

# AM I A CASUAL?

## YOU'RE PROBABLY A CASUAL IF:

- You get paid a casual loading (e.g. 25%) on top of your hourly rate. *Your payslip should show this. If it doesn't ask your employer.*
- You set your own availability
- You decide what shifts you do or don't work
- Your boss sometimes gives you shifts, but sometimes doesn't
- You work different hours each week
- You're only there for a short time
- There's a 'core' number of workers and you fill in around them
- You don't get paid if you call in sick

Are you pressured or forced into working whatever shifts you're given? **Read on!**

### Knowing if you're a casual can be tricky.

Your employer, payslip or contract might say that you are casual, but whether you actually are depends on the practical reality of your employment.

The legal test for casual employment is the "absence of a firm advance commitment" to ongoing employment.

Some employers treat casuals like full or part time workers - by giving them the same shifts every week, or making it difficult to refuse shifts - without providing the benefits of permanent work, like sick leave, annual leave and job security.

This isn't fair, and the law says you can do something about it. So, if this sounds like your set up, you might be able to ask your boss to convert your employment from casual to permanent. There are rules about when and how you can do this.

### What do I get as a casual?

- Higher hourly rate
- Flexibility around your availability
- Ability to work multiple jobs (if that's your thing!)
- Freedom to accept or reject shifts offered to you

### What do I get if I'm full-time or part-time?

- Job security
- Regular hours, regular pay
- At least a week's notice that they don't want you to work there anymore
- Holiday pay
- Sick pay
- Redundancy pay if your employer collapses

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## CAN I CHANGE FROM BEING A CASUAL?

If you've worked for your employer for a certain period of time, and you don't meet the casual employee definition anymore, you have the right to formally request conversion to casual employment.

You can also informally ask your boss to switch to permanent work at any time, even if you don't meet the legal criteria. Your boss can say yes or no.

If you have worked for 6 months at a large employer or 12 months at a small employer (fewer than 15 employees), and you want to switch to full-time or part-time, your boss has to at least think about it, and talk to you about it.

Everyone's situation will be different, but there are signs that you might not be a casual, like:

- You work the same shifts every week
- You've worked the same shifts every week for a long time
- There's heaps of work in the same job/role into the future
- You can no longer say no to shifts.

If that's you, then you can send a note to your boss that you want to be part-time or full-time.

Make sure it is in writing - write an email or a letter. Scan the QR below to download a template you can use.

Your boss can only say no in certain circumstances, otherwise they have to accept that you want to be permanent.

If they accept, then you'll be told within 21 days and consulted about whether you'll be part-time or full-time, what your hours of work will be, and when the change will start. Happy days!

**We always recommend chatting with a union rep or YWC before you sign anything.**

Sometimes, your boss will want to keep you as a casual. They might say that you are still a casual, or because there's some management reason not to.

But, before they say a hard no, they have to respond within 21 days, tell you the reasons why, and consult with you about it. So you might still be able to convince them to make you permanent.

If you still can't agree, you can take the case to the Fair Work Commission and ask for a third party to help you and your boss through it. You can always ask for help from your union or Young Workers Centre!

**Sounds like a lot of effort, can I stay a casual?**

It's really not that much, but Yes!

What does my boss have to do if I am a casual?

- Pay you in money! And give you a payslip. Pizza is not pay.
- Pay you the casual loading (usually 25%)
- Give you a minimum number of hours per shift (e.g. for those in hospitality it's usually 2 hours or 3 hours for those in fast food)
- Give you a "Casual Employment Information Sheet" when you start (and again after 6 or 12 months, depending on how big your employer is)

The law also says that your boss can't sack you because you asked to change to permanent. And they can't change your hours or shifts just to avoid having to make you permanent.

If you think that's what's happening - contact your union or YWC ASAP.

Casual conversion  
letter template here:

