

Part-time employees

A part-time employee:

- works, on average, less than 38 hours per week (see [hours of work \(www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work\)](http://www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work))
- usually works regular hours each week
- can be a permanent employee or on a fixed-term contract
- is entitled to paid leave including annual leave (www.fairwork.gov.au/leave/annual-leave) and sick & carer's leave (www.fairwork.gov.au/leave/sick-and-carers-leave)
- is usually entitled to written notice, or payment instead of notice (www.fairwork.gov.au/ending-employment/notice-and-final-pay) , if their employer terminates their employment.

What part-time employees get

Part-time employees get the same minimum entitlements (such as sick leave and annual leave) as a full-time employee, but on a pro-rata basis.

Example: Sick and carer's leave entitlements for part-time employees

Suzanne is a full-time employee who works 38 hours, 5 days a week. Rebecca is a part-time employee who works an average of 19 hours per week, working a 5-day fortnight. Suzanne gets 76 hours (or 10 days) of paid sick and carer's leave per year. Rebecca gets half of Suzanne's paid sick and carer's leave per year as she works half the hours Suzanne works.

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

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 \(https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0084\)](https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2020/2020fcafc0084) .

On 26 November 2020, the High Court of Australia granted WorkPac Pty Ltd special leave to appeal this decision. We'll monitor the proceedings and update our information with any significant changes. In the meantime, the information on this page reflects the current state of the law.

Full-time employees work longer hours. On average, they work 38 hours per week.

Casual employees usually work irregular hours. A casual employee does not have a firm commitment in advance from their employer about how long they will be employed for, or the days or hours they will work.

Find information about [changing from part-time to casual employment \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/full-time-employees#changing-from-full-time-to-casual-employment\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/full-time-employees#changing-from-full-time-to-casual-employment) .

Part-time hours of work agreements

Many awards, enterprise agreements and other [registered agreements \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) have record-keeping arrangements for part-time employees about their hours of work.

Find information about hours of work arrangements for part-time 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 Hospitality Industry (General) Award [MA000009].

Part-time employees are employed to work a minimum of 8 and less than 38 ordinary hours per week. Part-time employees can be employed on a roster cycle. If they are, their hours need to be an average of at least 8 and less than 38 hours.

When an employee starts, the employer and employee have to agree on the employee's hours and availability in writing. The agreement has to include:

- the number of hours the employee has to be given each week (or each roster cycle). These are called the guaranteed hours.
- the days and the times the employee is available to work. This is the employee's availability.

The employer and employee should keep a copy of the agreement.

Employers can roster the employee for their guaranteed hours and any additional hours during their availability. The rostered hours need to be within the minimum and maximum daily hours and any rostering requirements.

The employer needs give the employee 2 days off each week and shouldn't roster them outside their availability.

The hours that an employee is rostered to work during the week or roster cycle are called their rostered hours.

If an employee works more than their rostered hours, 38 hours, or the maximum daily hours, overtime applies. Go to [Hours of work, breaks and rosters \(www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work\)](http://www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/hours-of-work) for more information about maximum and minimum daily hours, rostering requirements and when overtime applies.

Use the [Part-time hours of work agreement and variation \(DOC 91KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Part-time-hours-of-work-agreement-variation.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Part-time-hours-of-work-agreement-variation.doc.aspx) template to record part-time hours of work.

If an employee had a written agreement with their employer to work a regular pattern of hours before 1 January 2018, that agreement still applies (unless the employer and employee choose to make a new one).

When can a part-time employee's hours be changed?

The guaranteed hours can only be changed if the employer and employee agree in writing. The employer and employee should keep a copy of the change.

If an employee regularly works more than their guaranteed hours for at least 12 months, they can ask the employer to increase their guaranteed hours. This has to be done in writing and the employer can only refuse (in writing) on reasonable business grounds. If the employer agrees, the new guaranteed hours have to be recorded in writing before the new agreement starts.

If an employee needs to change their availability, they can tell their employer with 14 days' notice in writing. If the employer can reasonably provide the employee with their guaranteed hours during their availability, then the change should be accepted. Otherwise, the guaranteed hours don't apply anymore and the employer and employee need to make a new agreement.

Use the [Part-time hours of work agreement and variation \(DOC 91KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Part-time-hours-of-work-agreement-variation.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Part-time-hours-of-work-agreement-variation.doc.aspx) template to record changes to part-time hours of work.

When can an employee change to part-time?

An employee might want to go part-time, either for a short amount of time or permanently. The employer and employee should agree in writing to the change to part-time employment.

An employer can't make a person change from full-time to part-time employment. If an employer does this, it may be a redundancy. For more information on what a redundancy is, go to [Redundancy \(www.fairwork.gov.au/ending-employment/redundancy/default\)](http://www.fairwork.gov.au/ending-employment/redundancy/default).

What happens to leave entitlements when changing to part-time?

When an employee changes from full-time to part-time, they keep any leave they have accumulated, such as annual leave or sick leave.

To find out more about who this award applies to, go to the [Hospitality Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000009-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000009-summary).

Source reference: [Hospitality Industry \(General\) Award \[MA000009\] clause 10 ☐¹ \(http://awardviewer.fwo.gov.au/award/show/MA000009\)](http://awardviewer.fwo.gov.au/award/show/MA000009)

Think a mistake might have been made?

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

Check out our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/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

- Use our [Pay Calculator \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) to calculate pay rates for part-time employees
- Find out [When overtime applies \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work-when-overtime-applies\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work-when-overtime-applies) for part-time employees

Help for small business

Find tools, resources and information you might need in our [Small business showcase \(www.fairwork.gov.au/small-business-showcase/default\)](http://www.fairwork.gov.au/small-business-showcase/default) .

You might also be interested in

- An overview of [Employee entitlements \(www.fairwork.gov.au/Employee-entitlements/default\)](http://www.fairwork.gov.au/Employee-entitlements/default)
- Definitions 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) work
- [Record-keeping \(www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default\)](http://www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/default) requirements
- [Flexibility in the workplace \(www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/default\)](http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/default)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Hearing & speech assistance

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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