



ONE DAY MASTERCLASS

MENTAL HEALTH IN THE WORKPLACE AND AN EMPLOYER'S OBLIGATIONS

Organised by Television Education Network Pty Ltd

Novotel Sydney Central, Friday 18 October 2019

Mental Health First Aid: A Primer for Employers

Mental Health and Managing Workplace Health and Safety Obligations

Performance Management, Mental Health and the Employers' Obligations

Conducting a Valid Workplace Investigation: A Practical Guide

Addictions and the Workplace

Mental Health and Workers' Compensation Claims: Counting the Costs for Employers



The professional development specialists

TIMETABLE – FRIDAY, 18 OCTOBER, 2019

**CHAIR: Justin Le Blond, Partner,
Kennedys, Sydney**

9.00 - 9.10am

Introduction and welcome

9.10am - 10.00am

Session 1: Performance Management, Mental Health and the Employers' Obligations

Performance management is a challenge for all employers. However, it can become even more complex when it involves an employee with mental health issues. This session examines how to get the performance management process right and avoid the risks of discrimination or adverse action claims. It covers:

- Implementing performance management policies and procedures - implementing a process that is procedurally fair, sensitive and just
- Training key personnel on mental health issues - why it is important
- Minimising harm to vulnerable employees during the performance management process
- What can employers do if a grievance claim arises from the process?
- Impact of extended leave on the performance management process
- Performance management and misconduct / underperformance:
 - What if the alleged misconduct or underperformance was the result of an employee's mental illness?
 - What if the employer was not aware of the mental illness when reviewing the alleged misconduct / underperformance?
 - When can an employer safely terminate for misconduct / underperformance?
- Case law update

Speaker: Christopher McArdle, Principal, McArdle Legal, Sydney

10.00 - 10.10am Panel Comments and Questions

10.10 - 11.00am

Session 2: Mental Health First Aid: A Primer for Employers

Mental illness affects a high proportion of the Australian population, with approximately 45% of Australians experiencing a mental health issue in their lifetime. How can employers best deal with mental illness in their workplaces? This session explores the mental health fundamentals for employers and examines how to best integrate mental health and wellbeing into the workplace. It covers:

- Signs and symptoms of the common types of mental health issues
- What can you do to support and educate your workforce in the area of mental health?
- The responsibilities of leadership in the area of mental health
- Who can you tell if you have concerns about an employee's mental health?
- Implementing effective communication strategies - how to have an 'are you okay' discussion

Speaker: Adrianna Loveday, Chief Executive & Principal Psychologist, Communicorp

11.00 - 11.10am Panel Comments and Questions

11.10 - 11.30am Networking Break and Morning Tea

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11.30 - 12.20pm

Session 3: Mental Health and Managing Workplace Health and Safety Obligations

All employers have a duty to ensure the health and safety of their employees in the workplace. However, what can an employer do if there is a concern about the health and safety of an employee with a mental illness? This session explores the intersect between mental health and managing an employers' workplace health and safety obligations. It covers:

- Preventing harm by identifying and assessing work related mental health hazards and risks - bullying, stress, harassment and workplace trauma
- Implementing effective control measures to eliminate or minimise those risks
- When is there a 'reasonably foreseeable risk' of psychiatric injury to a particular employee? Lessons from recent case law
- When does an employee's medical condition create an unreasonable risk to the health and safety of others at work?
- Case study: Safe Work Australia guidance on work-related psychological health and safety

Speaker: Danny King, Principal, Danny King Legal, Sydney

12.20 - 12.30pm Panel Comments and Questions

12.30 - 1.30pm Luncheon

1.30 - 2.20pm

Session 4: Conducting a Valid Workplace Investigation: A Practical Guide

When an allegation has been made against an employee, an essential key step is conducting an effective workplace investigation. Investigations can be a fraught process, and a flawed investigation has the potential to cause psychological injury or exacerbate pre-existing conditions. This practical session outlines how to best manage staff-related workplace investigations and its interplay with mental health. It covers:

- When to undertake a workplace investigation
- Internal vs external investigations - pros and cons
- Key elements of best practice workplace investigations to support mental health
- Ensuring compliance in practice: procedural fairness and workplace policies
- When will an employer be liable for an employee's mental illness following a workplace investigation? Lessons from *Campbell v Woolworths*
- Best practice guidance in communicating with stakeholders and the affected parties

Speaker: Adrian Barwick, Special Counsel, Williamson Barwick, Sydney

2.20 - 2.30pm Panel Comments and Questions

2.30 - 3.20pm

Session 5: Addictions and the Workplace

Mental health and substance abuse can be closely correlated. How can employers best respond to drug and alcohol problems in the workplace? This practical session considers how to manage addictions, including

- Methods for drug and alcohol testing, and what is appropriate
- Australian and New Zealand AS/NZS 4308:2008, the Australian Standard for drug testing
- When is it reasonable to undertake workforce drug and alcohol testing?
- Privacy law requirements
- Creating and enforcing a drug and alcohol testing policy
- Lessons from recent FWC decisions
- Managing the disciplinary process for breaches of drug and alcohol policy

Speaker: Elizabeth Devine, Principal, Solicitor and Workplace Relations Consultant, Devine Law At Work, Sydney

3.20 - 3.30pm Panel Comments and Questions

3.30 - 3.50pm Networking Break and Afternoon Tea

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3.50 - 4.40pm

Session 6: Mental Health and Workers' Compensation Claims: Counting the Costs for Employers

Workers' compensation claims involving stress and other mental health issues have increased significantly over recent years. This practical session examines how these claims may arise and what employers can do to help minimise the risks. It covers:

- Evidentiary requirements for psychological injury - the factors which make them succeed or fail
- Injury 'arising out of or in the course of employment' - what does this mean in practice?
- Dealing with WorkCover - tips and traps
- Disputing the claim - lessons from the frontline
- Responding promptly to reduce any identified risks - duty of care issues
- Case law update

Speaker: Joshua Dale, Senior Associate, Carroll & O'Dea Lawyers, Sydney

4.40 - 4.50 pm Panel Comments and Questions

4.50pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the masterclass, online access to the conference papers and refreshment breaks and lunch.

This masterclass can be booked as 2 separate half day conferences or you can attend for the whole day.

Masterclass Papers

TEN no longer provides printed copies of conference papers at its events. Access to the papers will be available online to all delegates in the lead-up to the masterclass (as the papers become available), during the masterclass and for 30 days after the conference. The papers will be available in .pdf format for easy download to your local computer or portable device.

At the masterclass TEN will supply printed copies of the PowerPoint presentations used at the masterclass.

CPD - Lawyers

One-day Masterclass – 6 CPD units (substantive law)

The Masterclass Venue

Novotel Sydney Central

169-179 Thomas Street, Sydney

Web: <https://www.novotelsydneycentral.com.au/en/home.html>

Masterclass Dress

Smart casual attire is suitable. (*note: the temperature in the conference room varies depending on where you are sitting. Light attire is generally OK, but it is advisable that you bring a jacket/long sleeved top in case you need it.*)

Cancellation Policy

Cancellations must be received in writing at least 10 days prior to the masterclass for a 85% refund. Substitute delegates accepted at any time.

Masterclass Terms

Program subject to change without notice. The information and views presented in the masterclass are not necessarily those of TEN and participants rely on these at their own risk. TEN is not responsible for any financial or other losses incurred by delegates or for injury or damage to persons or property. TEN's maximum liability for masterclass cancellation or any other loss or liability is the refund of the registration fee paid.

TEN is not responsible for financial loss incurred by you as a result of the cancellation or postponement of the conference as a result of strikes, natural disasters, and other acts of God such as volcanic ash clouds in Australian airspace. We therefore strongly advise you to take out travel insurance if your attendance plans involve air travel or other significant travel to the conference venue.

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REGISTRATION FORM – TAX INVOICE*

Registration is simple; complete the form below and fax or post your registration to us or register online.

Television Education Network Pty Ltd, (BN 19 052 319 365)

GPO Box 61, Melbourne, Victoria 3001

Fax (03) 9670 0588 Phone (03) 9670 2055 Enquiries Jenna Pickrell

Register online: <http://www.tved.net.au> – go to CONFERENCES

Please register me for **Mental Health in the Workplace and an Employer's Obligations** – a One Day Masterclass to be held in Sydney on Friday 18 October 2019 [conf code: SXM0CT19]

[] **Early Bird Registration** – for registrations made on or before 27 September 2019 – **\$880** (\$800 + \$80 GST)

[] **Full Price Registration** – **\$1100** (\$1000 + \$100 GST)

The papers from this conference will be available in electronic form only approximately 1 week after the masterclass has been held. You can pre-order the papers now online via our website at www.tved.net.au. The papers are **\$165** (\$150 + \$18 GST) [Code: PSXM0CT19].

Multiple registration discount? If you would like to send more than one person from your company to this masterclass, please ask Jenna about the discounts available for multiple registrations: The more you send, the greater the discount. jenna@tved.net.au or phone (03) 8601 7729.

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