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## Government seeks to clarify casual employment

The Australian Government has today sought to clarify the rights and responsibilities of employers and employees in relation to the application of Australia's workplace laws regarding casual employment.

The proposed new regulation clarifies that if a loading has been paid to casual employees in lieu of entitlements afforded to permanent employees, such as annual leave and redundancy, it may potentially be set off against any subsequent claim to be paid those entitlements.

This will bring legislation in line with the common understanding around this issue in Australian workplaces, ensuring there is no "double dipping" if casuals are deemed to be full-time employees.

This clarification was necessary following a Full Federal Court decision earlier in the year that found a casual employee working on an ongoing basis was in effect a permanent employee and thus entitled to be back-paid annual leave and other full-time employee entitlements.

"AMMA members welcome the Minister taking active steps to provide certainty to address the clarification of casual employment rights and responsibilities," AMMA Chief Executive Steve Knott said.

Mr Knott said the impact on business would have been significant without the Government moving to provide certainty to employers and employees.

"Had this been allowed to stand, many SMEs and big businesses alike would've been crippled, not to mention the fallout which would have resulted in administrators being appointed and the significant drain on the Federal Government's Fair Entitlements Scheme," he said.

The Australian Government has also announced further legislative changes which will extend the right for casual employees to seek permanency, currently provided for through the modern awards system, to many casual employees in Australia.

"AMMA members in the resources and energy industry will largely be unaffected by this change, however support the legislative regime providing greater certainty on who is and who isn't a casual employee," Mr Knott said.

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