

# Workplace Law for Employment Professionals

SEMINARS



Ai Group's wholly owned legal practice, Ai Group Legal, was established in August 2007 to provide members with comprehensive legal advice on workplace relations and employment matters. To date, Ai Group Legal has handled more than 500 matters for a wide range of companies.

We are proud to present the inaugural Ai Group Legal conference which is designed to inform and educate you about current employment law issues. This year's seminar will focus on emerging issues especially those following the introduction of the Fair Work Act 2009. The case law is developing at a fast pace. We will outline important developments and describe the recent case law to help you avoid costly problems. We will concentrate on describing strategies to prevent disputes and achieve compliance with complex regulation.

Our speakers are all skilled practitioners engaged in dealing with the practical legal problems experienced by members in the workplace.

## Protecting Your Business against General Protections Prosecutions

From 1 July 2009, the Fair Work Ombudsman has powers to investigate and prosecute discrimination and harassment complaints against employers. This means that employers should increase their focus on managing inappropriate behaviour in the workplace. Employers need to equip themselves with the knowledge of how to most effectively manage these issues and any investigation by the Fair Work Ombudsman.

In this presentation, we will cover:

- latest developments in the Ombudsman's use of these new powers
- implications of recent case law precedents
- lessons for employers in managing discrimination and harassment complaints
- tips on protecting your business against claims and prosecutions
- conducting effective investigations under legal professional privilege

## Avoiding Poaching of Business Goodwill by Former Employees

There are many cases being dealt with in the courts where former employees are alleged to have used information about an employer's business to benefit themselves or a competitor of the employer. This is a widespread problem that can lead to serious effects on a business including costly litigation and loss of valuable goodwill. There are many flaws in contracts of employment that try to limit an employee's ability to poach goodwill and case law illustrating this will be described.

We will concentrate on pointing to the factors that will make restraint of trade and confidentiality clauses effective to limit an employee's ability to damage a business. All round strategies to protect an employer's business will be discussed and a check list

for countering illicit use of information gained by an employee during their employment will be set out. This presentation will give employment professionals the necessary knowledge to work towards protecting their businesses from losses arising due to unfair activities of ex employees.

In this presentation, we will cover:

- The restraint of trade agreements that work and those that do not.
- How effective confidentiality restraints should be developed.
- The flaws in using standard employment contracts.
- What the latest cases are showing.
- A check list for preparing effective strategies

## Legal issues and compliance for employers under Fair Work

The introduction of Fair Work Act has not only brought more change to the style and structure of agreement making, it has significantly intruded into the relationship between an employer and its senior management, professionals and administrators - employees whom we had thought of as being Award and agreement free.

Under Fair Work Act, employers will have to take all of their employees into account when considering the terms and conditions upon which these people may now be employed.

In this presentation, we will cover:

- The status of a private or common law employment contract under Fair Work
- Universal application of National Employment Standards
- Who will be covered by a modernized Award?
- High income earners
- Impact of flexibility clauses in Awards and enterprise agreements
- Statutory terms and standard terms.

## DATES AND VENUES

### Victoria

26 November 2009  
Australian Industry Group  
20 Queens Road  
Melbourne VIC 3004

### Queensland

27 November 2009  
Christie Conference Centre  
320 Adelaide Street  
Brisbane QLD 4000

### New South Wales

1 December 2009  
Australian Industry Group  
51 Walker Street  
Sydney NSW 2000

### Times (all venues)

Registration: 8.30am  
Commencement: 9.00am  
Conclusion: 12.00 noon

