

What is casual employment?

Casual work is a term that is used to describe an employment arrangement where the work is not ongoing or permanent. Essentially, there is no entitlement to ongoing employment or any requirement for the employer to provide set days, hours or shifts that you will work. Casual workers are not entitled to paid annual or personal leave but are entitled to a higher minimum rate of pay than permanent employees.

Who is a casual employee?

Determining whether you are a permanent or casual employee can sometimes be difficult. Generally, you are likely to be a casual if:

- You were told at the start of your employment that you were casual;
- You work irregular hours and you are paid a higher hourly rate of pay (because you receive a casual loading); or
- You do not get paid annual or personal leave (including sick and carer's leave).

On the other hand, you are likely to be a permanent employee if you work regular hours and you accrue annual leave and personal leave. If you are uncertain about this, you should contact our Union for more advice.

For many of our members, casual work suits them because it offers a greater level of flexibility about working hours than other forms of employment and it provides a higher rate of pay in lieu of other entitlements. However, this flexibility can also be a disadvantage because it means that you have no certainty about your working hours and no guarantees about ongoing work. If you are truly a casual employee, your shifts can be cancelled, or you can be sent home early if you are not needed by your employer.

While in theory you may decline work, it can be difficult to refuse hours if you are relying on your employer to offer you work in the future.

Casual Loading

If you are a casual, you are not entitled to be paid holiday or personal leave (including sick and carer's leave). However, you are paid a higher hourly rate of pay to make up for this. This extra money is called a casual loading and it is generally 25% of the hourly rate paid to permanent workers. Whether you should be paid a casual loading, and at what level, will depend upon what type of employment arrangement covers you. Conditions and entitlements for casual workers will be specified by one or more of the following:

- An Award; or
- An Enterprise Agreement

The following conditions generally apply to casual employees:

- Up to two days of unpaid carer's leave for each time a member of your immediate family or household requires care or support because of illness or injury or because of an unexpected emergency. This period of leave may be taken as a single unbroken period, or it may be broken up as agreed between you and your employer. Unpaid carer's leave is subject to you notifying your employer as soon as reasonably practicable that you need the leave and providing a medical certificate or statutory declaration.
- You are entitled to 2 days of unpaid compassionate leave for each occasion when a member of your immediate family or household contracts or develops a personal illness or sustains a personal injury that poses a serious threat to his or her life or dies. Strict notice and evidence requirements apply.
- You are not entitled to payment if you do not work on a gazetted public holiday, even if the public holiday falls on a day when you would usually work.

By your side

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- There isn't a maximum number of hours that you must be rostered to work.
- You are not entitled to notice of termination, and you do not have to give notice if you wish to resign.
- You are entitled to be paid long service leave on a pro rata basis, subject to eligibility requirements.
- You have an entitlement to unpaid parental leave (including maternity, paternity and adoption leave) if you are a casual employee who has been engaged on a regular and systematic basis for at least 12 months.
- Like permanent employees, casual employees may be entitled to compensation for loss of earnings and/or for medical expenses if they are injured at work.
- Casuals are protected by the same occupational health and safety laws that protect other workers, meaning that employers are required to provide and maintain a safe and healthy workplace.
- You may have a right to casual conversion.

To find out what your specific minimum entitlements are, contact our Union.