Casual employees

Changes to casual and overtime award clauses

The Fair Work Commission has updated the casual and overtime clauses in most awards. The updates start from the first full pay period on or after 20 November 2020. See [Updates to casual and overtime clauses in most awards](www.fairwork.gov.au/about-us/news-and-media-releases/website-news/updates-to-casual-and-overtime-clauses-in-most-awards) to find out which awards are affected and what it means for you.

On 20 May 2020, the Full Federal Court of Australia handed down a decision about casual employment and leave entitlements. We’ve reviewed our information and confirm that it is accurate in light of this decision. For more information see [WorkPac Pty Ltd v Rossato [2020] FCAFC 84](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0084).

On 17 June 2020, WorkPac Pty Ltd applied to the High Court of Australia seeking special leave to appeal this decision. We’ll monitor this application and update our information with any significant changes. In the meantime, the information on this page reflects the current state of the law.

A casual employee does not have a firm commitment in advance from an employer about how long they will be employed for, or the days (or hours) they will work. A casual employee also does not commit to all work an employer might offer.

For example, an employee who works to a roster that could change each week and can refuse or swap shifts is casual.

A casual employee:

- has no guaranteed hours of work
- usually works irregular hours
- doesn’t get paid sick or annual leave
- can end employment without notice, unless notice is required by a registered agreement, award or employment contract.

**How is casual different to full-time or part-time?**

Full-time and part-time employees have ongoing employment (or a fixed-term contract) and can expect to work regular hours each week. They are entitled to paid sick leave and annual leave.

Full-time and part-time employees must give or receive notice to end the employment.

**What do casual employees get?**

Casual employees are entitled to:

- a higher pay rate than equivalent full-time or part-time employees. This is called a ‘casual loading’ and is paid because they don’t get benefits such as sick or annual leave
- 2 days unpaid carer’s leave and 2 days unpaid compassionate leave per occasion
- 5 days unpaid family and domestic violence leave (in a 12-month period)
- unpaid community service leave.

**Long term casual employees**
The information on this page is about entitlements for long-term casual employees under the Fair Work Act. For information about who is considered a long-term casual employee eligible for JobKeeper payments, go to the ATO’s eligible employees page (https://www.ato.gov.au/General/JobKeeper-Payment/In-detail/JobKeeper-tests/Employee-test-requirements/).


Some casual employees work for one employer for a long period and become ‘long term casuals’.

Long term casuals stay as casual employees unless their employment relationship changes with their employer so that there is a mutual commitment to provide ongoing work on an agreed pattern of ordinary hours of work.

A long term casual gets their casual entitlements regardless of how regularly they work or how long they work for.

After at least 12 months of being engaged regularly by an employer on a casual basis, and if it’s likely that the employment relationship will continue, a casual employee can:

- request flexible working arrangements
- take parental leave.

They don’t get paid leave or notice of termination, even if they work regularly for a long time.

**Changing to full-time or part-time employment**

A casual employee can change to full-time or part-time employment at any time if the employer and employee both agree to it.

Most awards have a minimum process for changing casual employees to full-time or part-time. Some enterprise agreements (www.fairwork.gov.au/Dictionary.aspx?TermID=2154) and other registered agreements have a similar process.

Find more information about arrangements for casual employees in your award by selecting from the list below.

**Think a mistake might have been made?**

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our Help resolving workplace issues (www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

**What to do next**

- Find pay rates for casuals using our Pay Calculator (http://calculate.fairwork.gov.au/FindYourAward)

**Help for small business**


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