



Australian Association of
Practice Management

HR advisory service

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WorkPac Appeal

For more information or assistance please contact the AAPM HR Advisory Service

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If you have any questions regarding the fact sheet, please contact the AAPM HR Advisory Service for further information.

WorkPac Appeal - High Court to review casual employee entitlements

The definition of casual employment is currently a hot topic, and ensuring casual employees are engaged on a basis which will prevent them from being able to later claim for permanent employee entitlements, is front and centre in employer's minds.

The decision in *Skene* and *Rossato*, further complicated employer's understanding of the nature of a casual engagement. In addition, employers were confused when the Full Federal Court in *Rossato* did not allow WorkPac to offset *Rossato*'s permanent employment entitlements against the casual loading paid to him.

However, the High Court on 26 November 2020, has granted WorkPac special leave to challenge the decision by the Full Federal Court in *Rossato*. This means the High Court of Australia now has the ability to overturn the current law pertaining to casual employment. This is important as it will provide final clarification in regard to the meaning of casual employment and casual employee entitlements.

The potential cost of the *Rossato* decision on employers could amount to over \$14 billion, meaning the High Court's special leave to appeal this decision is quite significant.

It is not yet known when the appeal will be heard.

For questions regarding engagement of casual employees in your practice, please **phone the AAPM HR Advisory Service on 1800 196 000.**