

# BULLETIN

## Industrial Relations Department



Reference No: **REGULATIONS PASSED TO AVOID DOUBLE  
DIPPING BY CASUAL EMPLOYEES**

Date issued: 17/12/2018

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### Casuals - Regulations passed to avoid double dipping

New regulations have come into effect preventing casual employees from 'double dipping' and claiming permanent employee entitlements on top of their casual loadings.

The new laws are set out in the ***Fair Work Amendment (Casual Loading Offset) Regulations 2018*** and apply to anyone (award or non-award) employed as a casual or paid a loading amount.

The regulation is intended to apply to persons who have mistakenly been classified as a casual employee during all or some of their employment.

The regulation applies if:

- an employer has paid a clearly identifiable loading to compensate a person for not having one or more relevant NES entitlements; and
- the person makes a claim to be paid an amount in lieu of one or more of the relevant NES entitlements.

In such circumstances, an employer may make a claim to have the loading amount taken into account in determining any amount payable by the employer to the person in lieu of the NES entitlement/s.

Examples of where the loading amount is considered 'clearly identifiable' includes correspondence, pay slips, contracts or in a relevant industrial instrument.

The regulation makes it clear that it applies to employment periods that occur before, on or after commencement of the regulation.

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