

Article Information

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Employment Relations Podcast #12 - Are your casual employees really casual? A discussion of the Rossato decision

In Episode 12 of our Employment Law for the Time Poor podcast, Professor Andrew Stewart and Emily Haar consider the fallout from the Full Federal Court's decision in Workpac v Rossato, where a long-term "casual" employee was found to in fact be a permanent full-time employee.

In particular, they consider the arguments Workpac ran to say that the casual loading should be used to "offset" any non-payment of leave entitlements owed to a permanent employee, or that the loading was paid by "mistake".

Andrew and Emily comment on a range of recent cases where the distinction between leave and pay was emphasised, and consider what might happen next, as employers and business groups grapple with the outcome. Considering your organisations' options is particularly pertinent, even where Workpac have launched an appeal in the High Court of Australia, because that process will not resolve the issue in the immediate future.

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