ACTU
australian council of trade unions

media release

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Court decision shows need for proper definition of casual work

The Federal Court today has delivered a major blow against the misclassification of workers as casuals by employers under current Australian workplace laws.

The Court said that a FIFO truck driver employed in a labour hire arrangement who was considered a casual by his employer and who worked a fixed and continuous pattern of work was not a casual for the purposes of the National Employment Standards in the Fair Work Act.

Therefore the Court said he was entitled to be paid accrued annual leave on termination.

The case brought by the Construction, Forestry, Mining, Maritime and Energy Union opens the door for other people who've been employed as so-called casuals to make claims for unpaid leave entitlements.

The long running case was first started by the union in 2014.

Quotes attributable to ACTU President Michele O'Neil:

"This is a major blow for employers who want to use casualisation to avoid their responsibility to their employees.

"This decision makes clear that employers seeking to avoid paying people's entitlements can't simply rely on classifying workers as casuals."

'Casual and labour hire workers should make sure they are union members and contact their union to ensure they receive all of their lawful entitlements.'

"We need to change the rules around casual employment so that employers aren't able to deny people their rights for years on end.

"This case ran in the courts for four years before today's decision was made. These cases are long and expensive. Working people need fast efficient access to justice and the rules should be changed to make this happen.

ENDS

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