

## Article Information

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## Employment Relations Podcast #24 - Special Edition: Contract is King - the High Court decisions in Jamsek and Personnel Contracting

**In this special edition of the Employment Law for the Time Poor Podcast, join Emily Haar and Professor Andrew Stewart for a discussion on the implications of the High Court's decisions in Jamsek and Personnel Contracting, which have adjusted the way in which the "multi-factor test" for considering whether a worker is an employee or independent contractor is conducted.**

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Rather than the broader factual circumstances being relevant, the focus now is solely on the contractual terms, unless the arrangement is a sham, or has been varied by conduct. While defending an independent contracting arrangement is now somewhat easier, each situation will need to be assessed on a case by case basis, and contractual drafting is vitally important.

For further discussion of these cases, see our insight at:

<https://piperalderman.com.au/insight/contract-rules-in-two-landmark-decisions-the-high-court-has-restored-some-confidence-in-contracting-with-individual-workers/>, or Episode 13 of the podcast for a discussion about the Full Federal Court decisions:

<https://piperalderman.com.au/insight/employment-relations-podcast-13-does-it-pass-the-smell-test-when-a-contractor-is-actually-an-employee/>.

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