

ANNUAL WORKPLACE LAW MASTERCLASS

THURSDAY, 27 JULY 2023

8.30 AM - 4.00 PM



VENUE
COOPER GRACE WARD LAWYERS
LEVEL 21, 400 GEORGE STREET
BRISBANE QLD 4000



COOPER GRACE WARD
LAWYERS

EVENT OVERVIEW

Leaders in Australian organisations are currently experiencing significant change in the regulations governing the management of their teams, and it can be challenging to stay up to date with all the latest developments.

We invite you to join a team of experts across our firm as they speak to the latest legal changes in the workplace. Our experts will provide you with practical insights, strategies and case examples, with clear and informative takeaways to help you navigate the latest changes required within your business.



THURSDAY 27 JULY 2023

8.00 am - 8.30 am Registration

8.30 am - 9.15 am Contractor or Employee? Considerations for employers in drafting agreements and ATO requirements

How do you differentiate between an employee and an independent contractor and, once decided, how do you draft an agreement to put the contractual relationship into place?

Join Fletch where we discuss these questions:

- What are the changes to how an employer should apply the employee/ contractor test following recent High Court decisions – and what has changed from the previous approach?
- What terms of the contract are most relevant to characterising a worker as an employee or independent contractor?
- What is the ATO's position in its draft ruling?
- When will the ATO consider arrangements to be very low risk, low risk, medium risk and high risk based on its draft guideline?
- Practically, what steps can businesses take to reduce their risk rating?
- When will compulsory superannuation contributions need to be paid for genuine independent contractors?

Speaker: Fletch Heinemann, Partner

9.15 am - 10.00 am Managing mental illness in the workplace

One in five people will experience a mental health illness in their lifetime. With this in mind, employers need to take a proactive approach to both minimising and managing mental health in a workplace context.

Join Belinda for a discussion on:

- the prevalence of mental illness in the community and the workplace
- signs and symptoms of common mental illness
- applying the new Managing Psychosocial Hazards in the Workplace code
- employers' other legal obligations including discrimination and WorkCover risks
- how to have an R U OK? conversation
- recommended steps for employers to manage risk.

Speaker: Belinda Winter, Partner

10.00 am - 10.30 am Morning tea

10.30 am - 11.15 am Employers' safety obligations in a working from home context

The modern workplace in 2023 has changed dramatically in the past few years. How do you ensure that your safety obligations as an employer are met for team members working remotely or working from home?

What obligations are your employees under for their own health and safety? Join Gemma as she discusses:

- what employers need to do to manage a worker's safety when performing work at home
- the duties on workers under the model WHS laws
- the extent to which workers can be held accountable for their own health and safety under the WHS laws
- the extent to which employers can rely on the WHS laws where workers are injured when working from home.

Speaker: Gemma Sharp, Special Counsel

11.15 am - 12.00 pm An overview of common law liability for psychological injury claims

Employers have a legal duty to take reasonable steps to prevent their employees from psychological injury, from prevention right through to management. Join Damian for an overview of cautionary tales to help you better protect your business and reduce your legal risk, where he will discuss these questions:

- What is a psychological injury for common law claim purposes?
- When will an employer be liable for psychological injuries to workers – considering specifically bullying/harassment claims, overwork claims and traumatic exposure claims?
- What can employers do to minimise their exposure to common law claims for psychological injuries?

Speaker: Damian Hinkley, Special Counsel

12.00 pm - 12.45 pm Lunch

THURSDAY 27 JULY 2023

12.45 pm - 1.30 pm

Recent changes to the *Privacy Act 1988*: What employers need to consider

Recent proposed changes to the *Privacy Act 1988* aim to bring Australia's privacy regime in line with other global jurisdictions and address gaps in the ever evolving changes in the digital landscape. As an employer it is likely that your obligations for collecting, using, storing and disclosing personal information will be far greater and carry much greater risk to the business if these obligations are not met. Join Charles as he discusses:

- employee records management for employers
- small business exemptions that are proposed to no longer apply
- proposals to reform the employee records exemption
- protecting your business
- workplace privacy policies and why it's important that your employees and contractors are aware of their contents.

Speaker: Charles Sweeney, Managing Partner

1.30 pm - 2.15 pm

Key considerations for conducting workplace investigations

A workplace investigation can be a key aspect of managing inappropriate behaviour and the complaint handling process. However, conducting workplace investigations is one of the most complex HR tasks for any organisation and every investigation is different. Join Annie as she discusses:

- considerations for whether to investigate or appoint an external investigator
- whether your processes are bound by internal policies
- invoking and maintaining legal professional privilege on sensitive materials throughout the investigation process and beyond
- legal issues and how to minimise them
- tips and tricks for conducting a workplace investigation
- preparing an investigation report that will withstand legal scrutiny.

Speaker: Annie Smeaton, Partner

2.15 pm - 2.30 pm Afternoon tea

2.30 pm - 3.15 pm

Dealing with employee theft and fraud

How secure is your business? What happens when a trusted team member steals or causes fraudulent activity within your business? Join Graham as he discusses:

- preventing workplace theft through policies, procedures, training and ethos
- identifying when further investigation is required
- formalising the complaint and allowing the employee to show cause
- considerations for determining whether an internal or external investigation is required
- reporting requirements and record keeping
- dealing with the outcome of the theft, fraud or misappropriation
- whether you should have insurance cover
- whether you should make a complaint to the police
- how you can you recover the money.

Speaker: Graham Roberts, Partner

3.15 pm - 4.00 pm Panel

Speaker: Belinda Winter, Partner

Speaker: Annie Smeaton, Partner

Speaker: Fletch Heinemann, Partner

Speaker: Graham Roberts, Partner

Speaker: Charles Sweeney, Managing Partner

Speaker: Damian Hinkley, Special Counsel

Speaker: Gemma Sharp, Special Counsel

4.00 pm Networking

MEET THE **SPEAKERS**



Belinda Winter
Partner
Workplace relations & safety
[View profile](#)



Annie Smeaton
Partner
Workplace relations & safety
[View profile](#)



Fletch Heinemann
Partner
Revenue, tax and tax disputes
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Graham Roberts
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Charles Sweeney
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