

discrimination and bullying and make these available to employees; provide training on these policies and ensure that all management personnel are aware of their obligations and proactively seek to enforce the policies.

Training should also be provided to all employees as part of their induction process and followed up again on an annual basis.

So that an employer can show that they have taken reasonable steps to prevent harassment, discrimination or bullying in their workplace, clear policies need to be implemented so that employees are fully aware of their responsibilities. Policies should then be reviewed regularly so they comprehensively cover all of the following:

- Sexual harassment: The legal test for sexual harassment, outline the type of conduct that amounts to sexual harassment, and be comprehensive in a discussion on the essential elements of sexual harassment.
- Discrimination: Outline the types of direct and indirect discrimination that are inappropriate, when it is illegal to discriminate and discuss detailed examples of the type of behaviour that is unacceptable.
- Bullying: Staff training needs to include a comprehensive discussion of the type of behaviour that can constitute bullying and that such behaviour is unacceptable.
- Complaint procedure: Employers need to develop and negotiate into EEO policies a comprehensive complaint handling procedure that allows employees to formally address unacceptable conduct.

In summary, employers must ensure, as a minimum:

- Comprehensive policies are in place and kept up to date covering all EEO matters;
- EEO training is conducted as part of the induction process for all employees including those engaged for Christmas trading, and on an annual basis to all long term staff; and
- That managers understand and actively enforce EEO policies and any complaint made by an employee is fully investigated.

Michael Quinn
Director
The Quinn Group

Who will run your business when you are no longer able to?

As the old adage states, 'Fail to plan and you will plan to fail'. Whilst this may seem a little worn out, it is still very relevant and true, particularly when it comes to business. For most business owners their business is a result of many years of hard work and dedication. But what happens if you are suddenly unable to turn up to work anymore, or it has come time for retirement? What will happen to your business then? It is not necessarily a pleasant thing to think about, much like people shy away from making or updating a Will, but the last thing you want is for those years of hard work to all come to a grinding halt because you did not consider and implement a business succession plan.

Business succession planning refers to assessing, devising and implementing 'exit strategies' for the business owner or owners. This can be for when there is an unexpected need for a new owner – such as in the case of death, disability or significant trauma – or it can also be utilised in relation to planning for the future, such as the business owner/s going into retirement, passing the business on to a family member or selling it to a completely unrelated party.

When implemented correctly, a business succession plan can assist you to:

- Address the issues of when and how the changes to new ownership and management will occur, and
- Manage your business to have an improved chance of survival when the transition to new ownership or management takes place.

It is important to differentiate between business succession planning and key person insurance as the two concepts are often confused. Business succession

planning is generally concerned with the more logistical and day-to-day implications to the business, should the owner not be around. This includes considering who will manage the operations and/or be the new owner, and how would the succession impact the spouse or beneficiary of the exiting party. Essentially a risk management strategy, business succession planning should also involve any other entities that are operated, managed or owned by you or your business.

Key Person Insurance exists to protect the business against risks that it may be exposed to should the 'key person' (or persons) suddenly exit the business. A key person in this context is considered to be a business owner, principal, manager or sales executive. These people are valuable in the business as they generate income and profit and they may generate capital cost for re-training or replacement. Key Person Insurance is concerned with the direct and immediate effects to the financial state of the business such as revenue and profit. It considers, and seeks to formulate answers to questions such as; if the key person is no longer around what would be the effect on revenue and profit? Would the business be able to continue trading? Could it pay the necessary bills and other costs?

It is extremely important to have plans in place that will protect not only your lifestyle interests and needs but also your intentions for your business. It is never too early to start planning for the future, so why not contact the professionals at The Quinn Group to find out more about a tailored business succession plan for your business.

Michael Quinn, director of The Quinn Group, is an experienced lawyer, accountant and educator. He can be contacted at info@quinns.com.au, by phoning 1300 QUINNS or via the website at www.quinns.com.au.

Stephen Swift
Executive director
Brewers Association of
Australia and New Zealand

Alcohol advertising

The 'Catch 22' for the alcohol industry is that no matter how responsible they are in advertising their products, the words 'teenage', 'booze' and 'advertising' will always be natural headline material.

Unfortunately, for many anti-alcohol activists, there are no concessions that could be made by industry which would satisfy them or earn their endorsement because the fundamentalist approach, by its very nature, relies upon having an identified 'enemy' to rally around rather than constructive engagement with stakeholders.

However, for other readers it may be of interest to know there have been three substantive inquiries into alcohol advertising in Australia in this current decade and industry has readily implemented recommendations from all of them.

The most comprehensive of these was a two year inquiry initiated by the Ministerial Council on Drug Strategy (MCDS) which resulted in a raft of changes to The ABAC Scheme for regulating advertising. This inquiry led to the introduction of a government representative on the Management Committee, public health academics on the adjudication panel, coverage of internet advertising, the extension of pre-vetting to the wine industry, and the introduction of annual reports among other reforms.

The NSW Alcohol Summit process led to a specific reference to the national drinking guidelines in the code, immediately implemented by industry. New South Wales also requested standard drink labelling on all bottles and cans through the MCDS, which producers introduced voluntarily.

A landmark Victorian parliamentary inquiry into 'Strategies to Reduce Harmful Alcohol Consumption' asked that an ABAC website be established, and it was (see www.abac.org.au), so that the public