



Employment Law Matters

Now's the time to get prepared for the next financial year plans – workforce planning, pay & performance reviews, and mandated HR reporting. This month we are providing a snapshot of recent decisions, FWC reviews, and a timely reminder on gender equality reporting. Additionally, we cover off two of the perennial, yet increasingly complex, areas of managing difficult employee behaviour and sexual harassment.

Protecting Vulnerable Workers Bill update

Courtesy of leading workplace relations specialists FBC Group, this video looks at the **changes brought about by the Protecting Vulnerable Workers Bill and what businesses need to do to mitigate risk**. Employers who underpay workers and fail to fully observe all employment obligations are now on notice to immediately change their practices. Wes O'Donnell, National Workplace Relations Manager at FCB explores why the days of exploiting the helpless are fading fast. View the video [here](#). Read the full article [here](#).

Modern awards reviews by the FWC

Flexibility provisions: The Fair Work Commission have been reviewing statutory rights for Flexible working arrangements. For an overview of this modern awards review, click [here](#).

Domestic Violence: for a summary re the decision on unpaid leave per annum for all employees (including casuals) experiencing family and domestic violence click [here](#).

Annual wage review 2017-2018: To keep up to date on the Annual Wage Review 2017–18, be sure to Subscribe to annual wage review updates to keep informed of developments relating to the review.

Fairer wages for disabled workers - A new wage mechanism for Australians with disabilities
The FWC recently found that the Supported Wage System for supported employees with disabilities to be inadequate, and that loopholes allowed employers to determine their own rates and classification structures, which may contravene the Disability Discrimination Act.

Gender equality reporting

The May 31st deadline is approaching to [submit](#) your gender equality report. All non-public sector organisations with 100 or more employees are required to report to the Agency on six gender equality indicators of gender composition, remuneration, flexible working arrangements, gender equality consultation, sex-based harassment and discrimination.

Sexual harassment questions answered

What are some of the key indicators for deciding whether to manage a sexual harassment claim internally, or to outsource your investigation?

What are some of the common escalation triggers that HR managers need to be aware of when deciding how to manage sexual harassment claims in the workplace?

Rebecca Byun, Senior Associate at Clayton Utz, answers these questions in these two [videos](#).

Keep an eye out for our upcoming sexual harassment town-hall style sessions we'll be running around Australia and New Zealand later this year: short sessions for general staff, plus sessions designed for people managers! Spaces will be limited to 150 per session, and group bookings will be welcome. Email info@aventedge.com to ensure you're informed when we launch.

Managing difficult employee behaviour

For a guide to managing "complicated" top performers. When should you keep them, and how do you do that without alienating the rest of your staff? See page 11 of the April Lander & Rogers Workplace Relations & Safety bulletin [here](#) for insight on this complex scenario.

Also be sure to book a place for our [3rd annual Managing Difficult Employee Behaviour one day masterclass](#), being run by leading law firm K&L Gates (Brisbane May 14th, Sydney 16th May, Melbourne 21st May). This one-day workshop will help you **manage the risks, pitfalls and the prevention strategies for managing difficult employee behaviour**: internal processes and policies; your legal obligations; conducting difficult conversations; procedurally fair investigations.

By a long-shot, our most popular article last month was about the triggers, procedural issues, remedies and penalties relating to Adverse Actions.

Adverse Actions: a game changer

Just one little known fact: did you know that companies can counter adverse action claims with an adverse action claim of their own? Are you aware of the broad scope under which an adverse action claim can be made? Or the civil remedy provisions, and lengthy historical time limit on bringing an adverse action about? **Adverse actions are undoubtedly a game changer in workplace law and employee relations, with the onus being on the company to mis-prove claims. In this [video](#), David Bates of Harmers Workplace Lawyers spoke gives a succinct overview of Adverse Actions, and a few key tips for employers managing an adverse action claim.**

As always:

For the latest Fair Work decisions click [here](#).

For the latest news from the Fair Work Ombudsman, click [here](#).

Scheduled events which may be of interest to you:

Workforce Inclusion & Diversity Conference

[Hong Kong](#) 14th – 15th May; [Sydney](#) 21st – 23rd May

Managing Difficult Employee Behaviour Masterclass

[Australia](#): Brisbane, 14th May; Sydney, 16th May; Melbourne, 21st May; Perth, 23rd May

[New Zealand](#): Auckland, 25th June; Wellington, 28th June

Workplace Mental Health & Wellbeing Conference

[Sydney](#) 21st – 23rd May 2018

[Auckland](#) 18th – 20th June 2018

Managing Ill & Injured Employees Masterclass

[New Zealand](#): Wellington 24th July; Auckland 30th July

Australia: August, Brisbane, Sydney, Melbourne, Perth. Dates to be announced soon.

3rd Annual Graduate Employment Outcomes & Industry Partnerships Conference

[Sydney](#) 30 July – 1 August

Upcoming events we are currently producing:

3rd annual Performance Management, Culture & Engagement

2nd annual Public sector Workforce Planning

HR Law Masterclass Roadshow AU & NZ: Sydney, Melbourne, Adelaide, Brisbane, Perth, Auckland, Wellington

Sexual harassment awareness sessions (Australia & New Zealand): for general staff, plus sessions designed for people managers!