

BULLETIN

Industry Divisions



Reference No: WorkPac v Rossato/i-05-20

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Member Update: WorkPac v Rossato Federal Court Decision

The Federal Court has handed down its decision on the *WorkPac v Rossato* case on Wednesday, 20 May 2020.

For those following the case (formerly known as *Workpac v Skene*), this is considered a blow for business and intensifies the uncertainty regarding the engagement of casuals.

The decision ruled in favour of Rossato, stating they were entitled to leave back payments based on the nature of their working arrangements (which were considered in line with permanent work, despite being employed as casuals).

VACC and the Australian Chamber of Commerce and Industry (ACCI) have long argued it is not fair for casual employees to be paid twice – that a legal loading applied to wages, compensating for the lack of various leave entitlements.

Such a decision highlights the need for urgent legislative reform to provide certainty to businesses and casual employees regarding work arrangements and modern award definitions.

VACC is in the process of gaining expert legal opinion to fully understand the likely implications this decision could have on our members. We will provide an update as soon as practicable.

Members can read further detail on the decision prepared by ACCI [HERE](#).

VACC is founding member of ACCI and will be working closely with them on our continued advocacy on this issue.

Members wishing to discuss this issue should contact the VACC Industrial Relations team: 03 9829 1123.

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