

Legal Framework For

EMPLOYMENT AND WORKPLACE RELATIONS IN THE PUBLIC SECTOR

Brand new sessions addressing the practical insights of the impact of the legal framework on employment and workplace relations in the public sector

Key issues to be addressed include:

- ✦ The new workplace relations regime and its impact on the APS bargaining framework.
- ✦ Legal and legislative basis of employing people in the public sector
- ✦ New changes to workplace discrimination and its impact on the public sector workplace.
- ✦ Key considerations and strategies in conducting a workplace disciplinary investigation.
- ✦ Emerging issues and recent cases relating to unfair dismissals.
- ✦ The changing nature of adverse action and its impact on the public sector workplace
- ✦ Managing stress and mental health issues in the workplace.
- ✦ What are the protections offered by the current legal framework with respect to mental health and stress.
- ✦ Legal and operational impact of modern media and its impact in the workplace.
- ✦ The dynamics behind collective bargaining disputes and lessons learnt from the private sector.
- ✦ Workplace rights and protections under the current framework.
- ✦ Managing independent contractors in the public sector workplace.
- ✦ Case studies and recent case law developments to explain all the recent updates.

Who Should Attend?

Directors, Senior Managers, Managers, Officers and Advisors involved with:

*Workplace Relations

*Employee Relations

*Employee Welfare and Development

*Workforce Management

*People Management and Safety

*Organizational development

*HR Policy

*Legal Advisory

3 EASY WAYS TO REGISTER!

TEL: (02) 95807327 FAX: (02) 9585 2094, Email: info@learningnetworks.com.au

Developed and Organised By: **LEARNING NETWORK SOLUTIONS**



Overview of the summit

After 4 previous successful summits, Learning Network Solutions is proud to present its 5th annual summit with brand new addressing the most recent and relevant issues pertaining to the public sector workplace.

Backed up by a diverse and experienced panel of speakers, this conference will address the impact of the current legal and legislative framework on employment and workplace relations in the public sector. The sessions will address current issues and is relevant for professionals working in the APS.

Feedback from delegates who attended the last year's summit has been incorporated in this summit. Delegates can register for one or both days and take advantage of our generous discounts and flexible registration policies. The registration price has been drawn back to what they were ten years ago so that you get the full opportunity to attend this conference and assure top value for your time and investment.

Similar to our previous events, this conference is specially developed to benefit both the non-legal and legal professionals.

Program Agenda

Day1, Wednesday, 1st May

8.35 - 9.10: REGISTRATION AND TEA ON ARRIVAL

9.10 - 9.20: OPENING REMARKS BY THE CHAIR

Tim McDonald, Partner, Moray and Agnew Lawyers

9.20-10.20

SESSION 1

LEGAL AND LEGISLATIVE BASIS FOR EMPLOYING PEOPLE IN THE PUBLIC SECTOR

- The current features of the APS Employment framework – recent changes
- Employment under the current Public Service Act and enabling legislation and its interaction with common law employment concepts.
- Legal obligations with regard to APS employees, including rights and obligations of employers when returning employees to work after injury or illness
- Unique features of Australian Public Service (APS) employment, particularly with regard to performance management.

Andrew Klein, Senior Associate, CLAYTON UTZ

10.20 -10.35: NETWORKING TEA BREAK

10.35-11.50

SESSION 2

THE WORKPLACE RELATIONS REGIME AND ITS IMPACT ON THE APS BARGAINING FRAMEWORK

In this session, Michael will review public sector workplace relations in an election year, and consider some possible impacts on the 2014 enterprise agreement bargaining round. Drawing on his wealth of experience representing Federal and State Governments in high profile industrial disputes, Michael will provide some suggestions about bargaining in this period of uncertainty.

Michael Tehan, Partner, MINTER ELLISON

11.50 -12.55
SESSION 3

UNFAIR DISMISSAL LAWS: EMERGING ISSUES AND RECENT CASES

Issues relating to unfair dismissals have been in limelight of late. Has the balance between enforcing employee rights and allowing employers to make professional judgments about the workplace has been lost? Tim will address in detail the current laws and legislation pertaining to unfair dismissals and will articulate the key emerging issues and cases to further highlight the issue of unfair dismissals.

Tim McDonald, Partner, MORAY AND AGNEW LAWYERS

12.55 -1.50: NETWORKING LUNCH BREAK

1.50-2.50
SESSION 4

COLLECTIVE BARGAINING DISPUTES: LESSONS LEARNT FROM THE PRIVATE SECTOR

- The dynamics behind bargaining disputes
- Assessing negotiation leverage
- The role of the Fair Work Commission
- Lessons from the private sector

Chris Gardner, Partner, HERBERT SMITH FREEHILLS

2.50-3.50
SESSION 5

ADVERSE ACTION: THE CHANGING FRAMEWORK AND THE IMPLICATIONS FOR PUBLIC SECTOR

- Workplace rights and protections under the current framework
- Operation of the Fair Work Act and its provisions in a public sector context
- The key problems that have surfaced lately and what are the practical ways to address them
- Enforcement of workplace rights and remedies

Giri Sivaraman, Principal, MAURICE BALACKBURN

3.50 – 4.05: NETWORKING TEA BREAK

4.05 - 4.50
SESSION 6

EMPLOYMENT AGENTS AND RESTRAINTS OF TRADE- LATEST LEGAL DEVELOPMENTS

In this session, Greg will address through a recent case, the legal and practical implications for the Commonwealth government entities that are using contractors supplied by Employment agents.

- Employment Agents & Restraints of Trade - Latest legal developments
- Recent ACT case about restraint in Employment Agent's contract for the provision of an IT contractor's services to a Commonwealth government entity
- The restraint provision was enforced and legal costs awarded to the Employment Agent

Greg Walker, Practice Leader – Litigation & Dispute Resolution, CHAMBERLAINS LAW FIRM

4.50-5.00: SUMMING UP AND CLOSE OF DAY 1

9.15 – 9.30: OPENING REMARKS BY THE CHAIR

8.30 – 9.00: REGISTRATION AND TEA ON ARRIVAL

9.00 - 9.10: OPENING REMARKS BY THE CHAIR
Paul Armarego, Special Counsel, DIBBS BARKER

9.10-10.15: SESSION 6

NEW CHANGES TO WORKPLACE DISCRIMINATION AND THEIR IMPACT ON THE PUBLIC SECTOR WORKPLACE

- What constitutes workplace discrimination
- What radical changes have taken place
- What constitutes adverse action and what are the protections available

David Robens , Senior Associate, DIBBS BARKER

10.15-10.35: NETWORKING TEA BREAK

10.35-11.40: SESSION 7

HOW TO CONDUCT A WORKPLACE DISCIPLINARY INVESTIGATION AND WHAT ARE THE KEY ISSUES AND CHALLENGES

- When to conduct a workplace disciplinary investigation
- Preparing for a workplace disciplinary investigation
- What factors need to be considered while doing an investigation
- What leads to a flawed investigation and challenges faced by?
- What to do with the findings of the investigation
- Good practice in carrying out an investigation

Sarah Ralph, Partner, NORTON ROSE

11.40 -12.45: SESSION 8

MANAGING STRESS AND MENTAL HEALTH ISSUES AT THE WORKPLACE

- Protections offered by the current legal framework
- What steps should organizations take to address workplace related mental health issues?
- Mental health and employee performance: what is permissible?
- Can mental health be relevant to reasonableness of penalty?
- Some suggested strategies for employers

Bede Gahan, Associate, MINTER ELLISON

12.45-1.40: NETWORKING LUNCH

1.40 -2.45 : SESSION 9

RELATIONSHIP BETWEEN MODERN MEDIA AND EMPLOYMENT LAW AND ITS IMPACT ON THE PUBLIC SECTOR WORKPLACE

- New technologies, new challenges – the increase in mobility and Bring Your Own Devices (BYOD)
- Acceptable use of internet and other media technologies in the workplace
- What constitutes unacceptable use of social media and the challenges of social media
- What are the legal and policy considerations on internet usage, mobile devices and BYOD in public sector workplace
- Copyright, data, privacy and other issues that may arise in usage of media technologies
- Responses, domestically and internationally

Paul Armarego, Special Counsel, DIBBS BARKER

LEGAL AND PRACTICAL CONSIDERATIONS IN MANAGING INDEPENDENT CONTRACTORS IN PUBLIC SECTOR WORKPLACES

The session will examine the status of independent contractors including

- recent case law development such as the Ace Insurance decisions
- the focus on their status by regulators
- the ambiguous tests of what "constitutes an independent contractor v. employee"
- recent decisions under the Independent Contractors Act
- best practice engagement of independent contractors

Nick Ruskin, Partner, DLA PIPER

Andrew Ball, Partner, DLA PIPER

3.50-4.05: SUMMING UP OF THE DAY

4.05 - 4.35 : NETWORKING TEA BREAK AND CLOSE OF THE CONFERENCE

PLEASE NOTE

- ❖ **Please forward this program to the HR and Legal professionals in your organization so as to take advantage of our generous group discounts.**
- ❖ **The registration price and the group discounts coupled with the quality of speakers and the content reflect the high value for money this conference is offering.**
- ❖ **Please speak to the program manager of this conference, Mohammed Khatri if you are interested in attending and he will assist you in every possible way.**
- ❖ **Please ask us how we can customize package for your organization.**
- ❖ **Please note we are not a sales company and we do not send out unsolicited mails nor do we disclose your information to others.**
- ❖ **All the previous conferences have been sold out; hence please register at your earliest convenience.**

**LEGAL FRAMEWORK FOR
EMPLOYMENT AND WORKPLACE RELATIONS
IN THE PUBLIC SECTOR**

1st & 2nd May 2013, Cliftons Centre, Canberra

****REGISTRATION FORM****

Register By:

Tel: (02) 95807327 Fax: (02) 9585 2094

Email: info@learningnetworks.com.au

INVESTMENT TOTAL

Register by 25 th March	\$1500 + GST: (\$1650) - Super Saver
Register from 26 th March to 16 th April	\$1700 + GST: (\$1870) - Early bird
Register after 16 th April	1850 +GST: (\$2035)

Register for any 1 day before 16 th April	\$950 +GST: (\$ 1045)
Register for any 1 day after 16 th April	\$1050 + GST: (\$ 1155)

First Delegate: Day 1 Day2

Name _____

Position _____

Email _____

Second Delegate: Day 1 Day2

Name _____

Position _____

Email _____

Third Delegate: Day 1 Day2

Name _____

Position _____

Email _____

Organisation: _____

Address: _____

Telephone: _____ Fax: _____

Sign: _____

- * Invoice shall be sent after receipt of the registration
- * Please make payment prior to the event
- * Cheques made payable to *Learning Network Solutions*

Please debit my:

Visa Amex Master card Bankcard

Card Number: _____

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Cardholder's Name: _____

Venue: Cliftons Centre, 10 Moore Street, (Optus Building), Canberra.
Tel: 6122 0999

Continuous Professional Development Points
This conference will add to your CPD points based on the state you are based in. You may claim up to one unit for each hour of attendance. Refreshment breaks are not included in this hour.

Documentation
Documentation provided by speakers will be supplied to delegates at the venue.

Team Discounts - only one discount applies
* Register 2 delegates for 2 days and get a free pass for any one day for the 3rd delegate

Register 3 delegates for both days and get a free pass for the 4th delegate

* Register 5 delegates for both days and receive a free passes for the 6th & 7th delegate

* Customized Team Bookings: We can customize a package for you to meet your requirements for groups greater than 5 delegates

Lunch
Lunch and refreshments will be provided within registration package. Please inform us if you have special dietary requirements

Privacy Statement
We do not have mailing lists and we do not share your contact information with any external agency. Information supplied by you may be used by Learning Network Solutions to provide you with further information about our events

Cancellation Policy
Cancellations made 2 weeks prior to the event will receive a complete refund. For cancellations done within 2 weeks of the program you are liable to make full payment and no refund can be made. We will issue you a credit note that could be used to attend any of our future events of the same amount. If event is not held due to any reason, our liability is limited to the event fee only. In any event our liability is limited to the event fee only.

Program Changes
We reserve the right to make changes in the program and the panel of speakers.
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