



Employment Law for HR Professionals 2013



Strengthen your understanding of Australia's employment laws and their impact on your business:

- Protect yourself and your organisation from the risk of adverse action
- Ensure your anti-harassment policy and complaints procedures are robust
- Understand your compliance obligations with new WHS codes of practice
- Benchmark your social media policy against best-practice and recent FWA decisions
- Navigate the employer-union relationship to prevent and manage industrial action and disputes
- Deal with the legal hazards surrounding performance, redundancy and bad fits
- Define the legal issues and obligations around absenteeism and improve employee attendance
- Immigration law update: Legal considerations for a global workforce

Event details

Perth 21 February 2013
Hyatt Regency Hotel
99 Adelaide Terrace



How to register

Official publication Researched by

Phone: (02) 8437 4730

E-mail: catherine.squire@keymedia.com.au





Employment Law for HR Professionals

8:00 Registration opens

8:45 Welcome & opening remarks from the Chair

9:00 Navigating the risks of adverse action

Since the introduction of the Fair Work Act, an increasing number of cases have seen HR professionals called on to defend employers' decisions in court and even face individual prosecution. Learn how to navigate the risks and protect yourself and your organisation. Explore:

- » The process of bringing an adverse action claim
- » Typical situations and actions that pose risks for employers
- » How HR professionals can protect themselves from individual liability risks
 - › Importance of justifying and documenting reasons for actions against employees
 - › What is a workplace right?
- » How employers can successfully defend an adverse action claim
- » Examples and lessons learned from recent cases
 - › *Board of Bendigo Regional Institute of Technical and Further Education v Barclay [2012] HCA 32*
 - › *ALAEA v Qantas Airways Ltd & Anor [2011]*
 - › *Stevenson v Airservices Australia [2012] FMCA 55*

Eleanor Jewell, *special counsel*, Allens

9:45 Recruiting skilled workers overseas: Legal considerations for an international workforce

Foreign recruitment is on the rise as Western Australian organisations seek to deal with the resources boom and shortage of skilled workers. This means HR practitioners need to be across changes and developments in immigration law and visa issues to ensure their resourcing strategy is effective.

- » Your responsibilities when sponsoring non-citizen employees
 - › Recent changes to employer-sponsored visas
 - › Training requirements
 - › Wages and legal rights of foreign workers
 - › New consolidated sponsored occupation list
- » What does this mean for your employees?
 - › Effect of redundancies on employer-sponsored visas
 - › Special considerations when dismissing sponsored employees
 - › Compliance case studies

Robert Walsh, *managing partner*, Fragomen

10:30 Refreshment & networking break

11:00 Social media and employment law: What's your policy?

Many of your employees use social media during and outside of work hours. With cases involving the use (or misuse) of social media on the rise, it is imperative employers have clear policies in place and understand their rights in such situations.

- » The risks and benefits of employee use of social media for work-related and personal reasons
- » Developing your social media strategy

- » Social media policies – what should be covered, how should it be communicated?
 - » The protection of company information and data – who owns your company's social media contacts and content?
 - » Learnings from recent decisions and international developments
 - › *Linfox Australia Pty Ltd v Glen Stutsel [2012] FWA 7907*
- Stephen Kemp, *partner*, Jackson McDonald

11:45 Harassment in the workplace: Building a zero-tolerance culture

Bullying and harassment continues to be a big problem in Australian workplaces with the Productivity Commission estimating it to cost \$6 billion to \$36 billion per year. Employers need to be vigilant as they may find themselves liable for the actions of employees or face bullying-related claims themselves. As HR professionals, ensure you are aware of your legal obligations in this high-risk area.

- » Insights from the Code of Practice on Preventing and Responding to Workplace Bullying
 - › What constitutes bullying?
- » Steps to creating a culture of reporting and zero tolerance
 - › Importance of providing frequent, consistent, documented training for employees to ensure awareness
- » Taking appropriate remedial action if harassment occurs – what a robust complaints procedure should look like
- » Avoiding vicarious liability: lessons learned from recent cases
 - › *Hughes v Narrabri Bowling Motel Limited [2012] NSWADT 161*

Saul Harben, *partner*, Clayton Utz

12:30 Networking lunch for all attendees

1:30 Work Health and Safety Harmonisation in Western Australia: An update

New harmonised workplace health and safety (WHS) laws came into play on 1 January 2012 in many states around Australia. While Western Australia has decided to delay the implementation of model WHS laws, it is timely for employers to review their policies and procedures and be prepared for potential operational impacts of the new regulations.

- » Differences between the existing law in WA and the model WHS Regulations and Codes of Practice
- » Your expanded duty of care as a Person Conducting a Business or Undertaking (PCBU)
 - › *Chadwick v Woodside Energy Limited [2011] FWA 2890*
- » Due diligence duties for officers
 - › Incident reporting and governance structures to fulfil due diligence obligations
- » Lessons learned from cases in other jurisdictions

Marie-Claire Foley, *partner*, Ashurst

2:15 Best practice in terminations, redundancies and performance management

Before deciding to terminate someone's employment the organisation must understand its obligations under the employment contract, award

or agreement. This session examines the legal hazards associated with terminating the employment relationship and provides a road map for best practices on the following complex issues:

- » Your obligations under unfair dismissal laws
- » Issuing 'genuine' redundancies
- » Performance and misconduct-related terminations
 - › Preparing the proof for termination
 - › Proving an employee's inability to fulfill their duties on a 'balance of probability' basis
- » Dealing with bad fits

Allan Drake-Brockman, *group head, Australian workplace relations, employment and safety practice group, DLA Piper*

3:00 Refreshment & networking break

3:30 A practical update on creating effective employment contracts

An employment contract is the key to beginning a solid working relationship with a new employee. This session navigates the legal complexities and addresses some of the common questions faced by HR professionals.

- » Independent contractor vs employee: do you know the difference?
 - › *Hollis v Vabu Pty Ltd [2001] 207 CLR 21*
 - › *ACE Insurance Ltd v Trifunovski (No 2) [2012] FCA 793*
 - › Consequences of 'sham contracting'
- » Restraint of trade clauses and enforcement
 - › What interest are you trying to protect?
 - › Tailoring clauses to specific employees
 - › Examples from recent case law

Phil Brunner, *partner, Gadens Lawyers*

4:15 Legal issues and obligations when managing absenteeism, ill or injured workers

Excessive absenteeism can be detrimental to company productivity and staff morale. But managing ill or injured workers, or dealing with underperforming employees who abuse their sick leave entitlements can be a complex issue for employers. This session will help you improve employee attendance.

- » Ensuring a clear policy and procedure exists for employees to follow when absent
 - › What evidence requirements are expected?
 - › Your rights to direct an employee to undergo a medical examination
- » When is an employee's absence enough to justify dismissal?
 - › What is a temporary absence?
 - › How to avoid unfair dismissal claims
 - › Treatment of employees on workers compensation vs. sick leave and the effect on premiums
- » Risks of terminating an employee for health reasons
 - › *Kavassilas v Migration Training Australia Pty Ltd [2012] FMCA 22*
 - › *Puti Walker v Bow Tie Removals and Storage Pty Ltd [2012] FWA 2851*
 - › *Silver v Rogers & Rogers [2012]*

Alistair Talbert, *special counsel, Sparke Helmore*

5:00pm Closing remarks from the Chair & conclusion of Masterclass

What HR professionals are saying about the HR Masterclass series:

I was particularly **impressed by the very powerful narration** of several HR Summit speakers. Their perspectives resonated with me and made me set up a meeting with our team the next day

– HR manager, *Leighton Contractors*

I recently attended the HR Conference and **was delighted**. It was commercially focussed, with substance and **significant speakers**. It has been some years since I've attended such a worthwhile HR seminar

– HR manager, *KMART*

This was my first conference and I was impressed with the **high calibre speakers** and **thought provoking topics**. It is a good exercise to benchmark our frameworks with industry peers

– senior human resources manager, *Mercedes-Benz New Zealand*

I attended the masterclass last week and would like to once again **thank you** for a great two days of presentations. I have for the past seven years attended the AHRI conference but think that I will now make this a biennial conference as I certainly enjoyed yours more

– HR manager, *Campbell's Arnott*



Employment Law for HR Professionals 2013

Event details Perth 21 February 2013 Hyatt Regency Hotel, 99 Adelaide Terrace



REGISTRATION FORM

How to register

Fax completed registration form to: 02 8437 4750 or email: catherine.squire@keymedia.com.au

This form is a tax invoice when completed ABN: 74 096 504 308

Registration Fee

REGISTER & PAY BEFORE 21ST DECEMBER 2012

- Super Saver (individual pass) \$1095 inc gst
- Super Saver (team pass) \$3283 inc gst

REGISTER & PAY BEFORE 1st FEBRUARY 2013

- Early Bird (individual pass) \$1295 inc gst
- Early Bird (team pass) \$3885 inc gst

REGISTER & PAY AFTER 1st FEBRUARY 2013

- Standard (individual pass) \$1595 inc gst
- Standard (team pass) \$4785 inc gst

Payment Details

Debit my credit card
Please supply your credit card details below

Cheque Payable to Key Media Pty Ltd.

Electronic Funds Transfer (EFT)
Please transfer funds directly to:
Westpac Account Name: Key Media Pty Ltd
BSB: 032 297 Account No: 170786
Please quote reference number s585 and registrant name

Card Details

VISA
 MASTERCARD
 DINERS
 AMEX
 AMEX 4 DIGIT PIN

Please note: For payments made with American Express and Diners, a 4% processing fee will be added to the final invoice

CARD NUMBER

NAME ON CARD

EXPIRY DATE CCV

CARDHOLDER SIGNATURE

Delegate Information PLEASE COMPLETE IN BLOCK LETTERS

MR/MS/MISS/MRS (please circle)

FIRST NAME LAST NAME

COMPANY

JOB TITLE

POSTAL ADDRESS

SUBURB STATE POSTCODE

TELEPHONE MOBILE

EMAIL ADDRESS

A list of seminar participants may be provided to our presenters. Tick this box if you wish to be excluded from the list

Delegate 2

FIRST NAME LAST NAME

JOB TITLE EMAIL ADDRESS

Delegate 3

FIRST NAME LAST NAME

JOB TITLE EMAIL ADDRESS

Delegate 4

FIRST NAME LAST NAME

JOB TITLE EMAIL ADDRESS

Cancellation, Transfer & Privacy

If you are unable to attend, a substitute delegate is welcome at no extra charge. Cancellations received in writing 14 or more days in advance will receive a full refund minus a \$200 administrative fee or a credit note will be issued for use towards another Key Media event within 12 months. The company regrets no refunds will be made less than 14 days prior to the event. Should we cancel or postpone a conference, delegates will receive a full refund. Key Media is not responsible for any loss, damage or additional costs incurred as a result of an alteration, cancellation or postponement of an event. Full terms and conditions including our privacy policy are available on our website <http://toptalent.hcamag.com>.

YOU WILL RECEIVE A CONFIRMATION OF YOUR REGISTRATION VIA EMAIL. IF YOU DO NOT RECEIVE THIS CONFIRMATION WITHIN 48 HOURS, PLEASE CONTACT ACCOUNTS ON +612 8437 4700.

Organised by

FAX TO: +612 8437 4750
MAIL TO: Reply Paid 83974, St Leonards NSW 2065

S585 / WEB