



Can I go from being a casual worker to a permanent worker?



If you are an eligible casual worker and want to transition to being a permanent part-time or full-time worker, you can follow the 'employee choice pathway' to notify your employer in writing of your intention to change to permanent employment.

To be an eligible casual, you must:

- have been employed for at least 6 months, or at least 12 months if you are employed by a 'small business' (with less than 15 employees, not including casual workers – unless they work regular hours), and
- believe you no longer meet the requirements of the casual employee definition.

You are not eligible to give written notice to your employer requesting to change to permanent employment under the employee choice pathway if:

- you are involved in an ongoing dispute with your employer about changing to permanent employment, or
- in the last 6 months your employer refused a previous notice, or you've resolved a dispute with your employer about employee choice.

Your employer must discuss the change with you before responding to your notice. This includes discussing what would change if they accept the notice, including whether you would be full-time or part-time, what your hours of work would be, and when the change would take effect.

Your employer has 21 days to respond in writing. Your employer's response must include information about what your new employment status will be (for example, full-time or part-time), your new hours of work, and when the change will take effect.

Changes must take effect from the first day of your first full pay period after your employer gives their response, unless you and your employer agree to another day.

If your employer does not accept the change, they must tell you why not. Reasons for this may include:

- you still meet the definition of a casual employee (no firm advance commitment to ongoing work),
- accepting the change would mean your employer won't comply with a recruitment or selection process required by law,

- there are fair and reasonable operational grounds for not accepting the notification, such as:
 - substantial changes would be required to how work in your employer's business is organised,
 - there would be significant impacts on the operation of your employer's business, or
 - substantial changes to your employment conditions would be necessary to ensure your employer doesn't break rules (such as in an award or agreement) that apply to you.

If your employer refuses to accept the change after you've given written notice, you can dispute this with the Fair Work Commission if you think their refusal is not justified.

If you are a part of a union, you can ask your union representative for advice on next steps and they may be able to give you help to deal with the issue.

If you are not part of a union, you can also contact organisations such as YFS Legal or Youth Law Australia for confidential legal advice before going to the Fair Work Commission.

Your employer can't fire you, demote you, cut your hours, change your pattern of work or otherwise discriminate against you because you have requested to change to a permanent worker. If you have a disagreement with your employer about this, you can get help from the Fair Work Commission.

WHERE TO GET HELP



YFS LEGAL

Phone: (07) 3826 1599

Email: legal@yfs.org.au

Website: yfs.org.au/working-and-the-law

This Centre is accredited by



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YFS Legal is a community legal centre that supports clients in Logan and surrounding areas, including Jimboomba, Beaudesert and Beenleigh.

YFS Legal acknowledges Aboriginal and Torres Strait Islander people as Australia's first peoples and the traditional owners and custodians of the land on which we meet and work.

YFS Legal is funded by the Queensland Department of Justice.