

# IN-HOUSE COUNSEL DAY

THURSDAY, 5 MARCH 2026



**HWLE**  
LAWYERS



# Session 1

WORKPLACE RELATIONS IN THE APS :

WHAT IS 2026 LIKELY TO BRING?

PRESENTED BY

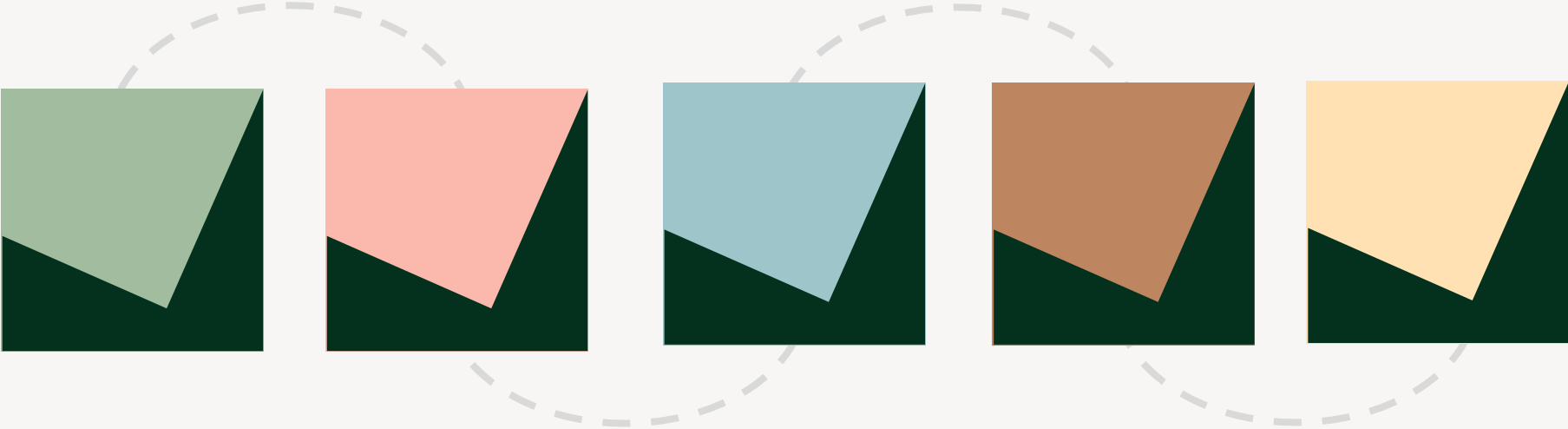
ALISON SPIVEY | PARTNER

GEORGIA DRIELS | SENIOR ASSOCIATE

**HWLE**  
LAWYERS

# Roadmap

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COMPLIANCE:  
SPOTLIGHT ON  
EMPLOYEE  
ENTITLEMENTS

CHANGE  
MANAGEMENT

FLEXIBLE  
WORK

ENTERPRISE  
BARGAINING

RECENT  
CASES

# Compliance: Spotlight on Employee Entitlements

Frequency of payments and recording keeping:  
*Woolworths & Coles* decision [2025] FCA 1092



Deductions from payments:  
s 324 of the FW Act



Managing underpayments and overpayments

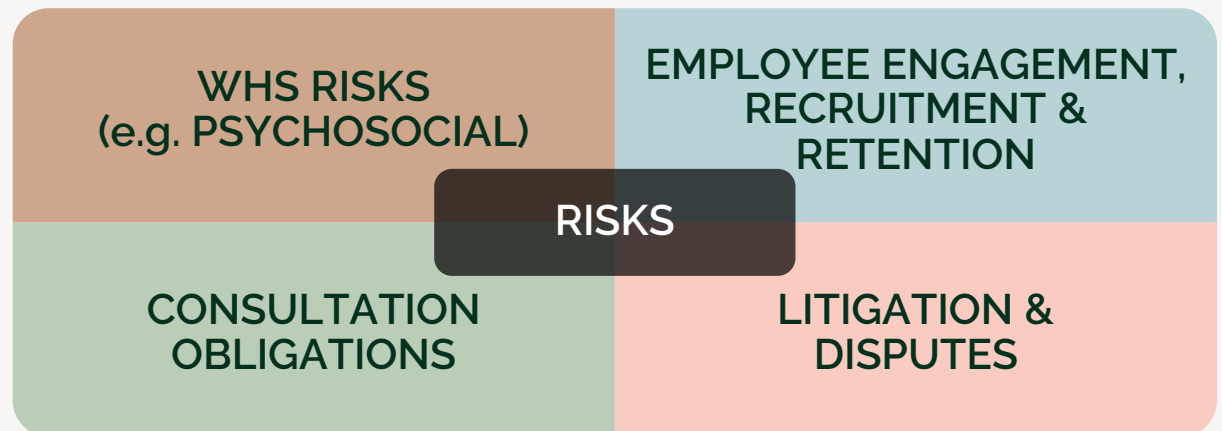
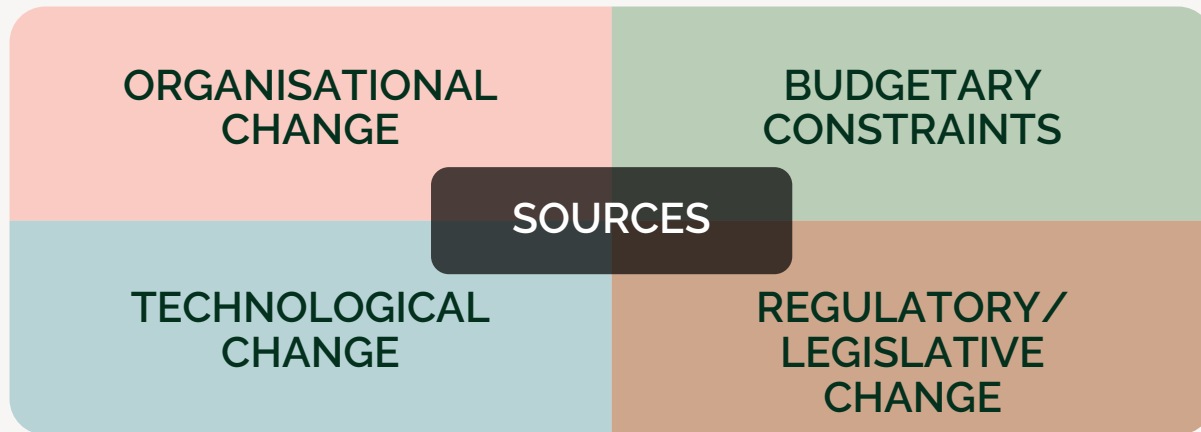


Legislative change:  
Baby Priya's Law, Parental leave, Payday Super and Review of NES



# Change Management: Sources of change and areas of risk

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# Change management: Managing risk & building resilience

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DEVELOP  
CHANGE MANAGEMENT  
PLANS  
PROACTIVELY

ENSURE UNDERSTANDING  
OF OBLIGATIONS & RISKS  
AMONGST ALL  
STAKEHOLDERS

MONITOR  
IMPLEMENTATION OF  
PLAN & ADAPT WHERE  
NECESSARY

COMMUNICATE  
EFFECTIVELY

BE CONSISTENT

BE EMPATHETIC

# Flexible work

Quick recap: Entitlements to flexible work in the APS



Recent case examples:

*Naden v Catholic Schools Broken Bay Limited as Trustee for the Catholic Schools  
Broken Bay Trust [2025] FWCFB 82*

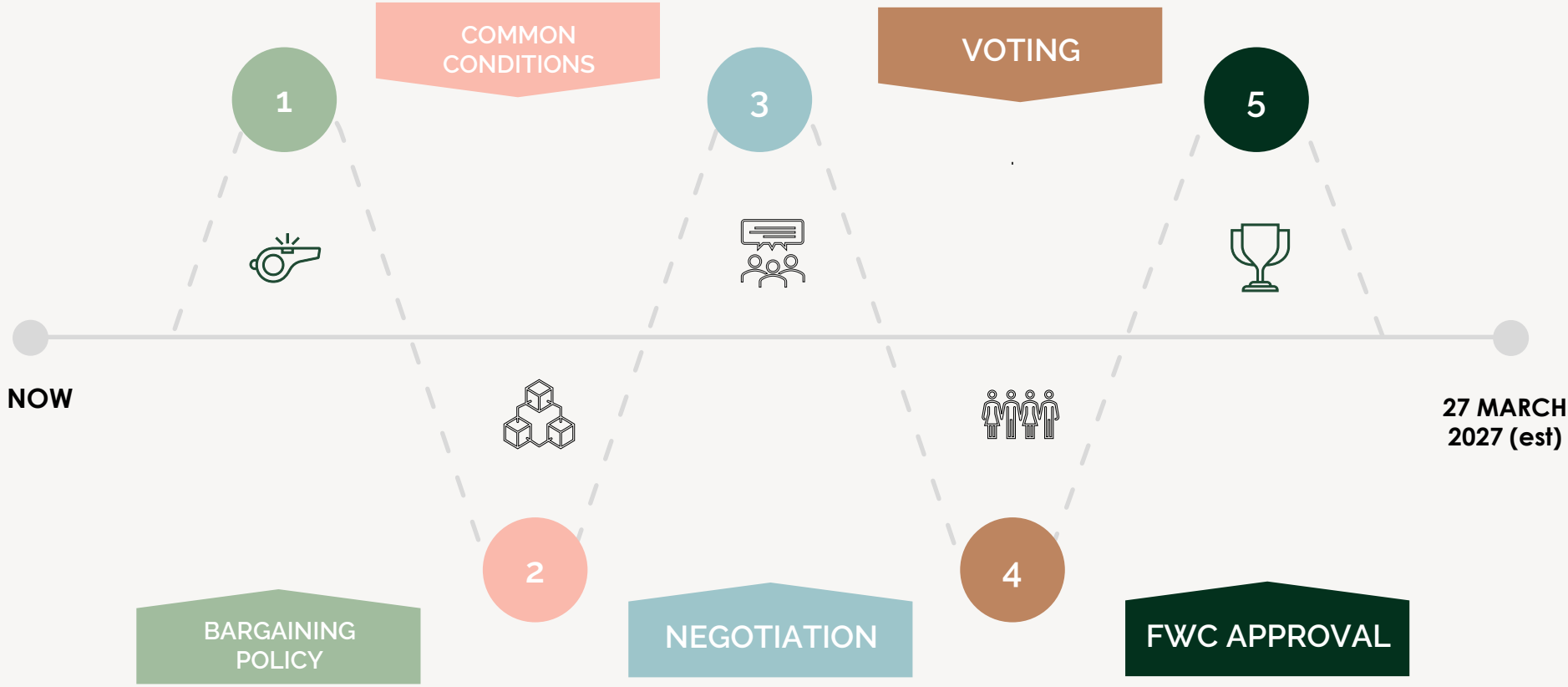
*Karlene Chandler v Westpac Banking Corporation [2025] FWC 3115*



Where to next?



# Enterprise Bargaining



# Significant cases

## Discrimination and adverse action:

*Duarte v United Arab Emirates Ministry of Foreign Affairs* [2026] FedCFamC2G 175  
*Complainant 202258 v Southern Restaurants (VIC) Pty Ltd* [2025] ACAT 3



## Sexual harassment:

*Magar v Khan* [2025] FCA 874  
*JF v Oishi Teppanyaki & Café Pty Ltd & Anor* [2025] QIRC 209



## Redundancy and redeployment:

*Helensburgh Coal Pty Ltd v Bartley* [2025] HCA 29



## Case Management





# Contact details

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