

# Responding to a casual conversion request – checklist and template letter

## Who can use this template

Employers can use this template to respond to a request for **casual conversion** from an employee.

## How to use this template

First, use the checklist to check if you must grant the employee's casual conversion request.

Then use the relevant template letter to notify the employee in writing that you are:

- granting their request for casual conversion, or
- declining to grant their request on reasonable grounds or because they're not eligible.

Make sure you're using the [latest version of this template](#) by **downloading the most up-to-date version** from [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion)

## What is casual conversion?

Casual conversion is a right under the [National Employment Standards](#) (NES) for **casual employees** to become a permanent employee (full-time or part-time) if they want to. Casual employees have this right if:

- they've completed at least 12 months of work with their employer and meet certain criteria, and
- their employer does not have reasonable grounds to **not** convert them.



### IMPORTANT

#### Rules about casual conversion

This resource is for the **casual conversion** entitlement under the [NES](#). Your award or agreement may have different rules about casual conversion that supplement the NES or are more beneficial for employees. Your award or agreement can't provide for casual conversion conditions that are less than the NES.

#### Check if an award or agreement applies

Before using this resource, check if an [award](#) or [agreement](#) applies to your workplace. If it does, check if it has terms about casual conversion that are more beneficial to your employees than the NES. If so, those rules apply. Visit [fairwork.gov.au/awards](http://fairwork.gov.au/awards) and [fairwork.gov.au/agreements](http://fairwork.gov.au/agreements) to find out more.

#### Need more details about casual conversion or need help?

- For more information about [casual employment](#) and [casual conversion](#) visit [fairwork.gov.au/casual](http://fairwork.gov.au/casual) and [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion)
- Submit an enquiry online through [My account](#) at [fairwork.gov.au/register](http://fairwork.gov.au/register)

#### Check out our other resources



- [Explore interactive template tools, and downloadable templates and letters](#) available at [fairwork.gov.au/templates](http://fairwork.gov.au/templates) to help you manage a wide range of workplace obligations.
- [Complete our free online courses](#) available at [fairwork.gov.au/learning](http://fairwork.gov.au/learning) to develop skills and strategies to help you at work.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

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## Checklist: Responding to a request for casual conversion

Use this checklist to help determine how you need to respond to a casual conversion request.

Tick each item that applies.

**1 – The employee has been working for you for at least:**

- 12 months and 21 days, or

- 12 months if you're a small business with fewer than 15 employees

If your business has 15 or more employees, then the employee must have been working for the business for **at least 12 months and 21 days** before they're eligible to request casual conversion.

If you're a [small business](#) (fewer than 15 employees), your casual employees meet this requirement once they've been working for the business for at least 12 months.

**2 – The employee has worked a regular pattern of hours on an ongoing basis for at least the last 6 months**

If you're not sure if they've worked a regular pattern of hours, visit our [Becoming a permanent employee page](#) at [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion) for more information.

**3 – The employee could continue working their regular pattern of hours as a permanent employee without significant changes**

**Significant changes** could include that their hours of work would need to be significantly increased or decreased for them to become a permanent employee (for example, to meet applicable award requirements).

You can find out more about [awards](#) and [agreements](#) at [fairwork.gov.au/awards](http://fairwork.gov.au/awards) and [fairwork.gov.au/agreements](http://fairwork.gov.au/agreements)



### IMPORTANT

An employer can't reduce or change an employee's hours of work, or terminate their employment, to avoid having to offer or grant a request for casual conversion.

For example, an employer can't deliberately change their employee's roster so that they don't meet the eligibility requirements.

**4 – There are no reasonable grounds to refuse to grant permanent employment to the employee**

Not sure what counts as reasonable business grounds? For more information, our [Becoming a permanent employee page](#) at [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion) for more information.

- 5 – In the last 6 months, the employee hasn't:
- refused an offer of casual conversion
  - made a request for casual conversion that was refused on reasonable grounds, or
  - been given written notice that they won't be offered casual conversion due to reasonable grounds

### Did you tick all the boxes?

- ✓ **Yes** – if you **ticked all the boxes** above, you **must** grant your employee's request.

Follow the consultation and notification steps below.

- ✗ **No** – if you **did not tick one or more** of the boxes above, you can agree to your employee's request, but you **are allowed to refuse**.

If you are refusing the request, you must meet with the employee and tell them in writing (including the reasons). Follow the consultation and notification steps below.

### What to do next within 21 days

- 6 – Consult the employee about your decision

Before you respond to the employee's request in writing, **you must consult** with them.

#### Granting the request

If you are **granting the employee's request for casual conversion** you need to meet with them to discuss their new conditions of employment. This includes:

- whether they are converting to full-time or part-time employment
- their hours of work as a permanent employee
- their start date as a permanent employee.

It is also a good idea to confirm in the discussions that your employee understands what their pay and conditions will be if they convert.

For help with [full-time and part-time employment conditions](https://www.fairwork.gov.au/starting-employment/types-of-employees) visit [fairwork.gov.au/starting-employment/types-of-employees](https://www.fairwork.gov.au/starting-employment/types-of-employees)

#### Refusing the request

If you are **considering refusing casual conversion** you need to meet with the employee before making the decision, to discuss your reasoning.



#### IMPORTANT

Remember, you can only refuse the request if the employee is not eligible to make the request, or if you have reasonable grounds to refuse.

If you and your employee disagree (for example, about whether they are eligible or whether any reasonable grounds apply) there are steps you can take to resolve it. Visit our [casual conversion page](https://www.fairwork.gov.au/casualconversion) at [fairwork.gov.au/casualconversion](https://www.fairwork.gov.au/casualconversion)

## □ 7 – Notify the employee of your decision in writing

After you have consulted with your employee you must notify them of your decision in writing **within 21 days** of receiving the request.

If you are **granting their request** for casual conversion, your written response must include confirmation of what you discussed. This includes:

- the type of employment they are converting to (i.e., full-time or part-time employment)
- their hours of work as a permanent employee
- their start date as a permanent employee.

You can use the [Template letter – granted response to a casual conversion request](#) to notify them.

If you are **refusing their request** for casual conversion your written response must include why you're refusing the request. Specifically, why they weren't eligible to make a request, or of the reasonable grounds on which you're refusing.

You can use the [Template letter – refused response to a casual conversion request](#) to notify them.



### IMPORTANT

These templates have been colour coded to assist you to complete them accurately. You simply need to replace the **red < > writing** with what applies to your situation.

Example information is shown in **purple writing** to assist you and should be deleted once you have finished.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

## TEMPLATE LETTER – GRANTED response to a casual conversion request

<Print on your business letterhead if applicable>

<Date>

### Private and confidential

<Employee's full name>

<Employee's residential/postal/email address>

### Casual conversion request granted

Dear <Employee's first name>

Thank you for your request for casual conversion, dated <date request received>.

We confirm that we discussed your request on <date you consulted with the employee>, including the potential changes to your employment.

We are now pleased to advise you that following this discussion, we are granting your request for casual conversion.

### What happens next?

[Explanatory information – please delete once you have finished the letter]

You need to have discussed the following matters with your employee before you send this letter:

1. Whether they're converting to full-time or part-time employment.
2. Their hours of work after the conversion takes effect.
3. The date the conversion will take effect (either the first day of the employee's next full pay period or a different date agreed to between you and your employee).

Your casual conversion will take effect on <first day of the employee's next full pay period or the date you both agreed on>.

### What will change?

Based on the number of hours you have regularly worked over the last 6 months, you will be converted to a permanent <part-time or full-time> employee.

[Explanatory information – please delete once you have finished the letter]

Whether your employee should be converted to full-time or part-time employment will depend on the regular hours they have been working prior to the offer. If the employee was regularly working full-time hours (usually 38 hours per week), you need to convert them to full-time employment. If the employee was regularly working part-time hours (usually less than 38 hours per week), you need to convert them to part-time employment. Find out how many hours are full-time or part-time in your workplace by checking the relevant award or agreement (if one applies to the employee). If there is no award or agreement that applies, then check the hours worked by your other full-time or part-time employees who work in the same or a similar position.

Becoming a permanent employee means that you are entitled to different minimum employment entitlements, including paid annual leave, and paid sick and carer's leave. For more information about [minimum entitlements](#) visit [fairwork.gov.au/NES](http://fairwork.gov.au/NES)

Following conversion, your pay rate will be <pay rate>. This is in accordance with your <name of your award/agreement or employment contract>.

Where can you go for help?

If you have any questions, please contact me on <contact details>.

Thank you again for your work and contribution to our business.

Yours sincerely

<Your name>

<Your position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

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## TEMPLATE LETTER – REFUSED response to a casual conversion request

<Print on your business letterhead if applicable>

<Date>

### Private and confidential

<Employee's full name>

<Employee's residential/postal/email address>

### Casual conversion request refused

Dear <Employee's first name>

Thank you for your request for casual conversion dated <date request was received> and our subsequent conversation about this request on <date you consulted the employee about refusal to grant casual conversion>.

[Explanatory information – please delete once you have finished the letter]

You need to consult with your employee about why you are declining to grant them casual conversion before you decide to refuse the request, and **before** you send them this letter.

As discussed, we have made the decision to refuse your request for casual conversion <on reasonable grounds / because you are not eligible>.

### Why aren't we granting you casual conversion?

[Explanatory information – please delete once you have finished the letter]

You must include the reasons why you are not granting the request for casual conversion – for example, because you have determined the employee is not eligible or because you have reasonable grounds to not grant the request. Complete the section below to suit the reasons that apply for the employee you are giving this letter and delete the line that does not apply.

<Delete this section if not applicable> We have determined that you are not eligible for conversion because <you haven't worked a regular pattern of hours for the last 6 months / your pattern of work hours could not continue as a permanent employee without significant changes>.

<Delete this section if not applicable> We have refused your request for casual conversion on reasonable grounds because <insert reason>.

[Explanatory information – please delete once you have finished the letter]

What counts as 'reasonable grounds' will depend on your circumstances and your employee's circumstances. You must include details about the reasonable grounds on which you are refusing to offer the employee casual conversion. Visit our [Becoming a permanent employee page](#) at [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion) for information about reasonable grounds.

You can find out more about [casual conversion](#) at [fairwork.gov.au/casualconversion](http://fairwork.gov.au/casualconversion)

### What happens next?

You will continue to be employed as a casual employee with <business name>.

Though we have not granted your request for casual conversion at this time, you may still request it again in the future if you meet the eligibility criteria. You can find out more about requesting [casual conversion](#) at [www.fairwork.gov.au/casualconversion](http://www.fairwork.gov.au/casualconversion)



For more information about the different rights and obligations of casual or permanent employees and the process of [casual conversion](https://www.fairwork.gov.au/casualconversion), go to [fairwork.gov.au/casualconversion](https://www.fairwork.gov.au/casualconversion)

Thank you for your work and contribution to our business.

Yours sincerely

<Your name>

<Your position>

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