

# Mental Health & Employment Law Conference

## 8:30 am Registration opens

### 9:00 am Welcome from Conference Chair



**Stephanie Lambros**  
Senior Associate, HWLE Lawyers

### 9:05 am Identifying and Managing Psychosocial Hazards and WHS Compliance

- Understanding key duties and obligations of employers and employees under the Model WHS Act and state-based regulations.
- What is psychological safety? - creating workplaces that prevent harm and promote mental wellbeing.
- Codes of Practice - practical guidance on managing psychosocial hazards at work (NSW, QLD, WA, VIC updates).
- Compliance in practice - how to identify, assess, and control psychosocial risks to avoid regulatory enforcement and reputational harm
- Preventing prosecution, enforceable undertakings, and fines



**Alana Rafter**  
Senior Associate, Australian Business  
Lawyers & Advisors (ABLA)

### 9:45 am Remote & Hybrid Work and Psychosocial Risk - Safeguarding mental health in Hybrid Environments

- Maintaining duty of care and promoting mental wellbeing in remote and hybrid work settings.
- Identifying risks - isolation, blurred work-life boundaries, and stress from digital monitoring.
- Legal exposure - inconsistent communication, exclusion, or poor engagement leading to psychosocial hazard claims.
- Practical mitigation strategies - fostering connection, supporting inclusion, and implementing effective remote work policies.



**Brett Feltham**  
Senior Consultant, Mallesons

## 10:25 am Networking and refreshment break

### 10:50 am Workplace Bullying & Harassment: Managing Risk Beyond Office Hours

- Why liability can extend to work-related events and online interactions after hours.
- Legal risk - complaints under the Fair Work Act 2009 (s.789FD) and Sex Discrimination Act 1984.
- Psychological injury claims - arising from digital, social media, or off-site conduct between colleagues.
- Dealing with online harassment and toxic group messaging outside work.
- Recent decisions and regulator perspectives.



**James Mattson**  
Partner, Bartier Perry

### 11:30 am SafeWork Update - How the regulator is approaching psychosocial hazards

- Understanding the latest changes in the psychosocial safety space
- Emphasis on WHS Codes of Practice
- Increased enforcement activity inspections, notices, audits, and prosecutions
- Insight on the Regulator's focuses



**Michael Starkey**  
Partner, Baker & McKenzie

## 12:10 pm Lunch and networking break

### 1:00 pm Reasonable Adjustments & Flexible Working - Applying Foundational Principles to Mental Health at Work

- Legal obligations and practical applications - making reasonable adjustments through flexibility, job redesign, and workload management.

- When can employers say no? - navigating refusals based on "reasonable business grounds."
- Protection from dismissal - understanding risks around discrimination and unfair treatment of employees with mental health conditions.
- What is 'reasonable'? - resolving disputes over suitable duties and the boundaries of employer responsibility.



**Sina Zevari**  
Partner, Emplawyer

### 1:40 pm Workplace Investigations Involving Mental Health - Managing grievances and complications effectively - legal, commercial and people considerations

- Why we investigate, and outlining when to investigate, how to investigate and how to navigate commonly encountered roadblocks.
- Receiving a grievance - best practice tips to minimise risk from the outset
- Triaging a grievance and considering alternatives - an investigation is not always the best option
- Pre-investigation steps - identifying risks to those involved and considering working arrangements
- Investigation principles - practical steps to ensure an effective process
- Investigations best practice



**Gella Rips**  
Director & Principal, Workdynamic Australia

### 2:20 pm Termination & Unfair Dismissal - Managing mental health risks

- When is it reasonable for the business to terminate and under what circumstances?
- Correct processes - navigating investigations and performance evaluations to prevent unfair dismissal or discrimination claims.
- Managing grievances linked to performance and mental health - What can you do if a grievance claim arises from performance management when mental health issues are involved?
- General protections and psychiatric injury - obligations under *Elisha v Vision Australia* [2024], what employers must do ensure procedural fairness, trauma-informed processes, and training for managers.



**Hilary Searing**  
Partner, Clayton Utz

## 3:00 pm Networking and refreshment break

### 3:20 pm Drug & Alcohol Policy - Practical considerations for a legally sound approach

- Policy development and implementation - turning principles into practical, enforceable procedures.
- Managing positive tests - best practices for handling results fairly and consistently.
- Legal insights - reviewing relevant case law and outcomes from contested drug and alcohol tests.
- Minimising risk - strategies to protect the organisation, ensure compliance, and maintain workplace safety



**Seamus Burke**  
Partner | Workplace, Sparke Helmore Lawyers

### 4:00 pm Positive Duty & Workplace Sexual Harassment Prevention

- Key reforms and legal obligations - understanding the expanded prohibition against workplace sexual harassment.
- Recent case examples - lessons from Fair Work Commission decisions and emerging legal trends.
- Australian Human Rights Commission enforcement - how the AHRC is applying its new compliance and investigative powers.
- Preventative strategies - embedding Respect@Work recommendations into workplace culture, governance, and policy frameworks.



**Adam Foster**  
Partner, Colin Biggers & Paisley Lawyers

## 4:40 pm Closing remarks from the Chair and end of conference