



ashurst

AUSTRALIA

## Client Tailored Workplace Training

We focus on coaching participants by sharing our knowledge and experience of legal issues and building confidence through developing skills

# Our Training

**Our Workplace Learning practice designs and delivers training on a range of workplace topics covering all the areas where problems occur. Our training methodology is interactive and experiential, based on adult learning principles.**

Our expertise and experience enable us to develop client tailored programs of the highest quality. Our trainers are experienced lawyers who are highly regarded for their facilitation skills.

We develop program content based on your policies and procedures, workplace culture and industry issues. We consult with you about program length, content and design.

We have trainers based in Sydney, Melbourne, Brisbane, Canberra and Perth. Our training is delivered by trainers with knowledge of issues in the relevant state. Our training is nationally consistent and designed to reduce the need for interstate travel and accommodation expenses.

In our experience, when 8 or more participants are involved, tailored training conducted in-house is more cost effective than external public training.



*We develop program content based on your policies and procedures, workplace culture and industry issues.*

## Industrial Relations

### ADVOCACY

When permission to appear is not granted to lawyers, HR/IR managers may need to appear before the Fair Work Commission. This practical two day program is facilitated with former members of the FWC. The program covers principles of ethical advocacy, preparation and practice of opening and closing submissions, leading evidence in chief and cross examination, and dealing with questions from the bench. Participants will receive feedback on their advocacy approach and style from all facilitators.

### IR/ER FOR MANAGERS AND SUPERVISORS

There are many legal challenges that are fundamental to the employment relationship and managing workplace issues. Understanding the Australian industrial relations landscape and your organisation's industrial relations strategies are critical when managing your workforce. This two day program is closely tailored to your organisation's policies and strategies. The program covers the key legal principles in these areas including enterprise bargaining, negotiation strategy, dealing with unions and industrial action, general protections, unfair dismissal laws and managing grievances.



# Safety

## MANAGING A MAJOR SAFETY INCIDENT

When a major safety incident occurs in the workplace, there are serious implications for an organisation – from managing the immediate health and safety and other needs of your workforce, to managing other stakeholders (such as the media) and legal risks. Often the way in which an organisation responds to, manages and investigates the incident can significantly improve the outcomes for the organisation. Our one day workshop introduces a process to assist organisations to manage the various issues arising when a major safety incident occurs, reporting, and the legal risks inherent in any major safety investigation process.

## OFFICER LIABILITY AND DUE DILIGENCE UNDER WHS LAWS

The harmonised WHS laws have changed the risk landscape for officers. The WHS Act requires officers of a 'person conducting a business or undertaking' (PCBU) to exercise due diligence to ensure the PCBU meets its health and safety duties. This is a positive ongoing duty, that an officer owes every day, even if no incident has occurred. This half day workshop explains the legislative framework, the extent of an officer's duties, how they relate to the duties of your organisation and the steps that an officer and your organisation can take to reduce the exposure of your officers to personal liability.

## MANAGING CONTRACTOR AND LABOUR HIRE SAFETY

Our half day workshop explores the rights and responsibilities of the principal, the contractor and the labour hire company. It considers safety issues when selecting a contractor or labour hire company, how to reduce the risk of safety incidents, what to do if site safety procedures are not being followed, what happens when a safety incident occurs involving a contractor or labour hire worker, and who has the final say if a dispute arises about a safety issue.



# HR Management

## EFFECTIVE WORKPLACE INVESTIGATIONS

This program is designed for anyone who is new to conducting investigations or who wants an overview or update of the relevant principles and techniques. We have been conducting our popular Effective workplace investigations workshop for over 15 years. This one day workshop introduces a step by step process to provide structure and achieve procedural fairness, while managing the legal risks inherent in any investigation process, including how to conduct interviews, reach conclusions and write an investigation report. The program also considers the risk of adverse action claims, and other developments in areas of law impacting investigation processes and outcomes.

## MANAGING ILL AND INJURED WORKERS

This one day workshop, which we have conducted for over 14 years, overviews the key legal issues and risks when managing ill and injured workers, as well as strategies for addressing these, through the consideration of case studies and practical activities. The workshop covers assessing fitness for work, interaction between WHS, workers compensation, discrimination, adverse action, unfair dismissal and employment laws, privacy and absences from work.

## MANAGING WHISTLE-BLOWERS AND PROTECTED DISCLOSURES

Very significant changes to whistle-blower protections in the private sector in Australia took effect on 1 July 2019. Our two hour workshops explain who is an eligible whistle-blower, who can receive a disclosure, what is a disclosable matter, the role of public interest disclosures and emergency disclosures, and the additional protections in place for whistle-blowers. It is important that businesses adapt their whistle-blower policies accordingly and ensure relevant staff are familiar with the new protections under the law.

## RECRUITING AND ENGAGING STAFF

Our one day workshop explores the key legal principles that are fundamental to employment. We consider recruitment issues, contracts of employment, the relationship between contracts, awards and enterprise agreements and the importance of good policies. The program also covers strategies for managing risks such as discrimination, adverse action and misrepresentation.



*We offer learning options addressing each of these topics, either combined, or as stand-alone modules.*

## **SOCIAL MEDIA**

Social media has infiltrated workplaces to such an extent that employers need to take steps to manage its use at work. This 3-4 hour workshop covers the different types of social media and inappropriate use of social media. The program focuses on identifying the link between conduct and the employment relationship, by considering the protection of confidential information, intellectual property, privacy and the drafting and implementation of social media policies.

## **PERFORMANCE MANAGEMENT, DISCIPLINARY ACTION AND TERMINATION OF EMPLOYMENT**

Performance management, disciplinary action and termination of employment are three of the most common, challenging and inherently risky processes involved in people management. Most organisations have extensive policies and procedures that need to be carefully understood and followed. Employees can also bring a number of claims, such as adverse action, discrimination and unfair dismissal, to challenge these processes. We offer learning options addressing each of these topics, either combined, or as stand-alone modules. The programs can be from 2 hours to a full day, depending on what learning outcomes you would like to achieve.

## **MANAGING FLEXIBLE WORK AND PARENTAL LEAVE**

This program examines the legal, policy and management issues associated with parental leave, return to work, part-time work and other flexible work practices. It includes an analysis of obligations under the National Employment Standards, and the impact of discrimination, adverse action and unfair dismissal laws.

# Discrimination, harassment and bullying

We recommend that organisations conduct training in this area at least every two years to strengthen their prospects of success when relying on the “all reasonable steps” defence if a discrimination or harassment claim is made. This training is particularly timely before key social events, such as end of year celebrations (which are a high risk time for harassment complaints). All our programs in this area deal with discrimination, bullying, harassment, social media, email/IT use and grievance handling.

## LEADERSHIP AND DIVERSITY

This unique program highlights the legal and behavioural issues associated with diversity in the workplace. Professional actors demonstrate issues by reproducing real life examples of workplace problems. Participants interact with the actors in role and an experienced EEO lawyer facilitates discussion of the relevant legal and behavioural issues.

## APPROPRIATE WORKPLACE BEHAVIOURS – FOR CONTACT OFFICERS

This workshop emphasises the important role of the contact officer by examining the relevant legal issues and cases and developing skills to improve confidence in performing this role.

## APPROPRIATE WORKPLACE BEHAVIOURS – AWARENESS FOR MANAGERS

This workshop explains managers’ personal responsibilities and obligations to prevent problems occurring. It considers how and why complaints occur and how to manage complaints when they are made.

## APPROPRIATE WORKPLACE BEHAVIOURS – AWARENESS FOR EMPLOYEES

This workshop encourages the development of an awareness by employees of acceptable workplace behaviour and an understanding of individual responsibility to comply with relevant laws and policies.



# What our clients say about us

*One of the most practical, informative and useful training sessions I have ever attended.*

Westpac

*I believe the course is an amazing tool in setting you up for success in a leadership role.*

Qantas Airways Limited

*Fantastic knowledge of content and practical application. I feel they understand our business and requirements as if they were a part of our business.*

Anglo American Coal

*Excellent overview of topics and insightful case studies to illustrate theory and process.*

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## OUR TRACK RECORD

Organisations that have benefited from our customised training include large public and private sector employers such as Australian Federal Police, Australian Taxation Office, Bank of America Merrill Lynch, Bank Australia, BOC, David Jones and Country Road Group, Department of the Prime Minister and Cabinet, Ipoh, Mitsui, Monash University, Morgan Stanley, Newcrest Mining Limited, Qantas Airways Limited, University of Queensland, Westpac, and Woolworths.

## FOR FURTHER INFORMATION

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