

Changes to casual employment

Changes to casual employment

The following amendments were recently made to the National Employment Standards (NES) in the *Fair Work Act* in relation to casual employment:

- A legislative definition of casual employee has been inserted
- A casual employee information statement (CEIS) must be provided to casual employees on commencement
- Casual conversion is now an entitlement under the NES (separate to enterprise agreement entitlements)



Definition of casual employee

Section 15A – a person will be considered a casual employee if:

- they are offered employment with ‘no firm advanced commitment to continuing and indefinite work according to the agreed pattern of work’; and
- they become an employee as a result of accepting that offer

The Monash Health legal team are reviewing our casual contracts of employment to ensure compliance with the new definition



Casual Employment Information Statement (CEIS)

Must be provided to all new and existing casual employees.

The CEIS has been provided to new casual employees since May 2021 as part of their new starter paperwork.

The CEIS was emailed to all existing casual employees on 6 July 2021.

Managers do not need to take any action in relation to the CEIS.



Casual conversion – NES entitlement

Most employees have an entitlement under their enterprise agreements to request to convert to permanent employment if they meet certain requirements.

Under the changes to the NES, all employers must assess whether their casual employees are eligible to be offered conversion to permanent employment.

There are different processes in relation to new and existing casual employees.



Casual conversion – existing employees

By 27 September 2021, Monash Health needs to assess whether any existing casual employees employed before 27 March 2021 are eligible to convert to permanent employment .

By 27 September 2021 Monash Health must either:

- Make a written offer of conversion; or
- Write to the employee explaining why an offer of conversion will not be made



Casual conversion – new employees

Applies to casual employees who were employed on or after 27 March 2021

Within 21 days of the employee's 12 month anniversary, Monash Health must either:

- Make a written offer of conversion to permanent employment; or
- Write to the employee explaining why an offer of conversion will not be made



Casual conversion – who is eligible?

- Employee has been employed by Monash Health for 12 months; and
- Employee has worked a regular pattern of hours on an ongoing basis for at least the last 6 months; and
- Employee could continue working these hours as a full-time or part-time employee without significant changes (such as where there is vacant EFT and the area could accommodate the working patterns of the casual employee).



Casual conversion – not making an offer

An offer of conversion does not have to be made in the following circumstances:

- The employee does not meet the eligibility criteria; and/or
- Monash Health has reasonable grounds for not making an offer such as:
 - No vacant EFT
 - The employee's position will not exist in 12 months
 - The employee's hours of work will significantly reduce in the next 12 months
 - The employee's days or times of work will significantly change (e.g. they would be required to work on a rotating roster rather than set shifts)
 - Lack of budget



Casual conversion – manager responsibilities

Existing employees

- The COVID-19 hotline and ER teams have conducted the assessment for all casual employees who were employed before 27 March 2021
- The COVID-19 hotline team may be in contact with managers where they have identified that a casual employee may be eligible for conversion in their cost centre
- Following discussion with the COVID-19 hotline team, if an offer of conversion is to be made, managers should follow the process in slide 12 – offer of conversion to permanent employment



Casual conversion – manager responsibilities

New employees

- Managers are required to conduct the assessment and within 21 days of the employee's 12 month anniversary and advise whether they are making an offer of conversion to permanent employment or not.
- Where a casual employee is managed through MHB, MHB will manage this process
- Where a casual employee is not managed through MHB, the local manager will manage this process with the support of their People and Culture Business Partner



Offer of conversion to permanent employment

An employee has 21 days to accept an offer to convert to permanent employment.

If an employee accepts an offer to convert to permanent employment:

- Within 21 days, the manager and employee are to meet and discuss the type of employment offered, the hours and days of work and the commencement date
- Commencement date is the first day of the first full pay period after the manager has confirmed the new employment arrangements
- Recruitment process – normal process for approval of vacant EFT. Recruitment procedure and delegation schedule to be reviewed to permit direct appointment for eligible casual employees



Resources

People and Culture intranet page – new casual employee page

- Manager Information Guide
- FAQs
- Manager Checklist
- Letters offering conversion to permanent employment

Where refusing conversion, please contact your People and Culture Business Partner for the appropriate letters

