



Your guide to casual employment

Who is this resource for?

Casual employment is different from part-time and full-time (permanent) employment.

This resource helps employees and employers understand the entitlements and obligations of casual employment. It provides:

- a summary of casual employee entitlements
- how casual employment is different to permanent employment
- answers to frequently asked questions about casual employment
- examples to help you apply the information to your own situation
- where to go for more information and help.

I need help with...

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Throughout the guide you may be asked to check the relevant award or enterprise agreement to see what applies. You can find out what award or enterprise agreement applies at fairwork.gov.au/awards and fairwork.gov.au/finding-an-agreement

Casual employment summary



The table below summarises casual employee entitlements under the Fair Work Act and the National Employment Standards (NES). Rules and exclusions apply. Your award, enterprise agreement or employment contract may provide entitlements on top of the NES.

Ongoing work	✗ No guarantee of ongoing work.
Pay rate	✓ Casual loading (a higher rate for being a casual) or specific pay rate for being a casual.
Pathway to permanent employment	✓ Right to notify employer of their intention to change to permanent employment in some circumstances. Rules apply, see fairwork.gov.au/employeechoice
Penalty rates	✓ Yes. Check relevant award or enterprise agreement.
Overtime	✓ Yes. Check relevant award or enterprise agreement.
Public holidays	✓ An unpaid day off. If offered work, can accept or refuse work if it's reasonable to do so.
Annual leave	✗ No paid annual leave.
Paid personal leave (sick or carer's leave)	✗ No paid personal leave.
Unpaid carer's leave	✓ 2 days unpaid carer's leave per occasion.
Family and domestic violence leave	✓ 10 days paid leave each year.
Compassionate leave	✓ 2 days unpaid compassionate leave per occasion.
Community service leave	✓ Jury duty – unpaid leave as required. ✓ Community service leave – unpaid leave as required.
Unpaid parental leave (eligible after 12 months employment)	✓ 12 months unpaid leave for some casuals that work on a regular and systematic basis. Rules apply, see fairwork.gov.au/parentalleave Can extend up to 24 months with employer's agreement.
Long service leave	✓ Varies. Check entitlement under the National Employment Standards, relevant enterprise agreement or state or territory laws.
Notice of termination	✗ No notice of termination.
Redundancy pay	✗ No redundancy pay.
Fair Work Information Statement	✓ Must be given to all new employees before, or as soon as possible after the start of a new job.
Casual Employee Information Statement	✓ Must be given to all new casuals before, or as soon as possible after the start of a new job and at set times throughout their employment.
Right to request flexible working arrangements (eligible after 12 months employment)	✓ Right to request flexible working arrangements for some casuals that work on a regular and systematic basis. Rules apply, see fairwork.gov.au/flexibility
Superannuation	✓ Yes. Generally, all employees are eligible for the superannuation guarantee. Some exclusions may apply, see ato.gov.au
Right to disconnect	✓ Right for casual employees not employed by a small business to refuse to monitor, read or respond to contact (or attempted contact) outside working hours unless that refusal is unreasonable. Will apply to casual employees of small businesses from 26 August 2025. For more information visit fairwork.gov.au/right-to-disconnect

How are casuals different to permanent employees?

There are important differences between casual and full-time or part-time employees.



Q: What is the difference between casual and full-time or part-time?

A: Full-time and part-time employees have a firm advance commitment to ongoing work. They can usually expect to work regular hours each week. They are also entitled to paid leave and must give or receive notice to end employment.

Casual employees have **no firm advance commitment to ongoing work**. They may work irregular hours and shifts. They are also entitled to a casual loading or specific casual pay rate under an award, enterprise agreement or employment contract. For more information, see fairwork.gov.au/casual



Did you know...

Employers must give every new employee a copy of the Fair Work Information Statement (FWIS) before, or as soon as possible after, they start their new job. For more information visit fairwork.gov.au/fwis

Employers must also give every new casual employee a copy of the Casual Employment Information Statement (CEIS) at the same time.

Small business (less than 15 employees)

– must give casuals the CEIS again after 12 months of employment.

All other businesses – must give casuals the CEIS again after 6 and 12 months of employment, and then after every 12 months of employment.

For more information visit fairwork.gov.au/ceis



What does no firm advance commitment to ongoing work mean?

When considering if there's no firm advance commitment to ongoing work, a number of factors need to be taken into account. These must be assessed based on what the employment relationship is really like, as well as the terms of the contract and any mutual understandings or expectations between an employer and employee.

Factors to consider can include, but are not limited to, if:

- ▶ the employer can offer or not offer an employee work (and if this is happening)
- ▶ the employee can accept or reject work (and if this is happening)
- ▶ it's reasonably likely there will be future work available of the kind the employee usually does
- ▶ there are full-time or part-time employees performing the same kind of work the employee usually performs
- ▶ the employee has a regular pattern of work even if it changes over time due to, for example, reasonable absences because of illness, injury or other leave.

Q: Can casual employees change to full-time or part-time employment?

A: Yes. Casual employees can change to full-time or part-time permanent employment at any time if they want to, and their employer agrees with the change.

Casuals also have a pathway to change to permanent employment under the National Employment Standards (NES). This is referred to as the 'employee choice pathway'. Under this pathway, eligible casuals can notify their employer in writing of their intention to change to permanent full-time or part-time employment and their employer can only refuse the notice for certain reasons.

The 'employee choice pathway' replaced the previous 'casual conversion pathway' in the NES. There are transitional arrangements for casual employees employed before 26 August 2024. For more information see: fairwork.gov.au/employeechoice

An employer **can't force** a casual employee to become a permanent employee. A casual employee must genuinely agree to change to permanent employment and will stay a casual employee until their employment status changes to full-time or part-time employment. This includes changing under the employee choice pathway or an alternative offer of employment by their employer.

For more information on changing from casual to full-time or part-time, visit fairwork.gov.au/employeechoice

Employees and employers can also access templates which include a checklist to see what applies to their situation and what steps they need to take. These templates can be found at fairwork.gov.au/templates

Changing from casual to full-time or part-time under the National Employment Standards	
Casual conversion	Employee choice pathway
<p>Up to 26 August 2025, casual employees of small businesses can make a casual conversion request if they:</p> <ul style="list-style-type: none">▶ have been employed by the employer for 12 months▶ have worked a regular pattern of hours on an ongoing basis for at least the last 6 months before the 12-month anniversary▶ could continue working these hours as a full-time or part-time employee without significant changes.▶ haven't in the last 6 months, had a previous casual conversion request refused in writing. <p>The employer must respond in writing to a request for conversion within 21 days, either accepting the request, or refusing the request and giving reasons why.</p>	<p>From 26 February 2025, eligible casual employees (except employees of small business employers) have the right to notify their employers in writing of their intention to change to permanent employment if they:</p> <ul style="list-style-type: none">▶ have been employed for at least 6 months▶ believe they no longer meet the definition of a casual employee▶ are not currently engaged in a dispute with their employer about changing to permanent employment under this pathway▶ haven't in the last 6 months:<ul style="list-style-type: none">- resolved a dispute with their employer about the pathway- had a previous notification refused under this pathway in writing. <p>Eligible employees of small business employers will have access to this right from 26 August 2025, if they have been employed for at least 12 months.</p>

Pay, superannuation and public holidays

Casual employees have different pay and public holiday entitlements.

Q: What do casual employees get paid?

A: Casuals can only be considered a casual employee if they are entitled to a casual loading or a specific casual pay rate under an award, enterprise agreement or employment contract. Generally, casual loading is an extra 25% of the minimum hourly rate. To check what casual pay rate applies under awards, visit fairwork.gov.au/paycalculator

Casuals don't get all the same entitlements as full-time and part-time employees, so they're paid extra to compensate for this.

Q: Do casual employees get penalty rates and overtime?

A: Yes. Casuals may be entitled to penalty rates and overtime. Check the relevant award or enterprise agreement to see what applies.

A **penalty rate** is a specific pay rate that someone may get for working at particular times of the day or on certain days of the week.

Overtime is the time worked outside of an employee's ordinary hours. An employee's ordinary hours will be set out by their award, enterprise agreement or employment contract.



Did you know...

You can find out what award or enterprise agreement applies at fairwork.gov.au/awards and fairwork.gov.au/finding-an-agreement

To check pay, penalty and overtime rates under awards, visit fairwork.gov.au/paycalculator

Q: Do casual employees get a paid day off for public holidays?

A: No. Casuals get an **unpaid day off** if they'd normally have worked that day. If asked to work a public holiday, a casual can refuse if it's reasonable to do so. For more information on public holidays, visit fairwork.gov.au/publicholidays

Q: Do casual employees get any other paid allowances?

A: Yes. Casuals may be entitled to allowances for work performed in specific situations. Some allowances are the same for all employees, and others may only apply to specific types of employees. Check the relevant award or enterprise agreement to see what applies.

An **allowance** is an extra payment made to employees including for doing certain tasks, working in certain locations, using a special skill or for expenses incurred for doing their job. Common allowances include vehicle allowances and meal allowances. For more information on allowances, visit fairwork.gov.au/allowances

Q: Do casual employees get super?

A: Yes. Generally, all employees including casuals are entitled to be paid the superannuation guarantee. Some exclusions may apply. The Australian Taxation Office is the primary source for information on superannuation. Visit their website at ato.gov.au

The FWO can give information on superannuation under the NES or in an award. For more information, visit our superannuation page at fairwork.gov.au/super



Example: Casual penalty rates

Leah is a casual bartender employed under the Hospitality Award.

Under the Hospitality Award, casual employees get 250% of the ordinary hourly rate on public holidays, which is inclusive of the casual loading.

Leah has accepted a public holiday shift from 8am to 1pm. Leah will be paid 5 hours work at 250% of her ordinary hourly rate.

Hours of work and rostering

Casual employees have different hours of work and rostering entitlements.



Q: Can casual employees be sent home early?

A: Yes. Casuals generally can be sent home early, but many awards or enterprise agreements include terms requiring that casual employees need to be paid a minimum number of hours even if they aren't required to work for that whole time.

You should check the relevant award or enterprise agreement to see what applies.



Example: Casual sent home early and minimum payment

Jesse is a casual employee and employed under the Clerks Award. Jesse was rostered on for 5 hours.

Jesse's employer, Blair, sent Jesse home after one hour because it wasn't busy.

Blair still pays Jesse for 3 hours as that's the minimum payment entitlement under the relevant award.

Q: Can casual employees access flexible working arrangements?

A: Yes. Casual employees can access flexible working arrangements (FWA) as long as:

- ▶ they meet one of the FWA eligibility criteria
- ▶ they've been working with the same employer regularly and systematically for at least 12 months
- ▶ there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

For more information on flexible working arrangements, including the FWA criteria, visit fairwork.gov.au/flexibleworkingarrangements

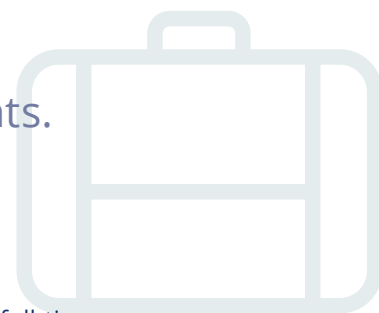
Q: Do casual employees get breaks?

A: Yes. The relevant award or enterprise agreement will tell you what rules apply, such as when breaks need to be taken, including rest breaks and meal breaks and minimum amounts of time off between the end of one shift and the start of another.

For more information about the minimum break requirements, visit fairwork.gov.au/breaks

Leave

Casual employees have different leave entitlements.



The table below outlines a casual's general leave entitlements compared to those of a full-time or part-time employee.

Leave entitlement	Casual employee	Full-time/part-time employee
Paid annual leave	✗	✓
Paid sick and carer's leave	✗	✓
Paid compassionate leave	✗	✓
Paid family and domestic violence leave	✓	✓
Unpaid carer's leave	✓	✓
Unpaid compassionate leave	✓	✓
Unpaid community service leave	✓	✓
Unpaid parental leave	✓	✓

Q: Do casual employees get paid if they go on holidays?

A: No. Casuals don't get paid annual leave.

Q: Do casual employees get paid when they're sick or need to take care of a family member?

A: No. Casuals don't get paid sick/carer's leave. Casual employees can however take 2 days of unpaid carer's leave when an immediate family or household member needs care and support because of illness, injury, or an unexpected emergency.

For more information on unpaid carer's leave, visit fairwork.gov.au/sickandcarersleave

Q: Do casual employees get compassionate leave?

A: Yes. Casuals can take 2 days **unpaid compassionate leave** each time they meet the criteria. For example, if 3 separate incidents occur, they can access the leave each time.

For each occasion, compassionate leave can be taken as:

- a single continuous 2 day period
- 2 separate periods of one day each
- any separate periods as agreed with between the employee and their employer.

For more information on compassionate leave, including the leave criteria, visit fairwork.gov.au/compassionateleave

Q: Do casual employees get unpaid community service leave?

A: Yes. Casuals can take **unpaid community service leave** each time they meet the criteria. Casuals who perform jury duty may be entitled to payment under state or territory laws.

For more information on community service leave, including the leave criteria, visit fairwork.gov.au/communityserviceleave

Q: Can casual employees access paid family and domestic violence leave?

A: Yes. Casuals can take 10 days of **paid family and domestic violence leave** per year. They can access the full amount of leave from the day they start work and the leave balance renews each year on their work anniversary. Family and domestic violence leave doesn't accumulate from year to year if it isn't used.

When taking the leave, the casual employee must be paid at their full rate of pay for the hours they were rostered to work in the period they took leave. The full rate of pay is their casual pay rate plus any loadings, allowances, overtime and penalty rates, bonuses, incentive payments or other separately identifiable amounts.

Family and domestic violence leave must **not** appear on a pay slip. Employees and employers should discuss how the leave will appear on the pay slip.

An employer may ask for evidence to show that the employee needs to do something to deal with family and domestic violence and it's not practical to do it outside their work hours.

For more information on family and domestic violence leave visit fairwork.gov.au/fdvleave

Q: Do casual employees get unpaid parental leave?

A: Yes. Casuals are entitled to take 12 months of **unpaid parental leave** if:

- ▶ they have worked for their employer on a **regular and systematic basis** for at least 12 months and
- ▶ there is a reasonable expectation that they'd continue regularly working for their employer on that basis.

This can be extended up to 24 months by agreement with their employer. For more information on unpaid parental leave, visit fairwork.gov.au/parentalleave

Check the relevant award, enterprise agreement or employment contract to see if it provides for additional parental leave entitlements, including paid periods of parental leave.

Parental Leave Pay (PLP) is managed by Services Australia. For more information on this payment, including eligibility criteria, visit servicesaustralia.gov.au/parental-leave-pay



Example: Casual accessing family and domestic violence leave

Holly is a casual retail worker.

She is currently experiencing family and domestic violence and needs to take 3 days of leave to find safe housing and speak to a financial counsellor. She speaks to her employer about needing to take the leave and they discuss that the leave will appear as normal hours worked on her pay slip.

Holly's employer can choose to ask for evidence from Holly to support that she needs to take the leave. If requested, Holly must provide reasonable supporting evidence to her employer.

Holly's employer chooses to ask her to provide evidence in support of her leave. Holly lets her employer know that she'll get a letter from the safe housing accommodation supporting her leave as soon as practicable.

Over these 3 days, Holly was rostered to work 8 hours on the Friday and 5 hours on the Saturday. Holly gets a Saturday penalty rate under her award.

As Holly is entitled to be paid for the hours she would have worked over the 3 days at her full rate of pay, she will be paid 8 hours at her normal casual hourly rate for the Friday and 5 hours at the Saturday penalty rate.

When Holly returns to work, she provides the letter to her employer. When payroll is processed, the leave appears as part of her normal hours of work on her pay slip.



What does regular and systematic basis mean?

The Fair Work Act doesn't define what employment on a 'regular and systematic basis' is. Generally, if there has been a pattern of ongoing work and an expectation that this will continue this may be considered as employment as being worked on a regular and systematic basis.

A 'regular casual employee' is a casual employee that works on a regular and systematic basis.

For more information visit fwc.gov.au/periods-service-casual-employee

Termination and redundancy

Casuals have different termination and redundancy entitlements.



Q: Can casual employees be fired without warning or notice?

A: Yes. Casuals generally aren't entitled to notice of termination (when they are being fired).

Check the relevant award, enterprise agreement or employment contract as they may have different notice entitlements for casual employees.

For more information visit fairwork.gov.au/whodoesntgetnotice

Q: Do casual employees need to provide notice if they want to quit?

A: No. Casuals generally don't need to provide any notice to their employer if they want to resign (quit). Check the relevant award, enterprise agreement, or employment contract as they may set out notice requirements for casual employees.

Q: Do casual employees get redundancy pay?

A: No. Casuals generally aren't entitled to redundancy pay. Check the relevant award, enterprise agreement or employment contract as they may have different redundancy entitlements for casual employees.

For more information on redundancy pay, visit fairwork.gov.au/redundancy

Q: Are casual employees protected from unfair dismissal?

A: Yes. Eligible casuals are protected from unfair dismissal. Casuals will be eligible for protection from unfair dismissal if:

- ▶ they have worked for their employer for at least 6 months (12 months for those working for a small business) on a regular and systematic basis, and
- ▶ they had a reasonable expectation of continuing to work for their employer on that basis, and
- ▶ either:
 - they are covered by an award or
 - an enterprise agreement applies to them, or
 - they earn less than the high income threshold.

Casuals who are dismissed can lodge an unfair dismissal claim with the Fair Work Commission. The employee must apply within 21 days of the dismissal taking effect and a fee applies.

For more information and to use the Fair Work Commission's unfair dismissal checklist, visit fwc.gov.au/job-loss



Example: Casual employee and unfair dismissal

Marta has been a regular casual employee in a takeaway pizza shop for 15 months. She is covered by the Fast Food Industry Award.

On Friday night, Marta's boss tells her she's no longer needed as they aren't busy enough to keep her on.

She knows she doesn't get any notice of termination under her award but doesn't think her being terminated is fair.

Marta checks out the unfair dismissal information on the Fair Work Commission's website at fwc.gov.au/dismissal. She uses their checklist, pays the fee and lodges her application within 21 days of her dismissal.

Marta also finds out she's eligible to be connected to free legal advice through the Fair Work Commission's Workplace Advice Service at fwc.gov.au/legal-advice

Workplace problems and protections

Casual employees have protections in the workplace.



Q: Do casuals have workplace protections?

A: Yes. All employees, including casuals, working in Australia under the Fair Work system are entitled to workplace protections. This includes protections against things such as discrimination, coercion and adverse action.

For more information on workplace protections, visit fairwork.gov.au/protections

Q: Can an employer force a full-time or part-time employee to be casual?

A: No. Employees can't be forced to change to casual employment.

An employer can't dismiss, threaten to dismiss, or make a false statement to persuade or influence an employee or former employee to engage them as a casual employee to do the same or substantially the same work. These are known as sham arrangements and are sometimes used by employers to avoid paying certain entitlements. For more information on sham arrangements visit fairwork.gov.au/casual

Q: What can I do if there's a problem in the workplace?

A: Many workplace problems can be resolved quickly and easily without our help, even if an employee has left their job. We encourage employers and employees to work together to try and resolve problems before we, the Fair Work Ombudsman, get involved. For more information, visit fairwork.gov.au/workplace-problems



Example: Unpaid work

Eindra has recently started working as a casual employee for a cleaning company.

When Eindra checks her pay, she notices she hasn't been paid for 3 hours of training and her first week of work. She's unsure if she should be paid for it so she reads about unpaid work at fairwork.gov.au/unpaidwork and follows the steps set out in the Employee's guide to resolving workplace issues at fairwork.gov.au/employee-guide

Eindra discovers that she should have been paid for her time. Eindra is unsure how to talk to her boss about this, so she completes the Difficult conversations in the workplace online course at fairwork.gov.au/learning

Eindra emails and then tries talking to her boss about it without success. Eindra contacts the Fair Work Ombudsman for help. They assess Eindra's situation and the information she provides to decide what action, if any, they will take.

Eindra's enquiry is referred to the Fair Work Ombudsman's Dispute Assistance service. They discuss the issue with Eindra and then with Eindra's boss to confirm what Eindra is entitled to and assists Eindra and her boss to discuss how the situation can be resolved. Eindra's boss agrees to fix up her pay the following week.



Contact us

Fair Work online: fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Help for people who are deaf or have hearing or speech difficulties

You can contact us through the National Relay Service (NRS).

Select your [preferred access option](#) and give our phone number: **13 13 94**



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