## WORKPLACE REVIEW

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### ARTICLES

### **Construction, Forestry, Maritime, Mining and Energy Union v Personnel Contracting Pty Ltd: Contracts as Trumps** – *Thomas Dixon*

# Freedom of Contract or Freedom to Exploit – A Lochner-esque Future? A Comparative Analysis of Recent Australian Cases on the Employee/Independent Contractor Distinction – *Charlie Gonzalez*

### Primacy of the Contract for Gig Economy Workers – Nicola Nygh and Katariina Hatakka

For over 20 years courts have applied the multifactorial test to determine whether a worker is an employee or contractor. The High Court has now held that where there is a comprehensive written contract, the terms of the contract alone determine the worker's status as an employee or contractor. This approach affords greater certainty than the multifactorial test. However, it has significant implications for workers in the gig economy where businesses generally try to characterise their workers as subcontractors which limits their workplace rights and protections. 157

### Pandemic, War, Inflation, Strikes – Craig Ryan

In 1919 the First World War had just come to an end. Australian service people and warships were returning home through the port of Fremantle in Western Australia and the world was afflicted by the "Spanish flu" pandemic. It was a time of intensely converging circumstances and interests. In Fremantle there was a waterfront industrial dispute. An immediate issue was the unloading of a ship carrying goods for quarantine-stricken communities. The dispute culminated in violent clashes between Western Australian State authorities and waterside workers. One person was fatally injured in the conflict which became known as the "Battle of the Barricades".	162
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