

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations

DEEWR Question No. EW0156_12

Senator Fisher provided in writing.

Question

Casuals

1. Can the department please conduct a qualitative and quantitative analysis of issues dealt with in each of the following clauses (numbered below) in the attached agreement, with any agreement approved by the Fair Work Australia (FWA) in comparable sectors or industries?

Casuals

- Heavy limitations are placed on the use of casuals. Casuals may only be used on short-term arrangements and must be made permanent employees after 6 weeks. (clause 3.4.4)

Answer

With regards to casuals, the draft agreement states:

3.4. Casual Employment

- 3.4.4 A casual Employee, other than an irregular casual Employee, who has been engaged by the Employer for a sequence of periods of employment under this Agreement for a period of six (6) weeks shall have their contract of employment converted to full-time or part-time employment if the employment is to continue beyond the conversion process.
- 3.4.9 For the purposes of this clause, an irregular casual Employee is one who has been engaged to perform work on an occasional, non-systematic or irregular basis.

Based on data drawn from the department's Workplace Agreement Database, 16.7 per cent of agreements approved under the *Fair Work Act 2009* in 2009 and 2010 contain provisions providing for the conversion of casual engagement to permanent engagement (by election or mandatory) after a period of service.

The Workplace Agreements Database does not contain more detailed information about the scope of such clauses, or distinguish between mandatory conversion, conversion by employee election and conversion after consultation. The database also does not contain information about the period of service required before conversion provisions apply.