

As of 01 Oct 2018, most awards now have a minimum process for changing casual employees to full-time or part-time. Note that a casual employee can change to full-time or part-time employment at any time if the employer and employee both agree to it.

What is the Right to Request Casual Conversion?

- an employee's legal entitlement to request their employment status be converted from casual to permanent

Who is eligible to request Casual Conversion?

Regular casual employees may request that their employment be converted to permanent status.

A **regular casual employee** is an employee who:

- has been employed as a casual with the company in the previous 12 months (6 mths some awards)
- has worked a regular pattern of hours on an ongoing basis during the 12 months (6 mths some awards)
- could continue to perform the regular pattern of hours as a full-time or part-time employee without significant adjustment

How does it work?

- a regular casual employee who has worked equivalent full-time hours (eg 38 hours per week) during the previous 12 months' can request to convert to full-time employment.
- a regular casual employee working less than full-time hours can request to convert to part-time employment.
- the employee does not have an automatic right to convert to full-time or part-time employment
- the employer may refuse an employee's request to convert after discussion with the employee provided the refusal is based on facts and is reasonable in the circumstances.
- the employer cannot force a casual employee to convert to permanent
- the employer is not required to increase the hours of a regular casual employee seeking conversion to full-time or part-time employment
- the employer must not reduce or vary the employee's hours in order to avoid any right or obligation to casual conversion requests

How do employees request casual conversion?

- the employee request to convert to permanent employment must be provided to the employer in writing.

What does the employer have to do?

- provide all casual employees with a copy of the Right to Casual Conversion clause from their specific award / agreement as of their first engagement to work
- agree to or refuse the request (*refusal only after consultation with the employee*)

How do employers approve a request for casual conversion?

- If an employer agrees to the request to convert from casual to permanent, the employee must be provided with written notice of:
 - whether the employee is converting to full time or part time employment
 - the employee's hours of work after the conversion takes effect
 - the effective date of the new arrangement (*note: the conversion will take effect from the start of the next pay cycle following an agreement being reached, unless otherwise agreed*)

How do employers refuse a request for casual conversion?

- the employer must provide the casual employee with the employer's reasons for refusal in writing **within 21 days** of the request being made.

Reasonable grounds for refusal include that:

- it would require a significant adjustment to the casual employee's hours of work for the employee to be engaged as a full-time or part-time employee – that is, the casual employee is not truly a regular casual employee as defined by Fair Work (see above);
- it is known or reasonably foreseeable that the regular casual employee's position will cease to exist within the next 12 months;
- it is known or reasonably foreseeable that the hours of work which the regular casual employee is required to perform will be significantly reduced in the next 12 months; or
- it is known or reasonably foreseeable that there will be a significant change in the days and/or times at which the employee's hours of work are required to be performed in the next 12 months which cannot be accommodated within the days and/or hours during which the employee is available to work.

Other Information

- casual employees, whether a regular casual or not, hired after 1 October 2018 must be provided with a copy of the relevant clause from their Award / agreement within 12 months of their first engagement to perform work.
- casual employees already employed as at 1 October 2018, must be provided with a copy of the relevant clause from their Award / agreement by 1 January 2019.

NOTE: The information in this guide is intended to be general advice only. Employers should review the clause requirements documented in the Award(s) that apply to their employees, as they may contain alternative obligations. Please contact Tracey Stewart at Management 101 for further assistance specific to the context of your organisation.

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