12.00 **Networking lunch for speakers and delegates**

Employment Relations solutions for making things work at work

12.45 **Dealing with workplace disputes; case study reflections**

- Nuances of mediation and justice mediation
- Tips for managing a conflict or complaint
- How to distinguish complaints from conflicts

Mischa Fahl, Managing Director, Fahl E.R specialists in employee relations

Industrial & Workplace Relations 2010

Day 2 – continued

1.30 **The civil and criminal regime for unpaid wages**

- Criminal sanctions as opposed to civil remedies and penalties
- Sections 399 and 666 for common ground, differences, procedural and evidentiary concerns
- A review of the WR Act, WorkChoices and FW Acts in respect of penalties
- Standardisation of enforcement obligations under the FW Act; and
- Benefits and disadvantages of the emerging regime

David Cormack, Barrister, Queensland Bar

2.30 **Afternoon tea**

Workshop

2.45 **Exit strategies and pay out provisions**

- Comparing examples and structures of pay-out provisions
- Termination clauses; what has been done well and what caused trouble
- Avoiding claims of unfair dismissal with defined grounds of termination
- Protecting confidentiality and client bases from exiting employees
- The do's and don'ts concerning restraint of trade
- Taking direction from an up-to-date overview of rulings
- Minimising termination risks; comparing examples of KPI's

4.00 **Results for the new transfer of business test**

- When a transfer of business will take place under the Act
- How to transition from a Division 2B state award to a modern award
- Connections and examples of disconnections between old and new employers
- Distinguishing the transfer of work from the transfer of business
- Outsourcing and in-sourcing arrangements under the new broader test
- Impacts of maintaining continuity of existing services under the new provisions
- What should be done before transferring employees

Clayton Payne, Employment & Workplace Relations Law Specialist, Carter Newell

4.45 **Close Day 2**

Upcoming events

National Mining Law Conference

19 May 2010, Brisbane

Industrial & Workplace Relations Workshop

4 June 2010, Sydney

2nd Annual National Native Title Law Summit

15-16 July 2010, Brisbane

Australian Women Lawyers – Third National Conference

6-8 August 2010, Brisbane

Visit www.lexisnexis.com.au/pd for further information

“A very interesting and informative conference. Very engaging speakers.”

Rebekah Knox, Principal Solicitor, ACT Government Solicitors Office

Priority registration form Industrial & Workplace Relations 2010



4 easy ways
to register

Online: www.lexisnexis.com.au/pd
Phone: 1800 772 772
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Please complete sections A, B, C, D

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First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

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Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

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** to send conference confirmation

B Please send me more information on:

- Workplace Law - Fair Work
- Workplace Relations Australia
- Workplace Relations Legislation
- Industrial Law NSW
- Industrial Law QLD
- Employment Law Bulletin

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of the Industrial & Workplace Relations 2010 papers for \$360 + GST = \$396

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Please Select	Options	Qty	Price	Subtotal
	Two day conference		\$1,800 + GST = \$1,980	
	One day conference ^		\$900 + GST = \$990	

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	Two day conference		\$1,950 + GST = \$2,145	
	One day conference ^		\$1,050 + GST = \$1,155	

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	Two day conference		\$2,050 + GST = \$2,255	
	One day conference ^		\$1,150 + GST = \$1,265	

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

TOTAL

^ I would like to attend: Day 1 or Day 2

GROUP BOOKING

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

Where did you hear about this event?

- Please add me to the LexisNexis Monthly Professional Development email list
- Please subscribe me to HR Leader Magazine for 12 months \$59.09 + GST = \$65

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Event date
& venue

2-3 June 2010
Stamford Plaza
Cnr Edward & Margaret Streets, Brisbane