

12th Annual Public Sector People Management and Workplace Relations Summit
23 & 24 May 2023, Cliftons Centre Canberra



Legal Framework For
PEOPLE MANAGEMENT AND
WORKPLACE RELATIONS IN
THE PUBLIC SECTOR

Addressing the raft of new laws and legislation and their impact on employment, people management and workplace relations and in the public sector

Key issues to be addressed include:

- ❖ Equality and flexibility: changes to the fair work act and implications for public sector employment
- ❖ Changes to the Fair Work Act introduced by the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022
- ❖ Modern approaches to enterprise bargaining and bargaining in good faith
- ❖ Collective bargaining and employee protections: what can we expect in the near future
- ❖ A framework for understanding why performance discussions go wrong
- ❖ Policy and legal considerations in employee complaint management
- ❖ Legal basis of privacy and managing and protecting employee privacy
- ❖ What are the key reasons for genuine redundancy and how it should be managed
- ❖ Difference between termination and redundancy and when could a redundancy amount to unfair dismissal
- ❖ The incoming positive duty on all organizations to eliminate sexual harassment and how to satisfy this duty
- ❖ Diversity and Inclusion framework, Integrity Framework, APS Values, Code of Conduct and employment principles
- ❖ Legal and policy obligations in managing employees with disabilities in the workplace
- ❖ Managing ill and injured workers in the Australian public service - tips and traps when managing complex cases
- ❖ Legal and policy considerations in conducting workplace investigations for misconduct issues
- ❖ Current scope of adverse action and what constitutes unlawful termination of employment
- ❖ What steps do you need to take to best ensure that a dismissal is lawful?
- ❖ Risk management in termination of employment
- ❖ Developing and implementing best practice approaches to workplace flexibility in the APS
- ❖ Striking the right balance – decision making and managing under performance in compliance with legislation and policy/regulations

Overview of the Summit

The challenges for every workplace are immense and the public sector is not an exception. With new laws and legislations, the HR and workplace relations landscape is ever changing. It is incumbent on HR and People Management professionals to be updated with the new changes and the legal framework and the profound impact they have on public sector workplace.

After eleven successful summits, Learning Network Solutions is proud to present its 12th 'People Management and Workplace Relations' summit with new sessions and format. The summit agenda is comprehensive and topical and relevant for the public sector workplace.

Backed up by a diverse and experienced panel of speakers, the summit will address new legal and legislative obligations and their implications for people management and workplace relations. It will spell out strategies to how to implement these changes and manage the raft of laws and legislations in a practical manner for getting the best out of your HR policies.

Delegates can take advantage of a very attractive registration price coupled with excellent discounts that will meet all budgets and provide value for money. CPD points apply and you can claim 1 point for every 1 hour of attendance.

Who Should Attend: Directors, Managers, Senior Officers and others involved with

- HR / People Management
- Workplace Relations/Employee Relations
- Workplace Diversity
- Workplace Health and Safety
- Industrial Relations
- Legal advisory roles

Summit Agenda

Day1, Tuesday, 23 May

8.30 - 9.00: REGISTRATION AND TEA ON ARRIVAL

9.00 - 9.15: OPENING REMARKS BY THE CHAIR

Vince Rogers, Partner, LANDER AND ROGERS

9.15-10.15: SESSION 1

EQUALITY AND FLEXIBILITY: CHANGES TO THE FAIR WORK ACT AND IMPLICATIONS FOR PUBLIC SECTOR EMPLOYMENT'

- Changes to the Fair Work Act introduced by the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022.
- Understanding new Fair Work gender equity obligations.
- Strategies to approaching requests for flexibility under the NES in light of new FWC powers to resolve disputes regarding such arrangements.
- Developing and implementing best practice approaches to workplace flexibility in the APS

Harriet Bootham, Associate| Workplace Relations, Employment & Safety, MILLS OAKLEY

10.15 -10.35: NETWORKING TEA BREAK

10.35-11.35: SESSION 2

MODERN APPROACHES TO ENTERPRISE BARGAINING IN THE COMMONWEALTH

- How industry wide bargaining in the Commonwealth will work
- Developing a modern methodology to bargaining in good faith
- Dealing with key stakeholders, such as employees, the union and independent bargaining representatives

Bede Gahan, Partner, HWL EBSWORTH

11.35 -12.45:SESSION3

LEGAL FRAMEWORK AND OBSTACLES IN MANAGING AN EMPLOYEE PERFORMANCE REVIEW

- Key elements for an effective performance management framework
- Key obstacles to measuring employee performance
- Legal framework and legislations for measuring employee performance
- A framework for understanding why performance discussions go wrong
- Managing poor performance - strategies and key challenges
- What if the employee refuses to cooperate or resigns during or after a performance review
- Some key approaches to manage employee performance
- Dismissing an underperforming employee - Do's and Don'ts

Gabrielle Sullivan, Legal Director, Employment Law & Investigations **BAL Lawyers**
Law Society Accredited Specialist, Employment & Industrial Law

12.45 -1.40: NETWORKING LUNCH BREAK

1.40-2.40: SESSION4

RESPECT@WORK: SEXUAL HARASSMENT NEW POSITIVE DUTY FOR EMPLOYERS (INCLUDING COMMONWEALTH GOVERNMENT)

Join Sally Moten, Partner at Lander & Rogers and Ronan O'Donnell, Senior Associate at Lander & Rogers as they discuss:

- recent and impending legislative changes relating to sexual harassment both in the Sex Discrimination Act and Fair Work Act
- case studies involving allegations of sexual harassment both in and outside of work and when an out of hours matter becomes a workplace matter
- practical steps employers can be taking now to satisfy the new positive duty to eliminate sexual harassment.

Sally Moten, Partner, **LANDER & ROGERS**
Ronan O'Donnell, Senior Associate, **LANDER & ROGERS**

2.40-3.40: SESSION 5

MANAGING PRIVACY OF PUBLIC SECTOR EMPLOYEES

- Rights and responsibilities under the Privacy Act
- The Privacy Act 1998 and how it deals with employee records
- Can an employer monitor your activities at work?
- What an employee can and cannot monitor
- How much privacy do you really have?

Tammy Wong, Barrister, **STATE CHAMBERS**

3.40 - 4.00: AFTERNOON TEA BREAK

4.00-5.00: SESSION 6

MANAGING THE LEGALITIES OF GENUINE REDUNDANCY

- When does redundancy happen
- When it is not genuine redundancy under the law
- What are the key reasons for genuine redundancy and how it should be managed
- When is redundancy payable and who does not get redundancy pay
- Difference between termination and redundancy and when could a redundancy amount to unfair dismissal
- Key challenges and issues facing workplace

Anca Costin, Barrister, **Blackburn Chambers**

5.00-5.15: SUMMING UP AND CLOSE OF DAY 1

9.00 – 9.15: OPENING REMARKS BY THE CHAIR**Jane Thomson**, Special Counsel, **MORAY & AGNEW****9.15- 10.15: SESSION 7****COLLECTIVE BARGAINING AND EMPLOYEE PROTECTIONS: WHAT CAN WE EXPECT IN THE NEAR FUTURE**

- How collective bargaining is changing, particularly in light of recent changes to the Fair Work Act
- Managing changing dynamics in bargaining
- Experiences in the public and private sector

Peter McNulty, Senior Associate, **ASHURST****10.15-10.35: NETWORKING TEA BREAK****10.35-11.35: SESSION 8****POLICY AND LEGAL CONSIDERATIONS IN COMPLAINTS MANAGEMENT**

- Legal and Policy Frameworks
- Intersecting processes
- Good practice for internal complaint processes
- Practical tips for dealing with employee complaints
- Outcomes
- Time frames

Maxine Feletti, Partner, **SPARKE HELMORE****11.35-12.50: SESSION 9****RISK MANAGEMENT IN TERMINATION OF EMPLOYMENT**

- What steps do you need to take to best ensure that a dismissal is lawful?
- What is an 'unfair dismissal'?
- What role do the general protections provisions in the FW Act play?
- What other claims might an employee make if their employment is terminated?
- What factors might influence the type of claim an employee makes if they consider that their employment has been unfairly or unlawfully terminated?
- Are there any additional factors that need to be considered when undertaking a termination process in the public sector?

Alison Spivey, Special Counsel, **MV LAW****12.50-1.40: NETWORKING LUNCH****1.40-2.40: SESSION 10****LEGAL & POLICY OBLIGATIONS IN MANAGING EMPLOYEES WITH DISABILITIES IN THE WORKPLACE**

- Flexible work requests and reasonable business grounds
- Key requirements under the Disability Discrimination Act (1992) Cath
- Diversity and Inclusion framework, Integrity Framework, APS Values, Code of Conduct and Employment Principles
- Obligations as to reasonable adjustments
- Human Rights applications
- General protections regime (adverse action)
- Striking the right balance – decision making and managing under performance in compliance with legislation and policy/regulations

Emma Reilly, Partner, **MORAY & AGNEW**

2.40-3.40: SESSION 11

MANAGING ILL AND INJURED WORKERS IN THE AUSTRALIAN PUBLIC SERVICE - TIPS AND TRAPS WHEN MANAGING COMPLEX CASES

Employee health and absenteeism due to health-related reasons is a significant issue for people managers and HR professionals. Employee health is related to various challenges at workplace including under performance, disengagement and low morale. Employers may feel like their hands are tied if there are prolonged absences from work with little or no information about the employees' medical condition and the nature of health issue including injuries, workplace and non-workplace related. Employers have a challenging task to decide the best options to manage the employee's physical and mental health with a view to assist them to get back to work. In this session, Athena will address the key challenges and solutions in managing sick and injured workers. Athena will also address as the current legal and legislative framework within which this can be managed and the steps to take in managing complex cases.

Athena Cains, Principal, MCINNES WILSON LAWYERS

3.40-4.00: NETWORKING/TEA BREAK

4.00-5.00: SESSION 12

LEGAL AND POLICY CONSIDERATIONS IN CONDUCTING WORKPLACE INVESTIGATIONS FOR MISCONDUCT ISSUES

- When to conduct a workplace investigation and why you may need to – considering misconduct
- Practical steps on how to conduct a workplace investigation and ensuring procedural fairness
- What factors can derail an investigation - common mistakes
- Misconduct after work hours - does it matter
- Legal liabilities in not addressing misconduct
- The aftermath of an investigation – what to do when allegations are proven or not proven

Alexandra Shields, Partner, NORTON ROSE FULBRIGHT

5.00-5.15: SUMMING UP AND CLOSE OF THE SUMMIT

**LEGAL FRAMEWORK FOR
PEOPLE MANAGEMENT AND WORKPLACE RELATIONS
IN THE PUBLIC SECTOR**

23 & 24 May 2023, Cliftons Centre, Canberra

****REGISTRATION FORM****

*****Register By:**

Tel: (02) 95807327

Email: info@learningnetworks.com.au

INVESTMENT TOTAL: For 2 days:

Registration Options	Investment (\$)
Register by 1 st March- Early Bird Offer	\$1350+ GST: (\$1485)
Register after 1 st march	\$1550 + GST: (\$1705)
Register for any one day (one day pass)	\$850 +GST: (\$935)

First Delegate

Name _____

Position _____

Email _____

Second Delegate

Name _____

Position _____

Email _____

Third Delegate

Name _____

Position _____

Email _____

Organization: _____

Address: _____

Telephone: _____

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 _____

Expiry Date _____

Cardholder's Name _____

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

Tel: 6122 0999

(Covid Safe Venue)

Continuous Professional Development

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: Conference documentation provided by the speakers will be provided to delegates at the venue.

Team Discounts: (Only 1 discount applies)

- Register 3 delegates for 2 days and get a free pass for the 4th delegate
- Register 4 delegates for 2 days and get 2 additional free passes for 5th and 6th delegate

Lunch

Lunch and refreshments will be provided at the event. Please advise us if you have any 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 only be to provide you with further information about our events

Cancellation Policy

Cancellations made 2 weeks prior to the event will receive complete refund. If cancellations are 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, the venue and the panel of speakers.

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