

WORKPLACE REVIEW

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When was I boned? (with apologies to Eddie Maguire) – <i>Edward Stratton-Smith</i>	
This article discusses the recent United Kingdom Supreme Court case, <i>Gisda Cyf v Barratt</i> , a decision that considered when a dismissal of an employee is deemed to take effect. The case found that this determination, while not always straightforward, was pivotal in determining whether an unfair dismissal claim was lodged within or outside the prescribed period.	6
Adverse action: Protecting union officers and activities – <i>Neil Napper</i>	
This article discusses a recent Federal Court appeal decision which concerned adverse action taken by an employer against an employee in response to the employee's activities as a union officer. In particular, the decision considered the extent to which protection is available to union officers under Pt 3-1 of the <i>Fair Work Act 2009</i> (Cth). As this appeal decision stands, pending any appeal to the High Court, employers will be severely limited in the action they can take against employees who are acting or purporting to act in their capacity as union officers.	8
Post-employment restraints: When are they enforceable? – <i>Yin Chiew and Neil Napper</i>	
This article discusses two New South Wales Court of Appeal decisions in which post-employment restraints of trade clauses in contracts were considered. The decisions demonstrate that such clauses, when properly drafted and clearly worded, may be enforced by employers seeking to protect their legitimate business interests against competition by former employees.	11
Right of entry under federal legislation – <i>Rick Manuel</i>	
This article deals with the current situation in respect of the contentious issue of right of entry and, in particular, the use of the <i>Fair Work Act 2009</i> (Cth) by the federal government to significantly enhance the right of entry for unions. It sets out the obligations, and potential defences, in dealing with requests for right of entry.	15
FEATURE ARTICLE	
Beware the contracting shambles: A review of the “sham contracting” provisions and their implications – <i>Elizabeth Kenny</i>	
The <i>Fair Work Act 2009</i> (Cth) contains provisions similar to those provided under the repealed <i>Workplace Relations Act 1996</i> (Cth) dealing with “sham contracting” arrangements. The provisions hold significant implications for employers, directors and their	

managers. With several proceedings awaiting litigation, the Fair Work Ombudsman has recently commented that it is an area of particular concern. This article reviews recent decisions and the general approach to sham contracting.	20
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