

WORKING Life

October 2009
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2009 Committee

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Natalie van der Waarden

AGM: 24 FEBRUARY 2009

Thanks to all members who attended the annual general meeting on 24 February 2009. It was encouraging to see such a wonderful turn out.

The evening turned into a great success with very interesting speakers and a chance for members to network for the first time in 2009.

Once again thanks to our ever faithful and diligent Chief Commissioner Beech for his assistance during the nomination and voting phase in the election of our 2009 committee

FEBRUARY

Allan Drake-Brockman, a Partner at DLA Phillips Fox took us on a "magical mystery tour" of the Fair Work Bill during his informative and interesting seminar at the AGM.

Allan put forward his 4 propositions as to the Bill:

While on the theme of thanks the 2009 Committee would like to thank the following outgoing committee members for their hard work and contribution to making 2008 a success for the Society:

- **Natalie van der Waarden:** President 2008
- **Liz Ducasse:** Vice President 2008
- **Daniel White:** Treasurer 2008
- **Hayden Teo:** Editor 2008

SEMINAR

- The heralding of a return to union power
- A return to a highly regulated centralised industrial relations system.
- The impacts were delicate and subtle in form but dramatic in effects.

Again we would see a real sea change in IR.

His “Cooks Tour” of the Bill provided participants with an interesting look at what the changes would be including the new good faith bargaining provisions, agreement negotiation, unfair dismissal and rights of entry.

Allan finished by noting that recent years have seen unprecedented industrial peace the question is “are we now facing industrial war?”

A copy of the PowerPoint presentation that Allan presented can be downloaded on the Society’s website:

<http://www.industrialrelations.com.au/viewStory/id/55345>

JUNE SEMINAR

Make your 2009 Membership count! Go online to update your contact details at <http://www.industrialrelations.com.au>, choose membership, update your details

Peter Simpson of Boylan Simpson and Simpson (Corporate Psychology Services) and Duncan Fletcher of Mallesons Stephen Jaques led both an entertaining and thought provoking session during our June Seminar on alcohol and other drugs in the workplace.

Peter raised what is probably the most debated question on this topic “Should we test for drugs at work?”. He looked in detail at the different forms of testing for drugs and alcohol and their associated advantages and disadvantages.

Peter acknowledged the difficult process of balancing the risk of workers being unfit for work with the fairness of imposing restrictions on what workers can do in their free time. He was of the view that when the aim of testing is to link testing to impairment new saliva testing methods fell short of the mark.

What shall it be?

Computer based, hair, saliva, blood, or urine testing?

His entertaining conclusion was that if your aim was to improve oral hygiene use saliva testing but if your aim is to reduce risk in the workplace stick to urine testing.

Duncan Fletcher then proceeded to analyse drug and alcohol testing in the workplace in light of the recent *Shell v CFMEU* decision. This matter looked at whether saliva or urine testing should be used in Shell’s workplace.

In *Shell* the Australian Industrial Relations Commission observed that an employee’s use of drugs and alcohol in non-working hours is not a matter for regulation by an employer.

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The Commission continued to find that the use of oral testing, such as saliva based tests, detects recent use and therefore was the more appropriate form of testing.

Duncan questioned the precedential value of the Shell decision in other matters as he noted that the parties had agreed to allow the Commission to determine this dispute under its dispute resolution procedures.

Noting that it would be interesting to see how this decision was later referred to by the Commission and its replacement Fair Work Australia

In concluding Duncan set out a number of tips for attendees central to which was to urge employers to draft drug and alcohol policies and procedure to detect impairment.

2009 PATRONS DINNER

On 1 July 2009 many members of the society gathered at Frasers Restaurant for the 2009 Patrons Dinner.

The Industrial Relations Society of Western Australia and its inaugural patron, Jack Gregor, were pleased to host Professor Andrew Stewart as guest speaker at the 2009 Patron's Dinner.

Held on the first day of operation for much of the *Fair Work Act 2009*, Professor Stewart provided an inside view on the development of, and the key changes which will be brought about by, the Act.

To a full house at Fraser's Restaurant in Kings Park, Professor Stewart, provided a unique insight into the challenges and opportunities under the new Act, also including an interesting comparison of WorkChoices with Monty Python's *The Life of Brian*!

The Industrial Relations Society Patron's Dinner has certainly established itself as a must on any industrial relations calendar.

IRSWA ON FACEBOOK

The Industrial Relations Society of Western Australia is now on facebook.

Click the icon to the left to join our Facebook community and learn more about the IR Society future events!



SOCIETY MEMBERSHIP:

THE BENEFITS

At \$105 per year, and only \$45 if you are a student or unemployed, membership of the Society is definitely a wise investment.

Membership entitles you to enjoy all of the following benefits:

- Networking with IR practitioners on a regular basis
- Opportunities to attend annual weekend conferences at holiday venues around WA.

- Quarterly issues of the Journal of Industrial Relations sent directly to you

- Invitation to patrons dinners and Christmas functions held at various locations around Perth.

- Discounted registration fees to our annual convention.

So stop thinking about it and join up now. To join or renew simply go to our website.

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IRSWA ANNUAL CONVENTION

30 – 31 OCTOBER 2009

THE SEBEL

The Fair Work Boot Camp 2009: Are you fit enough for Fair Work?

The 2009 Industrial Relations Society of Western Australia convention will be held on the 30th and 31st of October 2009 at the newly built Sebel Mandurah.

Commencing on Friday afternoon, 30 October

and continuing through to a formal dinner on the Saturday night, 31 October, this year's convention is not to be missed.

Go to our website www.industrialrelations.com.au or phone Jo on 0422 152 039 or Lisa on 0417 926 911 for more information