

Kakawaki: Tenan casual aika boou a kainanoa anganakia te **Fair Work Information Statement**.

Kawara te website www.fairwork.gov.au/fwis



Antai te casual employee?

Ngke te casual employee ngkana iai iroum bwaai aikai:

- ko anganaki te ke te bebwa n kammwakuri
- ngkana akea te babaire mairoun te employer **ibukin te firm advance commitment** bwa ena reitnako te mwakuri n akea tokina ma te agreed pattern, ao
- ko butimwaea te offer ma te atatai bwa akea te **firm advance commitment** ao n riki bwa te employee (taan mwakuri).

Atakina bwa ko na riki bwa te casual employee e na kaman karaoaki n te tai are ko ke ko anganaki iai te mwakuri ao n butimwaia.

Tera te 'no firm advance commitment'?

Ko na kanga n ataia bwa ko anganaiko iroun am tia kammwakuri/employer te no firm advance commitment? Ko na taraa am offer letter ke am reta n kammwakuri ngkana iai bwai aika 4 aikai:

- ▶ e anganiko am employer te work offer ao inaomatam butimwaeana ke aki butimwaeana
- ▶ ko na anganaki te work offer ngkana e kainanoiko am employer bwa ko na mwakuri
- ▶ e kinaki am mwakuri bwa te casual
- ▶ ko na kaboaki te casual loading ke te pay rate ibukia casual employees (taan mwakuri).

Akea teuana mai buakon bwaai aika 4 aikai ae na baireaki mai iai taekan am mwakuri ao koaki naba kainanoi nikabane bwa ena iai te 'no firm advance commitment'. E kaineti aei bwa katinean bwaai ake a kaineti (ao ake aaki naba) ao atakin bwa am employer ena anganiko te firm advance commitment ke e na aki.

Te katoto n te 'no firm advance commitment'

Priya e anganaki te job offer bwa te shop assistant. E katanoataki te mwakuri aei bwa te casual.

Te shop owner e kamataa bwa Priya e riai n mwakuri n ana tai n tabetabe te store ke ngkana a motirawa taan mwakuri tabeman. Ngkana e karako te mwakuri, e na karako naba ana mwakuri Priya. E na anganaki Priya n moantaai ana work shifts n te wiiki ma e na tatannako aron aei n te wiiki teuana ma teuana. E kona Priya n decline (aki butimwaei) shifts ngkana e angabuaka nakoina. Ana pay rate Priya e na iai naba inanona te casual loading. E butimwaea te mwakuri Priya.

Akea te 'no firm advance commitment' n ana case Priya. Ana employer naba e aki kamatoa anganakin Priya te ongoing ke te mwakuri ae reitnako. E kamataa te shop owner bwa ana shift Priya e kona n bitaki, ao Priya bwa ena aki kairoroaki n butimwaei shifts. Te job e katanoataki bwa te casual ao Priya e na kaboaki n te casual rate of pay. Koina ngkai e matata aio n te tai are e anganaki ao n butimwaea te job offer nei Priya, ea kinaki ngkanne bwa te casual employee.

Te Note: N tabetai casual employees a mwakuri te regular pattern (katoa bong) ke te aoa ae reitnako. Tiaki nanona bwa a permanent (full-time ke part-time), ma ngkana e reitnako te kammwakuri aekakin aei, a kona n kariaiakaki nakon te casual conversion imina riki (kanga imwin 12 namwakaina).



Nna kanga n riki bwa te permanent employee ngkana te casual employee ngai?

Iaan te National Employment Standards (NES), iai casual employees aika kona n riki bwa permanent (full-time or part-time) employee. E ataki aei bwa te 'casual conversion'. Iai casual employees aika a riai n anganaki te casual conversion iroun aia employer ao iai naba aika a kona n bubuti ibukin aei. Ko na riai n tia n kabanea 12 te namwakaina n mwakuri ao n ke n iai iroum bwaai aika kanoan te kainibaie iaon aei.

Te iteranibaa ae imwina e kamataa bwa ningai ae kona am employer n anganiko te casual conversion, ao ningai naba e ko kona n bubuti ibukina.

Bitinetai aika a uarereke

Ngkana ko kammwakuraki iroun te bitinetai ae uarereke (ae kee mwaitia ana taan mwakuri iaan 15), e aki kairoroaki te employer bwa ena anganiko te casual conversion. Ma e ngae n anne, iai taai ae iai inaomatam n bubuti ibukina.

Te iteranibaa ae imwina e kabwarabwara te tai are ko ke n kona n kariaiakaki iai nakon te casual conversion ngkana ko mwakuri nte bitinetai ae uarereke.



N te reta (koroboki)

Iaan te NES, nikabane ke reeta n kammwakuri, requests (bubuti), refusals (totoko), ao responses (kaeka) ibukin te casual conversion a riai n tabekaki rinanon te reta.

'Te reta' e kona n bon koreaki nte bai (handwritten), e printed, ao n electronic (n aron te email).

Iai casual employees aika bwaka iaan awards ma agreements ae iai kinakin te casual conversion entitlements irouia. Nakon www.fairwork.gov.au/casual ibukin rongorongona riki.



Kainanoa buokam?

Ko aki koaua ngkana ko mano iaan te award ke te agreement? Kawara www.fairwork.gov.au/awards ao www.fairwork.gov.au/agreements



E riai au employer n anganai te casual conversion?

Bon ti bitineta aika 15 ke iaona aia taan mwakuri, a riai n offer te casual conversion nakoia aia casual employees.

A riai n **anganiko** te casual conversion ngkana ko meet criteria nikabane:

- ko a tia n kammwakuraki irouia inanon **12 namwakaina**
- ko a tia n mwakuri inanon **aoa aika reitinako inanon 6 namwakaina n nako, ao**
- ko kona n reitanako mwakurim iaan aoa aika reitinako bwa te permanent employee ngke n **akea bitaki aika bubura aika kantaningaki mairoum.**

Am employer **tiaki tabena bwa e na anganiko te offer** ibukin te casual conversion ngkana iai bwaai aikai iroum:

- lai bukina aika riai** bwa am employer e na aki anganiko te casual conversion, ke
- ko tuai mwakuri n aoa aika reitinako (regular pattern of hours) inanon 6 te namwakaina n nako.

Tera ae riai n karaoia am employer

- **Ngkana ko kariaiakaki nakon te casual conversion** – e riai n karokoaki te offer nakoim, n te reta, inanon 21 te bong imwin am ka 12-n namwakaina n mwakuri.
- **Ngkana a aki kona n anganiko te casual conversion** – A na kabwarabwara bukin ae eaki kona n reke aei iroum n te reta, 21 te bong imwin am ka-12 n namwakaina n mwakuri ikanne.

Tera ae ko riai n karaoia

- **Ngkana e anganiko am employer te casual conversion** – Kaeka nakoina nte reta inanon 21 te bong. Ko kona n butimwaea ke n totokoa te offer.
- **Ngkana ko aki nanoraai ma aia babaire aki anganikim te casual conversion** – Iri taian steps aika kaotaki n te mwakoro ae 'What if there is a disagreement?' n te iteranibaa are imwina.

Te katoto n te 'regular pattern of hours'

Alex bon te casual employee ae mwakuri ni katoa tairikin te Kanimabong ao te Kaonobong n te restaurant. A na aoa ao ana bong aaki bibitaki.

Inanon te 6-month period (ke onoua namwakaina), Alex e aki roko n mwakuri 2 te shift bwa e aoraki. N te agreement ke te boraraoi ma ana employer e aki naba mwakuri 1 te wiiki n tain ana ukeuke nte uni (university).

E ngae ngke ea tia n aki mwakuri n taai aikai, e bon kinaki naba ana mwakuri bwa te 'regular pattern of hours'.



Rongorongon riki aei

Ibukin rongorongon te casual employment ao te casual conversion, nakon www.fairwork.gov.au/casual ao www.fairwork.gov.au/casualconversion



I kona n bubuti te casual conversion?

Ko kona n bubuti te casual conversion ngkana ko meet criteria aikai:

- ko a tia n mwakuri n te bitineta inanon **12 namwakaina ao 21 te bong** (12 namwakaina ngkana ko mwakuri ibukin te bitineta ae uarereke)
- ko a tia n mwakuri te **regular pattern ke aoa aika reitinako inanon 6 namwakaina**
- ko kona n reitanako te mwakuri n aoa akanne bwa te permanent employee ngke n akea bitaki aika bubura aika kantaningaki mairoum
- inanon **6 namwakaina** ko a tia n aki:
 - totokoaki te offer ibukin te casual conversion
 - tuangaki bwa ko aki offered te casual conversion ni bukina aika a riai, ke
 - bubuti ibukin te casual conversion are totokoaki ni bukina aika riai.

Tera ae ko riai n karaoia

- **Ngkana ko konaa ao n tangiria n bubuti te casual conversion** – Bubuti ibukin aei n te koroboki (reta).

Tera ae riai n karaoia am employer

- **Ngkana a kona n butimwaea am bubuti** – a na reitaki ao n kaekako nte reta inanon 21 te bong imwin reken am reta irouia.
- **Ngkana a totokoa am bubuti ni bukina aika riai** – a na reitaki ma ngke n kabwarabwara bukin totokoan am bubuti rinanon naba te reta 21 te bong imwin reken am reta irouia. Ngkana ko meet te criteria 6 namwakaina imwina, ko kona n manga karaoia am bubuti ae boou.



Tera bwaai aika a na taraaki bwa a na kona n kariaiakaki ke 'reasonable grounds'?

Bwaai aika a warekaki bwa reke iaan 'reasonable grounds' e na bon kaineta ma am circumstances (arom) ao aron am employer (employer's circumstances).

E kona n bwaka iaana bwa inanon 12 te namwakaina aika nang roko :

- e nang akea am mwakuri
- e na korakora bwakan am aoa n mwakuri
- te bong ke taai ake e kainanoiko iai am employer bwa ko na mwakuri a kon n bubura te bitaki nako iai, ao koaaki tauraai n mwakuri n te tai ae manga kateaki ae boou.

Te 'Reasonable grounds' e kona n bwaka iana karaoan te offer ke te granting of (kaekaan bubuti) bwa enaaki ke n ira nanon te recruitment (kateirake) ke te selection (te rinerine) ae kantaningaki iaan te Commonwealth, State ke Territory law.



Ao tera arou ngkana I bobuaka ma au employer nte casual conversion?

Ngkana ngke ke am employer- iai ami bobuaka n iango iaon te casual conversion, n ikotaki ma te rules and requirements ibukin karaoan (ke aki karaoan) te request ibukin te offer, aikai kawai ae ko kona n iri nanoia ibukin kaetan te bobuaka.

E na bon taraki ma am circumstances (arom), ko kona n karekea temanna ae na tei ibukim n te dispute process (are e kona n kairaki iroun te union are tabena te tei ibukim).

Step 1. Te moan bwai, noria bwa ko mano iaan te **award ke te agreement**. Ko aki koaua? Kawara www.fairwork.gov.au/awards ao www.fairwork.gov.au/agreements

- Ngkana ko mano iaan te **award ke agreement**, ko riai n iri kawai ake e katauraoi ibukin rinanoan taian disputes (nanobuaka) n te National Employment Standards (NES). Nora te mwakoro 'Who can help?' inano ngkana ko kainanoa riki buokam.
- Ngkana ko aki mano iaan te **award ke agreement**, nakon step 2.

Step 2. Ngkana ko mano iaan te **award ke agreement** ko riai n nora **employment contract** ke te boraraoi riki teuana ae koreaki iai taekan te dispute n te NES ke te casual conversion.

- Ngkana iai, ko na riai n ira te kawai are katauraoki ibukin katokan te dispute ke te bobuaka. Nora te mwakoro 'Who can help?' inano ngkana ko kainanoa riki buokam.
- Ngkana akea, nakon step 3.

Step 3. Ngkana te dispute resolution process n **steps 1 ao 2 aaki kaineti nakoim**, kataia karekea te raoi ma am employer rinanon te maroro (ko kona n kabonganai ara course aika linked inano ibukin buokam n aei). Ngkana ko aki kona n katoka te bobuaka n te aro aei, nora te mwakoro are 'Who can help?' inano ibukin buokam.



Karekea buokam ma taian conversations

Kakaei online courses aika free bwa a na buoka am maroro n te tabo n mwakuri (n ikotaki ma te casual conversion) n te www.fairwork.gov.au/learning

ANTAI AE KONA N BUOKIKO?

Ngkana ko kainanoa buokam, ke ngkana iai am dispute (bobuaka) ae tuai kaekaki, iai te third party ke te rabwata ae onoti ae kona n ibuobuoki. Aio ena nakon am situation (arom) ao mwengaraoim aron kaetan te bobuaka aio, iai taabo aika a kona n buokiko.

Te Fair Work Ombudsman ao te Fair Work Commission a kona n buokiko. Ko kona naba n karekea buokam man te Federal Circuit ao te Family Court n taai tabetai.

TE FAIR WORK OMBUDSMAN

- e katauraoi rongorong ma advice iaon am employment/kammwakuri (casual ke permanent)
- e katauraoi rongorong ma advice iaon inaomatam, boom ao entitlements nakoia casual employees, n ikotaki naba ma te casual conversion entitlements
- iai ana free calculators, templates ao online courses
- e buoka kaekaan kanganga n te tabo n mwakuri
- e kamatoai tuua ao katuaa ibukin aki irakin te tua n kammwakuri (workplace laws).

www.fairwork.gov.au - 13 13 94

TE FAIR WORK COMMISSION

- tabena tenan disputes ibukin te casual conversion (ngkana ko aki kona n karekea te raoi ma am employer)
- e kona n karaoa am dispute rinanon te mediation, conciliation, karaoan te recommendation ke kabwarabwaraan te iango
- ngkane ngke ma am employer kam boraoi n iango, e kona n karaoa am dispute rinanon te arbitration (kamatoan te babaire bwa ena iraki nanona).

www.fwc.gov.au - 1300 799 675

TE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (SMALL CLAIMS COURT)

Ko kona n karekea buokam man te small claims court n te Federal Circuit ao Family Court ngkana am casual conversion dispute e rekereke ma ngkana:

- ko ira nanon te requirement ibukin am employer bwa ena karaoa te offer ibukim bwa ko na riki bwa te permanent employee
- ko meet te requirement ibukin karekean te request ibukin te casual conversion
- am employer iai ana konaa iaan 'reasonable grounds' n aki anganiko te offer ibukin te casual conversion
- am employer iai ana reasonable grounds n totokoa am request ibukin te casual conversion.

www.fcfoa.gov.au - 1300 352 000