



Quiz

Recent Employment Cases

1. What is the purpose of section 524 of the Fair Work Act 2006 (Cth)?
 - a. To provide statutory framework to the common law principle that an employer has no right to stand down or suspend an employee without pay
 - b. To provide a statutory exception to the common law, stipulating that in certain circumstances an employer may stand down an employee during a period when they cannot be usefully employed
 - c. To provide that personal leave and carer's leave can be sought even through periods of stand-down
 - d. To provide an exhaustive list of considerations to be taken into account which are to be applied to Fair Work Act breaches.
2. Which of the following is a conclusive consideration which will indicate that an employee is a casual employee?
 - a. If an employer can elect whether to offer employment on a particular day and if when offered, the employee can elect whether or not to work
 - b. The absence of a postulated firm commitment
 - c. Employment that is intermittent, irregular or unlikely to continue
 - d. None of the above

3. What was the decision of the Court in *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Qantas Airways Limited* [2020] FCA 656?
 - a. Personal and carers leave will not be made in periods of stand-down
 - b. An employer cannot unreasonably refuse an employee's request to go on leave and as such personal and carers leave will be made in periods of stand-down
 - c. If a person is already into a period of personal carers leave before the stand-down was effective, they would be entitled to continue to receive the personal carers leave until it has exhausted itself.
 - d. None of the above
4. What was the decision in *Workpac v Rossato* 2020 FCAFC 84?
 - a. The meaning of casual employment is as per the definition of casual work in the *Fair Work Act* 2006 (Cth)
 - b. The Award definition of casual employment is that which applies to the National Employment Standards
 - c. A casual employee is someone who is determined by reference to the common law meaning of casuals
 - d. A casual employee is to be defined on the facts of any given case
5. Which of the following are considerations to be taken into account by the Court when considering penalties for Fair Work Act breaches?
 - a. The nature and extent of the conduct which led to the breaches
 - b. Whether or not the breaches were deliberate
 - c. Whether the party who committed the breach took any corrective action
 - d. All of the above

Answers:

1. B 2. D 3. C 4. C 5. D