



Employment Law Matters

Welcome to the November edition of the Employment Law Matters newsletter. This month we're taking a look at recent developments regarding: Accessorial liability; The Fair Work Amendment (Protecting Vulnerable Workers) Act 2017; New RTW employer obligations in NSW; and QLD WHS law changes. Short articles are also included on related matters for HR professionals, looking at Pay equity; Inclusion & diversity; Performance management & development; and cultural ceilings at work.

We are also pleased to launch our [2018 event calendar](#) for employment law related events, plus timely operational and strategic HR conferences and masterclasses. Please click [here](#) to view the 2018 calendar.

Accessorial Liability – To resign or not to resign?

The Federal Court recently suggested that an employee should resign, and report its employer to the Fair Work Ombudsman, if that is the only alternative to participating in breaches of the Fair Work Act. But - what does this decision mean for HR professionals and senior managers? Sara Wescott and Sophie Brown of Lander & Rogers analyse the decision. Read [here](#).

How can organisations overcome bias to 'sameness of thinking'?

ELM TV Exclusive - We ask Alec Bashinsky of Deloitte - how can organisations engage their workers to overcome bias to sameness of thinking?

Alec points out the power of the people and their ideas in driving diversity in organisations. Alec advises employers to create an innovative environment where diversity of thought is allowed. In turn, there will be a shift in paradigm and employee thinking to drive diversity of thinking, business and ideas. View [here](#).

New FWA changes for Franchisors and holding companies

New liability provisions have been added as part of the Fair Work Amendment (Protecting Vulnerable Workers) Act 2017. This means that franchisors and holding companies can be held responsible if their franchisees or subsidiaries don't follow workplace laws. Click [here](#) for information on how these changes may affect you.

The 'Bamboo' Ceiling

ELM TV Exclusive - Dai Le, founder of DAWN touches on the reasons why we don't often see a strong representation of individuals with Asian heritage in leadership positions. Dai explains that despite many Asian-Australians aspiring to work at levels of seniority, they often find it too difficult to challenge the cultural glass or "bamboo" ceiling. View [here](#).

What can businesses do to remove critical barriers that stand in the way of a gender-diverse work culture?

Learn what PwC have done to promote awareness and understanding of cultural diversity and inclusion. In this video, Victoria Park highlights key 3 changes that were made at PwC and in particular, reveals the recent changes made to make parental leave more flexible, not only for mothers! View video [here](#).

Performance management re-design, rethink, & your changing workforce

As your organisation ramps up digital transformation efforts, to respond to demands of the digital economy, how are you transitioning and developing your workforce into roles which keep them in work and drive performance? How are you adopting and adapting strong continuous improvement and employee development programs? Avertedge and Employment Law Matters have launched the timely [Performance Management Masterclass](#) national roadshow, which be happening in March 2018. Go beyond performance management compliance and better manage your changing workforce.

QLD work health and safety legislative changes

New provisions to the Work Health and Safety and Other Legislation Amendment Act 2017 include an offence of industrial manslaughter in the WHS Act. Changes to the ACT are summarised [here](#). Provisions come in to effect 1 July 2018... it's timely to review your statutory liabilities, work health and safety practices now.

New gender balance and pay equity insights:

Attitudes, corporate mandates and new indexes regarding gender balance and pay equity are fast becoming a more important business imperative. The Workplace Gender Equality Agency shows Australia has recently released their report, which shows there is still work to do. Download the report [here](#), which shows there is still a highly segregated labour market with women and men concentrated in different occupations and industries. Also, learn about the minimum standards and compliance for the Workplace Gender Equality Act [here](#).

Following success of our Workplace Inclusion & Diversity conference last month in November, Avertedge and Employment Law Matters will be running a portfolio of D&I events in Sydney, Auckland, Singapore and Hong Kong. [Contact us](#) to be informed when these events are launched.

The 2017 Workplace Diversity & Inclusion Conference

In this article Diana Hewitson, touches on her experience at the two-day Workplace Diversity & Inclusion Conference. Diana reviews what stood out at this conference, compared to other D&I events - including the broad range of speakers present, and how they selflessly shared their strategies, statistics and lessons learned to the audience through an engaged open and candid discussion. Diana also discusses her last-minute facilitation in a round table session **where she was** able to converse over a topic very close to her heart with fellow attendees. Read the full article [here](#).

Upcoming Events

[Performance Management Masterclass, Australia](#)

Brisbane, 12th - 13th March; Sydney, 15th - 16th March; Melbourne, 19th - 20th March; Perth, 22nd - 23rd March

Employment Law Matters Annual Forum, New Zealand

Wellington, 9th April; Auckland, 11th April

Workforce Inclusion & Diversity Conference

Hong Kong, 18th – 20th April; Singapore, 23rd – 25th April; Sydney, 21st – 23rd May

3rd Annual Workforce Mental Health & Wellbeing Conference

Sydney, 21st – 23rd May

Managing Difficult Employee Behaviour Workshop

Brisbane, 14th May; Sydney, 16th May; Melbourne, 21st May; Perth, 23rd May
Auckland, 21st May; Wellington, 23rd May