

Member Presentation 'Casual Employees'

(closing the loopholes –
changes to casual employment)

Acknowledgement

We acknowledge the Traditional Owners of the land on which we meet today and pay respect to Elders past, present and emerging.

We also extend that respect to Aboriginal and/or Torres Strait Islander people who are with us today.

Casual Employment



Closing the loopholes – prepare for upcoming changes

On August 26, 2024, changes were made to workplace laws as part of the *Closing Loopholes* reforms.

There have been multiple changes to casual employment laws. [Casual employees – Fair Work Ombudsman](#)

These include to:

- ⦿ How casual work is defined
- ⦿ The pathway to full-time or part-time employment
- ⦿ Employee and employer responsibilities

A new definition of ‘casual employee’ will be introduced to the Fair Work Act. Under this definition, a person is a casual employee if, when they start employment:

- ⦿ the employment relationship has no firm advance commitment to ongoing work, taking into account a number of factors, and;
- ⦿ they’re entitled to a casual loading or specific casual pay rate under an award, registered agreement, or employment contract.

Who is a casual employee?

A person is a casual employee if they accept an offer for a job from an employer knowing that there is no firm advance commitment to ongoing work with an agreed pattern of work.

For example, if an employee is employed as casual, their roster changes each week to suit their employer's needs, and they can refuse or swap shifts, that could mean they are casual.

Specifically, under the Fair Work Act, a person is a casual employee if:

- ⦿ they are offered a job
- ⦿ the offer does not include a firm advance commitment that the work will continue indefinitely with an agreed pattern of work
- ⦿ they accept the offer knowing that there is no firm advance commitment and become an employee.

No firm advance commitment

There are only 4 factors that determine whether an employer's offer doesn't include a firm advance commitment. They are:

- ⦿ whether the employer can choose to offer the employee work and it's the employee's choice to work or not
- ⦿ whether the employee will be offered work when the business needs them to work
- ⦿ if the employment is described as casual
- ⦿ if the employee is paid a casual loading (a higher pay rate for being a casual employee), or a specific pay rate for casual employees.

When an employee stops being a casual

Once someone is employed on a casual basis, they continue to be a casual employee until they either:

- ⦿ become a permanent employee through:
 - ⦿ casual conversion, or
 - ⦿ being offered and accepting an offer of full-time or part-time employment, or
- ⦿ stop being employed by the employer.

Resources Links

- ① [Casual employees – Fair Work Ombudsman](#)
- ① [National Employment Standards](#)



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