

# WORKPLACE REVIEW

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**Protected industrial action after JJ Richards v TWU – Philip Boncardo**

A recent Full Bench decision of Fair Work Australia has clarified the operation of the *Fair Work Act 2009* (Cth) in relation to applications by unions and other bargaining representatives for protected action ballot orders. The decision allows unions and bargaining representatives to attempt to bring employers who do not agree to bargain to the bargaining table by applying for a protected action ballot, without having to first obtain a majority support determination. Here, Philip Boncardo considers the reasoning that informed the Full Bench’s decision and the implications for enterprise bargaining. .... 92

**Interpreting the Fair Work Act: Some principles – Ian Latham**

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**A decade of the new compo regime – Sian Leathem**

As the Workers’ Compensation Commission of New South Wales approaches its 10th anniversary, Registrar Sian Leathem looks at the establishment, jurisdiction and practice and procedure of the Commission. She notes that, while the workers’ compensation system is ever-evolving, since its inception, the Commission has encouraged dispute resolution, settling the majority of disputes without the need for formal determination. .... 97

**Employer response to natural disasters – Katrina Mark**

We are all aware of the devastating impact the summer 2010-2011 floods, cyclones and bushfires had on people’s homes and livelihoods. The effect of these natural disasters on the Australian economy, and in particular on insurance companies, was also widely reported. But how do such events impact on employers? This article provides a short overview of the relationship between the statutory and contractual options available to manage employees in the unfortunate event business operations are affected by natural disaster. .... 101

**Adverse action in review – Meryl Remedios**

More than two years after the commencement of the *Fair Work Act 2009* (Cth), many practitioners are still grappling with the complexities of adverse action. While general protections provisions are not a new concept, the Act extended the rights of employees with respect to workplace rights and industrial activity. As such, many commentators have referred to the adverse action provisions as the “sleeping giant” of the Act. In this article, Meryl Remedios reflects on some of the key issues in the adverse action arena. .... 105

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