

Job Watch



The Employment Rights Watchdog

Submission to:

THE SENATE EMPLOYMENT, WORKPLACE
RELATIONS AND EDUCATION COMMITTEE

Workplace Relations Amendment (Fair Termination) Bill 2002

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Submission re: Workplace Relations Amendment (Fair Termination) Bill 2002

1.1 Summary

Casual employment traditionally describes an arrangement of short term and irregular work. However, casual workers are increasingly used to fill permanent positions and are becoming a category of permanently disadvantaged workers. Casual workers are predominantly from disadvantaged groups such as women working part time, youth, and those in low-skilled occupations. Rather than entrenching the disadvantage of a group comprising more than a quarter of the workforce, termination laws should foster fairer outcomes and greater equity between casual and permanent workers.

The nature of the engagement of casual employees, together with their limited entitlements, means that there is little regulation of this growing sector of the labour market. As the case studies provided indicate, casual employees in Victoria are often terminated without a valid reason. In many cases they are terminated because they ask for the minimum wage to be paid, to be “put on the books”, or for superannuation contributions to be paid. In other instances they are terminated for groundless and spiteful reasons.

Termination of employment can have devastating consequences for employees in both financial and personal terms, and lasting economic costs for the community. While there is a popular perception of large payouts for unfair dismissal claims, in Victoria over 80% of cases settle at or soon after conciliation and present relatively modest costs for employers. It is therefore time to regulate the termination of employment practices for casuals on the same basis as other workers.

1.2 Recommendation

Job Watch submits that *Workplace Relations Amendment (Fair Termination) Bill 2002* be rejected by the Senate.

We submit that the 3-month qualifying period that applies to permanent workers suffices and that specific casual exclusion from unfair dismissal laws should be abolished. We propose that if a casual exclusion period is to exceed the standard 3-month period, then a six-month qualifying period would be appropriate. This level is comparable with those in the state jurisdictions and is consistent with ILO Standards. These proposals would:

- bring conditions of Victorian (and territory) workers into line with conditions of workers in other states
- boost the job security of vulnerable employment groups such as part-time female workers, youth, low-skill employment
- discourage the use of casual employment to fill long-term positions
- have minimal impact on employment costs.

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2. Legislative Background : Unfair Dismissal Laws & Casuals

2.1 The exclusion of short-term casuals from unfair dismissal

From the commencement of the *Workplace Relations Act 1996* on 1 January 1997 until the Federal Court's decision in *Hamzy v Tricon International Restaurants trading as KFC*¹ on 13 November 2001, casual workers covered by the federal system who had not worked regularly and systematically for a period of at least one year ("short-term casuals") were excluded from making an application in respect of unfair dismissal.

In the *Hamzy Case*, the Federal Court found that regulations 30B(1)(d) and 30B(3) of the *Workplace Relations Regulations*, which purported to exclude short-term casuals from the unfair dismissal system, were invalid. From the date of this finding, until 7 December 2001 all casual employees who had served the legislated 3-month qualifying period were eligible to make a claim for unfair dismissal.

The government quickly moved to introduce the *Workplace Relations Amendment Regulations 2001 (No.2)* and on 7 December 2001 reinstated the casual exclusion. This means that casual workers covered by the federal system, which include all Victorian workers with less than 12 months service, receive no protection against harsh, unjust and unreasonable termination.

Prior to the enactment of the *Workplace Relations Act*, the Commonwealth *Industrial Relations Act 1988* allowed casual employees access to the unfair dismissal jurisdiction after regular and systematic employment over a period of more than 6 months.

2.2 The Victorian situation

Federal industrial relations law has a particular impact on workers living in Victoria, the ACT and Northern Territory. Where other workers are covered by state industrial relations systems, since the Kennett government agreed to refer most of its industrial relations powers to the Commonwealth Government in 1996, Victorian workers have only been covered by federal law.

2.3 What is unfair dismissal ?

Unfair dismissal claims are made by workers who are sacked in circumstances which are harsh, unjust or unreasonable.

"Harsh, unjust or unreasonable" has a specific meaning under the *Workplace Relations Act 1996*. In summary, a worker who is going to lose his or her job is entitled to:

- a fair and valid reason for termination (meaning something relating to the worker's capacity or performance, or something relating to the operational requirements of the business, such as a business downturn)

¹ [2001] FCA 1589

- a fair termination process including proper notification of the reason for dismissal, a chance to respond during the process and if the reason for dismissal relates to poor work performance, warnings prior to termination

When deciding whether a dismissal was unfair, the Australian Industrial Relations Commission (“the Commission”) also has to take into account all the circumstances involved including some specific matters:

- a “fair go all round” (eg. there might be other matters which, while not directly relevant to the termination, make it fair in the circumstances);
- the likely effect that the size of the employer’s business had on the procedures followed in an employee’s dismissal; and
- whether the employer was disadvantaged by a lack of human resources management expertise.

A case for unfair dismissal will only exist where, having regard to all the circumstances including “a fair go all round”, a worker is not given a fair or valid reason for termination or is not provided with a fair termination process. If there is a reasonable basis for the dismissal and it is effected properly, an unfair dismissal case will not succeed.

2.4 The right to a hearing

It is important to note that workers who are exempt from unfair dismissal legislation, such as short-term casuals, are not entitled by law to a fair or valid reason for termination or a fair termination process. They are not entitled to be warned about possible termination and they can be sacked without even being told why.

Case Study: Kerrie worked as a veterinary attendant on a casual full-time basis. Her employer told her that her services were not needed and the reason she was given was they did not need someone “who is not totally honest with us”. Kerrie had no idea what they meant by that, she had not received any warning or notice or reasons before her termination².

For most people, termination of employment is a shattering event. Apart from obvious economic problems that can result when an income stream is cut off (such as rent problems, mortgage or other credit problems etc), dismissal can lead to family and relationship pressure, a loss of confidence or stress and depression.

Where the dismissal is unjust or unfair, all these negative effects of termination of employment are amplified. In these situations it is incredibly important for the aggrieved worker to have some recourse to the legal system for review of the matter. For many unfair dismissal applicants, their primary motivation in making a claim is to tell their side of the story.

The importance of having a right to a hearing doesn’t vary based on the length or type of employment. There is no reason why some workers should be entitled to natural justice and some shouldn’t.

² All case studies are based on actual callers to the Job-Watch phone advice service. Names, have been changed to preserve confidentiality.

An unfair dismissal claim is usually the only way a person who is sacked unfairly can air their grievance and tell their side of the story.

June's 17-year-old son Phil worked as a consol operator for a service station on a full-time casual basis. Four months into the job Phil saw his manager's son taking money from the till. At the end of the shift, he told the manager that \$350 was missing from the till. When he arrived home from work that night, there was a message on his answering machine saying he was no longer required at work. Phil had \$200 deducted from his pay because of shortage in the till. When he rang work to explain, the manager said he didn't want to talk about it.

2.5 Comparison between the States

When considering an acceptable period for casual employees to qualify for access to the unfair dismissal system, it is useful to compare the access afforded under each of the State industrial relations systems.

New South Wales - Under the *Industrial Relations Act 1996* casuals are provided with access to unfair dismissal laws if they have not been engaged for a short period of time. The *Industrial Relations (General) Regulation 2001* defines a short period of time as not less than 6 months.

Queensland – The *Industrial Relations Act 1999* excludes casual employees with less than 12 months regular and systematic employment from making unfair dismissal applications.

South Australia - Casual employees are eligible to lodge unfair dismissal applications under the *Industrial and Employee Relations Act 1994*, provided they have been employed on a regular and systematic basis during a period of at least six months.

Tasmania – Under the *Industrial Relations Act 1984* “former employees” are eligible to apply for a hearing in respect of an industrial dispute relating to termination of employment. Casual employees are not excluded, provided that they have “a reasonable expectation of continuing employment.” There is no minimum length of service required to qualify to lodge an application.

Western Australia – The *Industrial Relations Act 1979* allows casual employees to make applications in respect to termination of employment if they believe that they have been harshly, oppressively or unfairly dismissed. There is no qualification period specified.

Australian Capital Territory and Northern Territory – the eligibility of employees in these territories to make applications in respect of termination of employment is provided by the *Workplace Relations Act 1996*.

2.6 International Labour Organisation Standards

The *Termination of Employment Convention 1982 C158* allows members of the ILO to exclude “workers engaged on a casual basis for a short period” from all or some of its provisions. Short period is not defined.

It is submitted that a 12-month period of employment is not a “short period” and is inconsistent with the protective intent of the Convention.

2.7 Compensation

The most common outcome of a successful unfair dismissal claim is compensation. Reinstatement of employment is also possible, but unusual.

The Commission is subject to very strict guidelines when making compensation payments for unfair dismissal. These guidelines include an overall cap on compensation amounts set at the lower of twenty-six weeks pay or \$32,000 as indexed from time to time.³

Further, compensation is only paid in respect of financial loss resulting from the termination. For example, if a worker is sacked but obtains a new job a week later, the potential unfair dismissal compensation is limited to one week – the period of unemployment suffered.

There are other restrictions as well. The Commission is required to take into account the length of the worker’s service with the employer. Workers who have been employed for long periods of time may be entitled to compensation which is closer to the top level of twenty-six weeks. But workers who have been employed for short periods of time, such as twelve months or less, will almost certainly have their compensation reduced substantially.

If short-term casuals were entitled to make unfair dismissal claims, they would be subject to the general rules which restrict the amount of compensation payable for this type of legal claim. Depending on the circumstances, casuals with less than twelve months service who have been unfairly dismissed would probably only receive a handful of weeks payment as compensation for their period of unemployment.

2.8 Settlement and costs

The idea that unfair dismissal claims cost employers a lot of money is a furphy. In most unfair dismissal claims a mutual settlement is reached at the conciliation conference stage.

A conciliation conference is held shortly after an unfair dismissal claim is made to give the parties a chance to discuss the matter and hopefully settle it. Some claims don’t settle at this point, but continue on to the arbitration stage (where a formal hearing is held). Some claims are discontinued after conciliation because of new information that is discovered. Over 80% however settle at conciliation or soon after⁴.

There is no cost involved in a conciliation conference unless the parties wish to bring a representative such as a lawyer or human resources representative (who they may have to pay). Many employers and workers represent themselves at the conference as the process is informal and minimal preparation is required.

If the matter does not settle at conciliation, the worker has the right to have the matter proceed to a formal hearing. If the claim is spurious or unreasonable, and the

³ The specified indexed rate to 1 July 2001 is \$37,600

⁴ Annual Report of the Australian Industrial Relations Commission 2000-01.

worker elects to continue regardless, the employer is entitled to seek an order that some of the costs incurred in defending the claim be paid by the worker.

Conciliation is particularly important where a worker was not notified of the reason for the dismissal or not given a proper chance to have their side of the story heard before they were sacked. The conference gives the worker a chance to explain their point of view and receive a response from their employer. This is often the primary motivation behind making the claim.

The conciliation process gives both parties a chance to settle the claim in a quick and cost-effective way, while preserving the democratic rights of both parties to a proper hearing. The system is an efficient balance between the rights of workers to natural justice, and the need to protect business from unreasonable cost. By completely excluding certain groups of workers, this balance is lost.

Case Study: Anh worked in direct sales and marketing as a casual worker for 14 months. She went to Vietnam on a pre-arranged holiday during her annual leave and was hospitalised with a severe stomach illness. She was still in hospital on her expected date of return to work. Her partner in Australia informed her work of the situation. When she returned to Australia and her work, she was told there was no position for her any longer. She lodged for unfair dismissal. A senior executive from the Employer's head office in Sydney attended the conciliation conference. After hearing Anh's story, the executive agreed to fully reinstate Anh in her previous position.

2.9 Economic Impacts of unfair dismissal

In the recent decision in *Hamzy v Tricon International Restaurants trading as KFC*,⁵ the Full Court, in considering the validity of regulations excluding casuals from unfair dismissal laws, discussed the link between employment growth and the strength of unfair dismissal laws concluded:

“Whether the possibility of encountering an unlawful dismissal claim makes any practical difference to employers’ decisions about expanding their labour force is entirely a matter of speculation. We cannot exclude such a possibility; but likewise, there is no basis for us to conclude that unfair dismissal laws make any difference to employers’ decisions about recruiting labour.”

The Court observed that further research into any link between employment and unfair dismissal laws was indeed necessary, and that no such research existed in Australia. Such complex economic research is outside the reach of this submission, which addresses the disadvantage of casual workers, and the social costs of our failure to protect them.

The recent introduction of three month qualifying periods for all employees means that employers retain their flexibility with regard to any truly short-term work. Job Watch would argue that for longer periods of employment it is wholly appropriate that employers must have a valid reason for termination.

⁵ [2001] FCA 1589 Page 16 of 18

3. Casual entitlements: a comparison

3.1 Definition and history of casual employment

Casual employment may be defined in a number of different ways, although there is no definition provided in the *Workplace Relations Act*. The Australian Bureau of Statistics defines casual employees as those who are not entitled to either annual leave or sick leave in their main job⁶.

To compensate casual employees for the leave entitlements and non-wage benefits that they don't receive, awards and legislation provide for a percentage loading to be paid on casual's hourly rate. Historically, this loading was intended to discourage employers from engaging casual labour at the expense of permanent employment.

It has been suggested that one of the factors explaining the increase in the rise in casual employment is the cost of non-wage benefits (such as dismissal and redundancy costs, superannuation, accident make-up pay, long service leave) that are payable to permanent workers⁷. The cost of engaging casuals is perceived as being less than the cost of engaging permanent workers. Furthermore, it has been noted that even if the engagement of casual workers costs more, "most employers seem happy to pay the additional amount in return for what they perceive as the flexibility of being able to hire and fire at will."⁸

Case Study: George worked part-time as a casual at a café to support himself while he was studying. His employer paid him "under the counter". When he asked to be put on the books they promised to do so, but never did. When he asked again three months later he was fired.

When viewing the range of entitlements casuals miss out on, it is clear that the loaded rate of pay that they receive does not come close to compensating them.

A comparison of the entitlements and conditions of casual employees and permanent employees indicates that casual employees generally endure inferior conditions, lower earnings, entitlements and security. Due to the minimal conditions afforded to Victorian employees covered by Schedule 1A of the *Workplace Relations Act*, casual workers in Victoria are amongst the most disadvantaged group of workers in Australia.

The following indicators provide specific detail about the entitlements of casual workers:

3.2 Earnings

An independent survey conducted for the Victorian Industrial Relations Taskforce found that although casuals traditionally earned higher hourly rates due to the casual penalty loading, in recent years the earnings premiums received by casual

⁶ For example ABS 6325.0, August 1996

⁷ Walsh, J., (1997) "Employment Systems in Transition? A Comparative Analysis of Britain & Australia." *Work, Employment and Society* Vol.11, No. 1, pp 1-25.

⁸ Creighton, B. and Stewart, A., (2000) *Labour Law (3rd Editions)* The Federation Press, Leichart, p. 215

employees have declined. It found that casual employees are more likely than permanent employees to be found in the lowest earnings brackets. The survey found that 33 per cent of casuals earned less than \$12 per hour (inclusive of the casual loading), compared with 22 per cent of permanent workers (who receive paid leave)⁹.

3.3 Notice

Casual employees have traditionally been characterised as employees who are employed to work on an “as needs” basis, that is, as and when required. The generally accepted position has been that casuals can be terminated with one hour’s notice.

Under the *Workplace Relations Act*, there is no notice requirement for casuals, regardless of the length of their service.

Consequently, casual employees face considerable financial insecurity. The income of casual employees is variable and it is difficult for them to budget or make long-term financial plans. Furthermore, finance and loan approvals can generally not be secured by a casual wage.

3.4 Redundancy

Victorian workers covered by Schedule 1A of the Act do not have an entitlement to severance payments in the event that their job becomes redundant.

Under federal awards, casual employees are generally excluded from the severance payments to which permanent workers are entitled.

This is to be compared with the severance payments of permanent workers covered by the federal system. In accordance with the standard established in the *Termination Change and Redundancy Case*,¹⁰ most federal awards provide workers with over 12 months’ service with a minimum entitlement to four weeks’ severance pay. While employees covered by Certified Agreements often enjoy severance entitlements which are significantly above this standard.

3.5 Superannuation

Under the *Superannuation Guarantee (Administration) Act 1992* employers are required to make superannuation contributions on behalf of their employees. However, employees who earn less than \$450 per month are not entitled to have superannuation contributions made on their behalf. Due to the often-erratic nature of casual employment and the part-time nature of much casual work, casual employees often fall within this category. It is also possible that casual employees will be working effectively full-time hours, but for a number of employers, and so will not qualify to receive superannuation contributions.

Furthermore, even when casual employees earn more than \$450 per month and are entitled to receive superannuation contributions, superannuation is often not paid on

⁹ Victorian Industrial Relations Taskforce *Independent Report of the Victorian Industrial Relations Taskforce – Part 2: Statistical Research on the Victorian Labour Market - Volume 2*, page 11.

¹⁰ (1984) 8 IR 34; 9 IR 115.

their behalf.¹¹

Therefore, in addition to lack of income and job security during their working lives, casuals are more likely to face financial insecurity in their retirement.

3.6 Parental leave

Schedule 1A Victorian casual workers do not have any entitlement to parental leave. Long-term casual employees covered by federal awards may be entitled to parental leave if application has been made to the AIRC for insertion of a clause providing this benefit.

3.7 Long Service Leave

Although casual workers are entitled to long service leave under the Victorian *Long Service Leave Act 1992*, casuals are less likely than permanent workers to remain in a position for the minimum period of ten years required to access this entitlement. This is because it is more likely that there will be breaks in the continuous service of casual employees. This is likely to be a significant issue for women who leave their casual employment in order to have children but do not qualify for maternity leave.

3.8 Leave Entitlements

Under Schedule 1A and most federal awards casual employees are not entitled to paid annual leave or personal leave.¹² Schedule 1A workers do not have access to bereavement leave or jury service employer payments. Permanent employees covered by federal awards have access to these benefits but casuals do not.

3.9 Public Holiday Pay

Under State legislation and federal awards permanent workers are entitled to have gazetted public holidays off without loss of pay. By contrast, even if a public holiday falls on a day that a casual usually works, casual employees are not entitled to payment.

¹¹ Senate Select Committee on Superannuation and Financial Services *Enforcement of the Superannuation Guarantee Charge*, April 2001, p 97. citing a 1999 survey of Super Guarantee compliance conducted by the ATO, which found that part-time and casual workers are among the workers who are most likely to be affected by super guarantee non-compliance.

¹² In unusual circumstances some federal awards provide casuals with access to certain leave provisions, eg *Shop Distributive and Allied Employees Association - Victorian Shops Interim Award 2000*

4. Who are casual workers?

Since the early 1980s the growth of casual employment has outpaced all other forms of employment. Of the 1.56 million employee positions that were created in Australia between 1984 and 1997, 945,000, or just over 60 per cent were casual jobs. From constituting just 13.2 per cent of the work force in 1982, Australian Bureau of Statistics figures show that one in four Australian employees are now casual.¹³ Data from Job Watch shows that 16% of callers to Job Watch's telephone advice service are casual workers.¹⁴

4.2 Gender

The majority of casual workers are female - ABS figures show that females represent 54% of all casual employees¹⁵. Likewise, females comprised over 61% of all casual workers who contacted Job Watch. The gender breakdown is greater for part-time casuals and much lower for full-time casuals

Table 1: Employment status of casual employees by gender, 2001

Gender	Full-Time	Part-Time	All
	%	%	%
Male	46.2	33.9	38.7
Female	53.8	66.1	61.3
Total	100	100	100
(n)	(651)	(1027)	(1678)

Source: Job Watch

Missing =126

4.3 Age

ABS figures indicate that a third of all casual workers were aged between 15 and 24 years of age¹⁶. Casual workers contacting the Job Watch phone service were primarily aged between 25-34 years of age with significant representation also from the 19-24 and the 35-44 age groups.

Table 2: Age group of all casual employees, 2001

Age Group	All	
	No	%
Under 15	5	0.4
15-18	134	9.9
19-24	336	24.8
25-34	409	30.3
35-44	268	19.8
45-59	182	13.5
60+	17	1.3
Total	1351	100

Source: Job Watch

Missing=453

¹³ Australian Bureau of Statistics, *Labour Force Australia*, Canberra 1999, Cat No. 6203.0, <http://www.abs.gov.au/ausstats>.

¹⁴ This figure is based on calls entered on the Job Watch database system for 2001, which numbered 12,705. This was not the total figure of calls to the Job Watch telephone advice service, which were over 20,000. Readers should be aware that there are limitations associated with comparing figures from 2 different organisations over for 2 different time periods.

¹⁵ Australian Bureau of Statistics, *Labour Force Australia*, Canberra 1999, Cat No. 6203.0, <http://www.abs.gov.au/ausstats>.

¹⁶ Ibid

4.4 Occupation

Casual workers were prominent in occupations with the lowest level of skill such as elementary clerical, sales and service workers; and labourers and related workers according to figures from the ABS.¹⁷

The ABS data also indicates that the proportion of casuals in occupation groups declined as the skill level of those groups increased.¹⁸

4.5 Industry

The principal industries in which casual workers who contacted Job Watch were employed are retail trade, accommodation, cafes and restaurants, property and business services and in manufacturing. Figures from the ABS also showed that the retail trade and accommodation, cafes and restaurants sectors contained a high proportion of casual employees as well agriculture, forestry and fishing and cultural/recreational services¹⁹.

Table 3: Employment status of casual employees by industry and length of employment, 2001, column numbers

Industry	Full-Time	Part-Time	All
Accommodation, Cafes & Restaurants	103	231	334
Communication	40	20	60
Construction	36	20	56
Cultural and Recreational Services	24	56	80
Education	13	26	39
Electricity, gas and water supply	2	2	4
Finance & Insurance	10	3	13
Govt Administration	6	7	13
Health & Community Services	31	60	91
Manufacturing	103	57	160
Mining	1	1	2
Personal & Other Services	34	64	98
Property & Business Services	64	109	173
Retail Trade	107	258	365
Transport & Storage	36	30	66
Wholesale Trade	22	22	44
Total	632	966	1598

Source: Job Watch

Missing=206

Note: Industry category of agriculture, forestry and fishing is missing due to an error in the original design of the Industry Field of the Job Watch database.

4.6 Length of employment

While casual workers were traditionally employed on a short-term, seasonal, or irregular basis, casual workers are increasingly employed on a long-term, regular and on-going basis. Job Watch figures show that nearly 40% of casual workers have been with the same employer for more than 12 months. ABS statistics show that

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

around 58% of all casual workers have been with their employer for 12 months or more.²⁰

Table 4: Employment status of casual employees by length of employment, 2001

Length of employment	Full-Time		Part-Time		All	
	No.	%	No.	%	No.	%
Less than 12 months	412	59.4	628	60.9	1040	60.3
More than 12 months	282	40.6	403	39.1	685	39.7
Total	(694)	100	(1031)	100	(1725)	100

Source: Job Watch

Missing=79

In a significant proportion of cases, casual workers had been employed by the same employer for a considerable period of time. Job Watch data shows that from its long-term casual callers, 11.2% had been employed between 6 and 10 years and 3.8% from 11 years and above. The figures from the ABS showed 9.8% of all casuals were employed for 10 years or more, and 11% between 5 and 10 years.²¹

Table 5: Employment status of long-term casual employees by length of employment, 2001

Length of employment	Full-Time		Part-time		All	
	No.	%	No.	%	No.	%
12 months to 2 years	145	51.4	177	43.9	322	47.0
2 years to 5 years	94	33.3	166	41.2	260	38.0
6 years to 10 years	32	11.4	45	11.2	77	11.2
11 years to 15 years	9	3.2	9	2.2	18	2.6
16 years plus	2	0.7	6	1.5	8	1.2
Total	(282)	100	(403)	100	(685)	100

Source: Job Watch

Missing=126

4.7 Unfair Dismissal

Job Watch data shows that 42.1% of all casual workers who contacted the telephone advice service last financial year phoned in relation to the issue of unfair dismissal. Of these, 44.4% had been employed for between 3 and 12 months. These workers are currently excluded from unfair dismissal laws.

²⁰ ACTU, Casual Parental Leave Submission, Volume 1, March 2001, p41

²¹ Ibid

5. Case Studies

The following case studies are extracted from file notes taken by the Job Watch phone advice service:

SHANNON was a 17 year-old working for a bakery. After 9 months in the job she was sacked only a week before her 18th birthday. She was not surprised by this as it had happened to several of her friends.

NATHAN worked as a sales assistant for a retail store 5 days a week on a casual full-time basis. He was retrenched by the store because he was told it was closing down. NATHAN however found out that closure was only temporary and the store would re-open one month after he leaves. NATHAN believes he was retrenched because he was one week short of reaching 12 months of employment at the store and it was the store's policy that after 12 months service casual workers were made permanent.

JADE started work as a sales assistant for a clothing retail outlet. She was employed on a full-time casual basis, and worked on average between 9.30 am to 7.00 pm. Eight months into the role, JADE was offered a permanent part-time position by the General Manager however the State Manager then told her they would not promote her until the new year. In the new year JADE was terminated and told it was in the best interests of the company for her not to continue. She was not given any reasons.

CLAIRE worked as a waitress on a part-time casual basis at a restaurant in inner Melbourne. She worked set hours and days per week. After six months in the job she was sacked without any warning or reason. She never received any warnings about her performance. CLAIRE was sacked on the day her partner resigned from his position at another restaurant owned by her employers.

JANE was employed as a personal assistant on a casual full-time basis via a temp agency. After 4 months in the job she was dismissed by one of the bosses because he wanted to hire his girlfriend.

SPIROS worked as a security guard at a retail outlet on a full-time basis. He was told by his employer to ask one of the customers to leave the store. He lawfully obeyed those instructions. The customer then threatened to sue the employer unless SPIROS was fired. The employer then sacked SPIROS.

SUE worked on a casual full-time basis as a hostel administrator for 5 months. She asked for compassionate leave as there was a death in the family and she needed to look after her children. Soon after SUE was sacked from her job.

MOHAMMAD was employed as a security officer on a casual full-time basis. He went to his employer's house to collect his pay as normal. MOHAMMAD was then sacked without any reason.

JULIA worked as a sales assistant for a retail store on a casual full-time basis. The employer rang JULIA at home when she was away ill and demanded to speak to her. Her mother answered the phone and told him JULIA couldn't come to the phone because she was too sick. The next time the employer spoke to JULIA he was verbally abusive towards her and sacked her.

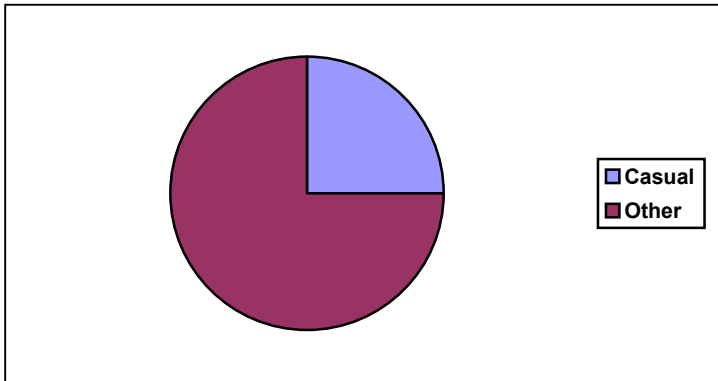
ROB worked as welder for a manufacturing company on a casual full-time basis. ROB's employer's dismissed him without providing any valid reason. ROB got paid different amounts from week to week and his employer wasn't paying him any super.

TAMARA worked on a full time casual basis at a pub and gaming venue. The boss told her when he drew up the new roster that there were no hours available for her and she was given no reason. In the meantime they were hiring new people and people who weren't accredited to work at a gaming venue.

Phil's daughter MARY worked as a part-time casual sales assistant for a confectionary outlet. She had her hours taken away from her without any explanation and she was no longer on the roster. The outlet hired other people.

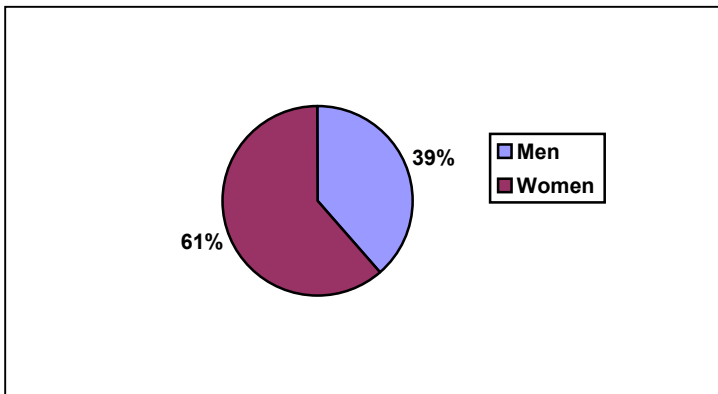
6. Graphs: Casual Work Statistics

6.1 Employment status of workers in Australia



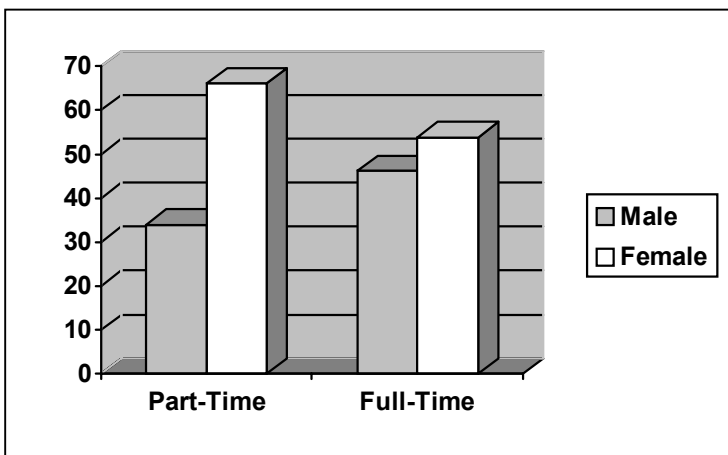
Source: ABS, Labour Force Australia, Cat No. 6203.0, 1999

6.2 Gender Breakdown of casual workers



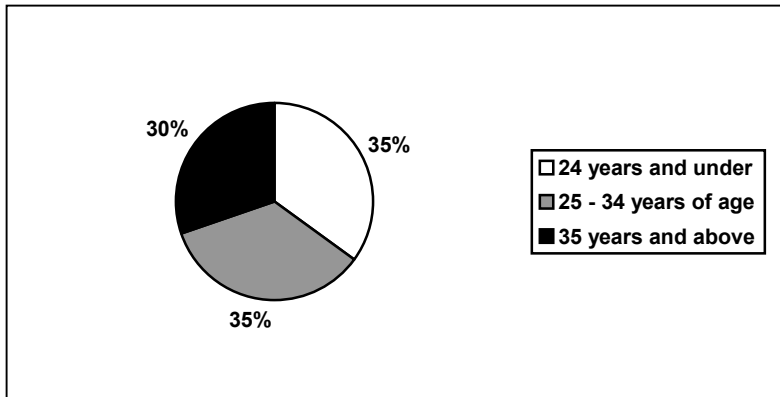
Source: Job Watch, 2000/2001

6.3 Breakdown of casual workers by employment status



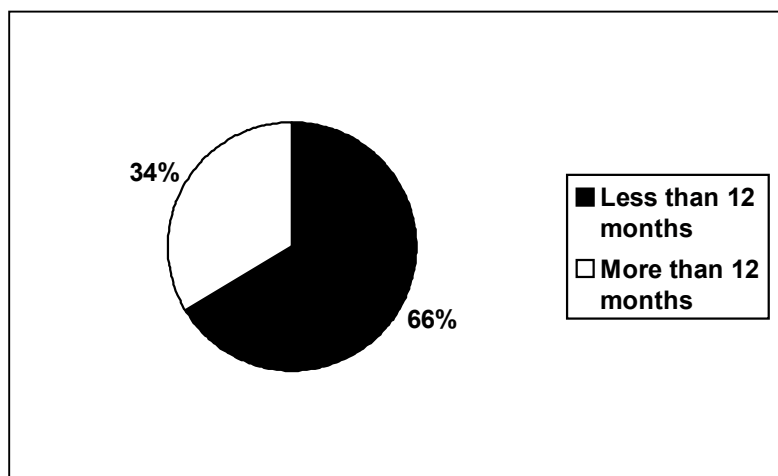
Source: Job Watch 2000/2001

6.4 Age breakdown of casual workers who contacted Job Watch



Source: Job Watch 2000/2001

6.5 Length of employment of casual workers



Source: Job Watch 2000/2001