



## Hall Payne Wins Unfair Dismissal protection for Tasmanian Government casuals

**Date: Monday August 14, 2017**

After 6 years of dedicated service, Ms Assiri, a nurse and a single mum, who was also caring for her elderly mother was given devastating news – she would not be given any further shifts and that her contract would not be renewed.

Previous authority of the Tasmanian Industrial Commission set a precedent that casual employees in the state service were not protected from being unfairly dismissed because they did not have an expectation of on-going employment.

[Indi Gunadasa](#) from Hall Payne Lawyers took on her case , “Our client had been out of work for some time, had a family, which included her children and elderly mother to support and needed someone to fight for her” said Indi. “I could see straight away a number of issues with her treatment, but the state of the law at that time was that she couldn’t challenge her dismissal, so we decided to try and change the law”

Hall Payne Lawyers argued that the previous authorities were incorrect and was successful in that argument, with the Commission finding that casual employees across the entire Tasmanian state service could be protected from unfair dismissal.

This landmark ruling also considers whether the Tasmanian government had the prerogative to employ casual employees at all as the State Service legislation did not provide for the engagement of casual employment. The Commission agreed with the arguments made by Hall Payne Lawyers that the Tasmania government could not employ Ms Assiri as a ‘fixed-term casual’.

Both the finding that casual employees are protected from unfair dismissal and the Tasmanian government may not have the power to employ employees as casual has far ranging implications for the Tasmanian state service.

*“Casual employees across the State Service in Tasmania need to now know that they have rights. If they stopped getting shifts or are otherwise sacked, they can appeal that decision to the Tasmania Industrial Commission”, says Indi.*

Hall Payne is one of Australia's leading employment law firms. If you believe your employer has treated you unfairly or prevented you from exercising your workplace right, Hall Payne can help.

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