Australian Government

Fair Work OMBUDSMAN

Casual Employment Information Statement

Employers must give this document to new casual employees when they start work. Transitional rules apply for existing employees. See **www.fairwork.gov.au/ceis**

IMPORTANT: New casual employees also need to be given the Fair Work Information Statement. Visit **www.fairwork.gov.au/fwis** for more information.

Who is a casual employee?

From 27 March 2021, changes to workplace laws relating to casual employees mean that you are a casual employee if:

- you are offered a job
- the employer makes **no firm advance commitment** that the work will continue indefinitely with an agreed pattern of work
- you accept the offer knowing that there is **no firm advance commitment** and become an employee.

Whether you're a casual employee is assessed **at the time** you are offered and accept the job.

No firm advance commitment

To work out if your employer made **no firm advance commitment** when offering you the job, only 4 factors are to be considered. They are whether:

- your employer can choose to offer you work and it's your choice whether to work or not
- you'll be offered work when the employer needs you to work
- your employment is described as casual
- you'll be paid a casual loading or a specific pay rate for casual employees.

A regular pattern of work doesn't automatically mean you're permanent (full-time or part-time).

Find out more about casual employment at **www.fairwork.gov.au/casual**

Becoming a permanent employee (casual conversion)

As a casual employee, you have the right to become a permanent (full-time or part-time) employee in some circumstances. This is known as 'casual conversion'.

Small businesses

If you are employed by a small business (fewer than 15 employees), your employer does not have to offer you casual conversion, but you can make a request to your employer if you meet the requirements for making a request (see table below). Unlike employees who work for a business with 15 or more employees, you don't have to wait until 27 September 2021 before you can make a request. Find out more information about what a small business employer is and the rules for making a request at **www.fairwork.gov.au/casualconversion**

Other businesses

If you work for a business with 15 or more employees, the rules about offers and requests for casual conversion are:

OFFERS	REQUESTS
Your employer must offer you permanent employment if: • you've been employed by them for **12 months** • you've worked a regular pattern of hours for at least the last **6 months** on an ongoing basis, and • your regular hours could continue as a permanent employee without significant changes. Your employer needs to make the offer to you in writing by 27 September 2021 or within 21 days after your 12-month anniversary, whichever is later. You have to respond to the offer in writing within 21 days after the offer is given to you. Your employer doesn't have to offer you casual conversion if: • there are reasonable grounds for them not to, or • you are not eligible.	After 27 September 2021 you can make a request to your employer to become a permanent employee if: • you've been employed by them for at least **12 months** • you've worked a regular pattern of hours in the last **6 months** on an ongoing basis • your regular hours could continue as a permanent employee without significant changes • you haven't refused a previous offer to become a permanent employee in the last **6 months** • your employer hasn't told you in the last **6 months** that they won't offer you casual conversion on reasonable grounds, and • your employer hasn't already refused a request from you to become a permanent employee based on reasonable grounds in the last **6 months**.

OFFERS *(continued)*

If this applies, they have to tell you in writing.

If you were already working for the employer as a casual employee on 27 March 2021, your employer needs to assess whether they need to make you an offer for casual conversion before 27 September 2021. If you meet the requirements, they need to offer you permanent employment within 21 days of making the assessment.

If you don't meet the requirements because you haven't been employed for 12 months, your employer needs to tell you that in writing in the same timeframe (but by no later than 27 September 2021).

REQUESTS *(continued)*

You need to make the request in writing. You can make the request from 21 days after your 12-month anniversary. Your employer has to respond within 21 days. Your employer can only say no after consulting you, and only if there are reasonable grounds. They have to tell you in writing.

If your employer refuses a request on reasonable grounds, you won't be able to make another request for 6 months. You'll need to meet the requirements to make another request.

Casual conversion requirements

Find out more about requirements that apply to offers and requests to be a permanent employee, including rules about timeframes, making the offer or request in writing and responding in writing, and what counts as reasonable grounds, at **www.fairwork.gov.au/casualconversion**

What if there is a disagreement?

If you and your employer have a disagreement about casual conversion, there are steps you can take to help resolve it:

- **If you're covered by an award, agreement or employment contract with a process for dealing with disputes** relating to the National Employment Standards, you need to follow that process.
- If **not**, you need to try to resolve the disagreement directly with your employer first. If you aren't able to resolve it, you can refer your dispute to the Fair Work Commission.

You can also seek help from the Federal Circuit Court (including the small claims court) if your dispute is about whether:

- you meet the requirements for your employer to make an offer to you to become a permanent employee
- you meet the requirements to make a request to your employer for casual conversion
- your employer has reasonable grounds to not offer or agree to your request for casual conversion.

You can have someone to support or represent you through the dispute process (which could include a union entitled to represent you).

Get help with conversations: Find free online courses to help you have conversations at work (including about casual conversion) at **www.fairwork.gov.au/learning**

WHO CAN HELP?

The Fair Work Ombudsman, Fair Work Commission and Australian Building and Construction Commission can help:

FAIR WORK OMBUDSMAN

- provides information and advice about your rights as a casual employee, including casual conversion entitlements
- gives information and advice about pay and entitlements
- has free calculators, templates and online courses
- helps resolve workplace issues
- enforces workplace laws and seeks penalties for breaches of workplace laws.

www.fairwork.gov.au - 13 13 94

FAIR WORK COMMISSION

- deals with disputes about casual conversion (if you are not able to resolve them directly with your employer)
- can deal with your dispute through mediation, conciliation, making a recommendation or expressing an opinion
- if you and your employer agree, can deal with your dispute through arbitration (making a binding decision).

www.fwc.gov.au - 1300 799 675

If you work in the commercial building industry the Australian Building and Construction Commission can help.
www.abcc.gov.au - 1800 003 338