

### **13. Casual employment**

[Varied by [PR700688](#)]

**13.1** A casual employee is one engaged and paid as such.

**13.2** An employer when engaging a casual must inform the employee that they are employed as a casual, stating by whom the employee is employed, the classification level and rate of pay and the likely number of hours required.

#### **13.3 Casual conversion to full-time or part-time employment**

- (a)** A casual employee, other than an irregular casual employee, who has been engaged by a particular employer for a sequence of periods of employment under this award during a period of six months, thereafter has the right to elect to have their contract of employment converted to full-time or part-time employment if the employment is to continue beyond the conversion process.
- (b)** Every employer of such an employee must give the employee notice in writing of the provisions of clause 13.3 within four weeks of the employee having attained such period of six months. The employee retains their right of election under clause 13.3(a) if the employer fails to comply with clause 13.3(b).
- (c)** Any such casual employee who does not within four weeks of receiving written notice elect to convert their contract of employment to full-time or part-time employment is deemed to have elected against any such conversion.
- (d)** Any casual employee who has a right to elect under clause 13.3(a), on receiving notice under clause 13.3(b) or after the expiry of the time for giving such notice, may give four weeks notice in writing to the employer that they seek to elect to convert their contract of employment to full-time or part-time employment, and within four weeks of receiving such notice the employer must consent to or refuse the election but must not unreasonably so refuse.
- (e)** Once a casual employee has elected to become and been converted to a full-time or part-time employee, the employee may only revert to casual employment by written agreement with the employer.
- (f)** If a casual employee has elected to have their contract of employment converted to full-time or part-time employment in accordance with clause 13.3(d), the employer and employee must, subject to clause 13.3(d), discuss and agree on:

  - (i)** which form of employment the employee will convert to, being full-time or part-time; and
  - (ii)** if it is agreed that the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked, as set out in clause 12—Part-time employment.
- (g)** An employee who has worked on a full-time basis throughout the period of casual employment has the right to elect to convert their contract of employment to full-time employment and an employee who has worked on a part-time basis during the period of casual employment has the right to elect to convert their contract of employment to part-time employment, on the basis of

the same number of hours and times of work as previously worked, unless other arrangements are agreed on between the employer and employee.

- (h) Following such agreement being reached, the employee converts to full-time or part-time employment.
- (i) Where, in accordance with clause 13.3(d) an employer refuses an election to convert, the reasons for doing so must be fully stated to and discussed with the employee concerned and a genuine attempt made to reach agreement.
- (j) Subject to agreement between the employer and the majority of the employees in the relevant workplace or a section or sections of it, or with the casual employee concerned, the employer may apply clause 13.3(a) as if the reference to six months is a reference to 12 months, but only in respect of a currently engaged individual employee or group of employees. Any such agreement reached must be kept by the employer as a time and wages record. Any such agreement reached with an individual employee may only be reached within the two months prior to the period of six months referred to in clause 13.3(a).
- (k) For the purposes of clause 13.3, an **irregular casual employee** is one who has been engaged to perform work on an occasional, non-systematic or irregular basis.

**13.4** An employee must not be engaged and re-engaged to avoid any obligation under this award.

[13.5 inserted by [PR700688](#) ppc 01Oct18]

**13.5** A casual employee must be engaged and paid for at least 2 consecutive hours of work on each occasion they are required to attend work.