



## SHIVCHAND JHINKU

PARTNER

[Sydney](#)  
[Australia](#)

Shiv specialises in post-employment litigation and is a recognised expert on Whistleblowing issues.

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## BACKGROUND

Shiv worked in our Brisbane office before relocating to Sydney in 2003. He is admitted to practice in the Australian Capital Territory, New South Wales, Queensland, the Federal Court and the High Court of Australia .

Shiv holds a Bachelor of Laws (First Class Honours) and a Bachelor of Commerce.

## KEY SERVICES

[Employment Litigation](#)  
[Employment, Pensions and Incentives](#)

## KEY SECTORS

[Financial Institutions](#)  
[Infrastructure](#)

## EXPERIENCE

Shiv has extensive experience across a wide range of courts and tribunals in some of the most high profile employment litigation in the last decade.

Drawing on this experience, Shiv helps clients manage their relationships with employees to avoid common pitfalls. If a matter does become litigious, Shiv works with clients to put them in the best position to obtain a positive outcome.

Shiv has been advising and representing clients across a range of industries, primarily focussed on aviation, financial services, construction and pharmaceuticals for over 20 years.

Shiv provides advice and guidance to clients throughout the employment lifecycle, from pre-employment, contractual negotiations, to performance management, termination and enforcement of post-employment obligations.

Shiv is sought out for his recognised expertise and thought leadership in the Whistleblowing arena. He has helped numerous clients to put in place their Whistleblowing policy frameworks, as well as providing to all levels of management from the Board down in relation to practical ways to meet their legal and commercial obligations.

- advised Rugby Australia in relation to the Code of Conduct tribunal hearing that led to the termination of Israel Folau's employment, as well as the subsequent proceedings brought by Mr. Folau against Waratahs Rugby and Rugby Australia. This case was extremely high profile given the prominence of the Applicant and the issues raised in the proceedings.
- Co-ordinating multi-jurisdictional reviews of Whistleblowing policies for clients to ensure compliance with legal requirements and best practice.
- advising clients in relation to post-employment restraint litigation (for example, *Tullett Prebon (Australia) Pty Ltd v Simon Purcell* [2008] NSWSC 437, and *Metcash v Jardin* (no 3) [2010] NSWSC 1096). Most recently, acted for ICAP Australia Pty Ltd in proceedings brought by a former employee in the New South Wales Supreme Court seeking to commence employment with a competitor. ICAP was successful in defeating the former employee's application. This matter was of strategic importance to the client as there were related proceedings on foot, and other former employees who may have sought to also seek to commence employment with the competitor early if ICAP was unsuccessful in these proceedings.