

## Casual employees

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 \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034), 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

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 \(www.fairwork.gov.au/Dictionary.aspx?TermID=2154\)](http://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.

Based on what you've told us, it looks like you're covered by the Storage Services and Wholesale Award 2010 [MA000084].

Casual employees are entitled to ask to change to full-time or part-time employment when they:

- have worked a regular pattern of hours over a period of at least 12 months

- could continue to work those hours as a full-time or part-time employee without significant changes.

Employees who have been working full-time equivalent hours over 12 months can ask to change to full-time employment.

Employees who have been working less than full-time hours can ask to change to part-time employment, to work hours that are consistent with what they have been working over the last 12 months.

Employers need to give all their casual employees notice in writing that they can ask to become full-time or part-time within the first 12 months of them starting work. Casuals who were already employed on 1 October 2018 need to receive this notice by 1 January 2019.

Casual employees that don't receive this notice are still able to request a change to full-time or part-time employment.

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

Employees need to ask their employer in writing if they want to change to full-time or part-time employment. Employers can agree to the request or they can refuse on reasonable grounds after consultation with the employee.

If the request is agreed, the employer and employee need to discuss and record in writing:

- the type of employment the employee will change to – either full-time or part-time
- if the employee will be part-time, their part-time work arrangements as set out in the award.

Once the change has occurred, an employee can only change back to casual employment by agreement in writing with their employer.

An employee can't be hired and re-hired as a casual or have their hours changed to avoid any right to change to full-time or part-time employment.

### **Refusing a request to change to full-time or part-time employment**

An employer can only refuse a request if the refusal is reasonable and based on information the employer has or information that they could reasonably foresee.

Reasonable grounds for refusal include:

- the employee doesn't work regular hours
- the employee's job won't exist in the next 12 months
- the employee's working hours will be significantly reduced in the next 12 months
- there will be a significant change in the hours or days in the next 12 months which cannot be accommodated within the days and/or hours during which the employee is available to work.

If an employer refuses a request, they need to give the employee their reasons in writing within 21 days of the request being made.

Check the Storage and Wholesale Award for the complete process to change from casual to full-time or part-time.

To find out more about who this award applies to, go to the [Storage and Wholesale Award summary \(https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000084-summary\)](https://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000084-summary) .

Source reference: [Storage Services and Wholesale Award 2010 \[MA000084\] clause 11.5](http://awardviewer.fwo.gov.au/award/show/MA000084) <sup>23</sup> (<http://awardviewer.fwo.gov.au/award/show/MA000084>)

## **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 \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://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 \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward)
- Search the [Fair Work Commission website](https://www.fwc.gov.au/awards-and-agreements/agreements) <sup>23</sup> (<https://www.fwc.gov.au/awards-and-agreements/agreements>) for a registered agreement

## **Help for small business**

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

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### You might also be interested in

- Minimum daily hours for casuals in [Hours of work \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default)
- Overtime for casuals in [Overtime pay \(www.fairwork.gov.au/Pay/Penalty-rates-and-allowances/overtime-pay\)](http://www.fairwork.gov.au/Pay/Penalty-rates-and-allowances/overtime-pay)
- An overview of [Casual, part-time and full-time \(www.fairwork.gov.au/Employee-entitlements/Types-of-employees/casual-part-time-and-full-time/default\)](http://www.fairwork.gov.au/Employee-entitlements/Types-of-employees/casual-part-time-and-full-time/default) employment

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### Contact us

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Fair Work Infoline: 13 13 94

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Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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