

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 Security Services Industry Award [MA000016].

A part-time employee is employed to work less than 38 ordinary hours per week. An employer and employee have to agree on a regular pattern of work when the employee starts.

An employer must inform an employee upon engagement:

- the hours worked each day

- the days of the week the employee will work
- the start and finish times each day
- that any change to the agreement will be in writing
- the days or part days an employee is not rostered.

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

The hours in the agreement have to be worked within the ordinary hours in the award. This includes the times of day the hours can be worked and the maximum and minimum hours of work. For the ordinary hours in this award, go to [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) .

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.

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

The pattern of work can only be changed if the employer and employee agree to it in writing. The employer should keep a copy of the change, and give a copy to the employee.

The roster for the days and times of work (not the amount of hours) may be changed in other ways than by agreement. For the rules about when a roster can be changed, go to [Rosters \(www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/rosters\)](http://www.fairwork.gov.au/employee-entitlements/hours-of-work-breaks-and-rosters/rosters) .

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 [Security Award summary \(www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000016-summary\)](http://www.fairwork.gov.au/awards-and-agreements/awards/award-summary/ma000016-summary) .

Source reference: [Security Services Industry Award \[MA000016\] clause 10.1,10.2 and 10.4](http://awardviewer.fwo.gov.au/award/show/MA000016) ² (<http://awardviewer.fwo.gov.au/award/show/MA000016>)

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

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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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