

# CASUAL CONVERSION

*Please note that this is general information & may not be relevant to your particular matter. This should not be taken as legal advice.*

Casual employment usually attracts a higher rate of pay. However, casual workers have no guarantee of ongoing work. They also miss out on other important benefits such as paid sick leave and annual leave.

For this reason, casual workers may want to **convert** their employment to part time or full-time employment. This is called casual conversion.

## When should my employer offer me part time or full-time employment?

Your employer must offer you part time or full-time employment if:

- your employer has 15 workers or more, and
- you have worked for your employer for at least 12 months, and
- you worked a regular pattern of hours during the last 6 months of your employment.

The offer must be in **writing** and state if you are being offered part time or full-time employment. If the regular pattern of hours that you worked is equivalent to full time hours, your employer must offer you full time employment. If the regular pattern of hours that you worked is less than the equivalent of full-time hours, your employer must offer you part time employment that is consistent with the regular pattern of hours worked during that period.

Your employer must give you the written offer no later than **21 days** after your 12-month anniversary of employment. You must respond to the offer in **writing** within **21 days** of receiving the offer. If you do not respond, it will be assumed that you have declined the offer.

Small business employers (less than 15 employees) do not have to offer conversion to part time or full-time employment. However, small business employees still have a right to make a request to be converted to part time or full-time employment.

The logo for Working Women Queensland, featuring the letters 'WWQ' in a stylized, handwritten font. The 'W' and 'Q' are black, and the 'W' is purple.

**WORKING WOMEN  
QUEENSLAND**



## When can my employer decide not to offer me part time or full-time employment?

Your employer may decide not to offer you part time or full-time employment if there are **reasonable grounds** to do so. Reasonable grounds not to offer part time or full-time employment include the following:

- If your position will stop existing in the next 12 months,
- The hours that you will work will reduce in the next 12 months, and
- There will be a significant change in the days or times you are required to work, and your availability cannot accommodate that change.



If your employer decides not to offer you part time or full-time employment, they must notify you in **writing** no later than **21 days** after your 12-month anniversary of employment. The notice must include details of the reason you were not offered part time or full-time employment.

## Can I request to convert my casual employment to permanent part time or full-time employment?



If your employer does not offer you part time or full-time employment within 21 days of your 12-month anniversary, you can **make a request** to convert your employment to part time or full-time employment.

**Small business employers** (less than 15 employees) do not have to offer conversion to part time or full-time employment. However, if you work for a small business, you can make a request to be converted to part time or full-time employment any time after your 12-month anniversary of employment.

You have a right to request to convert to part time or full-time employment if:

- you have worked for your employer for at least 12 months, and
- you worked a regular pattern of hours during the last 6 months of
- your employment.

Your request should be in **writing** and should specify that you are **requesting to convert** to part time or full-time employment. Your employer must respond within **21 days** of receiving your request.





Your employer cannot **refuse** your request unless:

- They have consulted with you, and
- There are reasonable grounds to refuse the request, and
- The reasonable grounds are based on facts that are known at the time of refusing the request.

Once your employer grants your request or you accept an offer for part time or full-time employment, your employer must **discuss** with you and provide **written notice** specifying:

- That your casual employment is being converted to part time or full-time employment,
- The hours of work to be performed, and
- When the part time or full-time employment takes effect. (This is usually the first day of the next pay period).

## Can I challenge my employer's decision not to offer me part time or casual employment?

If your employer refuses to convert your employment and you believe there are no **reasonable grounds** to do so, you can **challenge** their decision.

- First, you should try to resolve the dispute by having a discussion with your employer.
- If your employment is covered by an award, or enterprise bargaining agreement, or employment contract that provides a procedure for dealing with the dispute, you must follow that procedure.
- If this does not resolve the dispute, you can ask the Fair Work Commission to resolve the dispute:



If you are covered by an Award or Enterprise Agreement then you need to complete a Form 10. It can be found **here**: <https://www.fwc.gov.au/awards-and-agreements/awards/interpret-or-enforce-award>



If you are not covered by an Award or Enterprise Agreement then you need to complete a Form 10A Application for the Commission to deal with a dispute about casual conversion. This can be found on the Fair Work Commission's website on **this link**:

<https://www.fwc.gov.au/documents/documents/forms/form-f10a.pdf>

This form will need to be emailed to Fair Work Commission. If you are in Queensland, you can send the **email** to [brisbane@fwc.gov.au](mailto:brisbane@fwc.gov.au).

Here is some information from the [Fair Work Commission website](https://www.fairwork.gov.au/starting-employment/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee) about converting to part time or full-time employment:  
<https://www.fairwork.gov.au/starting-employment/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee>

## Where can I get help?

Working Women Queensland is a free, confidential and supportive service to help disadvantaged women seeking help with work matters.

## Working Women Queensland:

Call us on 1800 621 458 OR

Visit our [website](https://brq.org.au/working-women-qld/): <https://brq.org.au/working-women-qld/>

*Other Support Systems*

## Fair Work Ombudsman

13 13 94

[www.fairwork.gov.au](http://www.fairwork.gov.au)

## Queensland Council of Unions

07 3010 2555

<https://www.qldunions.com/>

