

## Factsheet Three

# Casual Employment & Conversion

Employers must give every new casual employee a Casual Employment Information Statement (the CEIS) before, or as soon as possible after, they start their new job. The Statement provides definition of casual employment, information on applicable entitlements, incl. circumstances where a casual employee may convert to permanent employment.

The National Employment Standards (NES) apply to all employees covered by the national workplace system, however only certain entitlements apply to casual employees.

These are:

- Maximum working hours;
- 2 days unpaid carer's leave and 2 days unpaid compassionate leave per occasion;
- 10 days unpaid family and domestic violence leave (in a 12-month period);
- Community service leave (except paid jury service);
- Public holidays;
- Fair Work Information Statement and Casual Employment information Statement;
- Right to casual conversion;
- Parental leave entitlements;
- Notice of Termination.

## **Does my employer have to offer me casual conversion?**

Only businesses with 15 or more employees have to offer casual conversion to their casual employees. That means you become a permanent (full-time or part-time) employee. This is known as 'casual conversion'.

### **Employers have to offer you casual conversion if you meet the following criteria:**

- You have been employed by them for at least 12 months;
- You have worked a regular pattern of hours on a regular and ongoing basis for at least 6 months, and
- You could continue working that regular pattern of hours as a permanent employee without significant changes.

### **What your employer needs to do?**

- Make an offer to you in writing, within 21 days of days after your 12-month anniversary. This offer should include whether you are changing to full-time or part-time employment, the employee's new hours of work and the day the change will come into effect.
- If your employer does not offer you casual conversion then they must tell you the reasons why in writing, within 21 days after your 12-month anniversary.

### **Employer Rejection Reasons**

What counts as 'reasonable grounds' depend on your circumstances. They can include that within the next 12 months:

- Your position won't exist;
- Your hours of work will significantly reduce;
- The days or times your employer needs you to work will change significantly, and you won't be available to work the revised schedule;
- Substantial changes to the employee's terms and conditions would be required to be made to ensure the employer does not contravene a term of a fair work instrument; and/or
- The change would result in the employer not complying with a selection criterion required under a law. This may include the public sector recruitment or selection process under the Public Service Act 1999, which provides merit-based selection process.

## What do I need to do?

If your employer offers you casual conversion you need to respond in writing within 21 days. You can accept or decline the offer.

## What if I disagree with the decision not to offer me casual conversion?

If you disagree with your employer's decision, you will need to try and see if the dispute can first be resolved directly with the employer. If you are covered by an award or an agreement, you need to follow the process that it sets out for dealing with disputes about NES. See 'Who can help?' section if you are unable to resolve the issue and need further help.

## Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 <a href="http://www.ntwwc.com.au">www.ntwwc.com.au</a>	Your Union Unions NT Ph: 8941 0001 <a href="http://www.unionsnt.com.au">www.unionsnt.com.au</a>	NT Anti-Discrimination Commission Ph: 1800 813 846 <a href="http://adc.nt.gov.au">adc.nt.gov.au</a>
Australian Human Rights Commission Ph: 1300 656 419 <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>	Fair Work Ombudsman Ph: 13 13 94 <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>	Fair Work Commission Ph: 1300 799 675 <a href="http://fwc.gov.au">fwc.gov.au</a>
NT Police Ph: (emergency) 000 If calling from a mobile: 112	Office of the Commissioner of Public Employment (OCPE) Ph: 8999 4129 <a href="http://www.ocpe.nt.gov.au">www.ocpe.nt.gov.au</a>	NT WorkSafe Ph: 1800 019 115 <a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>
Your HR Department	Aboriginal Interpreter Service Ph: 1800 334 944 <a href="http://www.ais.nt.gov.au">www.ais.nt.gov.au</a>	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 <a href="http://www.itsnt.nt.gov.au/">www.itsnt.nt.gov.au/</a>

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