

Know your Rights: casual staff

WE NOTICED that a lot of the clauses that we discuss in this space seem to either specifically exclude casual employees or refer only to fixed term and permanent staff. A number of your workplaces use casual or relief employees, so we thought we would cover off on the basics this week.

What the Award says (HAHSA and TSSA the same):

'Casual employee' means a person engaged on an irregular basis and at short notice and where the offer of engagement may be accepted or rejected on each and every occasion, thus excluding a casual employee from being placed on a regular employment roster, and is paid a loading in addition to the normal salary rate in lieu of paid leave entitlements and Holidays with Pay as prescribed by (the) Leave and Holidays with Pay (section) of this award. The loading paid to a casual employee is set out in (the) Salaries and Related Matters, Clause 1 of this Award.

What right or benefit does the award provide?

It sets out the nature of casual work. You should only be a casual employee if you are engaged irregularly, at short notice and not according to any roster.

It specifies the loading that casual employees receive in lieu of other leave entitlements (currently 24% of base salary, increasing to 25% from 1 July 2016).

When called into work, casual employees must receive a minimum shift of two hours, or be paid for two hours if they work less than that.

Whilst not entitled to paid leave, casual employees are entitled to leave the workplace or to not be available for work for the same time and under the same notice and evidentiary requirements as permanent or fixed term staff for parental, personal, bereavement leave or jury service. There are also provisions that ensure that the employer cannot fail to reengage a casual employee following them accessing one of these entitlements.

These are important to make sure that casual staff do not lose out on shifts or become worse off following something out of their control.

While the rules governing casual employment are important, it is key to remember the overriding rule that it should only be on an irregular basis, at short notice, with the ability for the employee to accept or reject it on each occasion. If there is increasing use of casuals in your workplace, or their shifts are becoming more regular then it may be that more fixed term or permanent hours are needed.