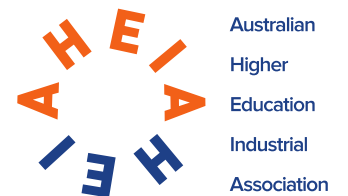


AHEIA Casual Conversion Forum

National videoconference

22 April 2021



Who is a casual?

FW Act, s.15A

- Elements
 - no firm advance commitment
 - ... to continuing and indefinite work
 - ... according to an agreed pattern of work

Casual conversion - eligibility

FW Act, Division 4A of Part 2-2

- Eligibility – s.66B
 - employed for a period of 12 months
 - during at least the last 6 months has worked:
 - a regular pattern of hours
 - ... on an ongoing basis
 - ... which without significant adjustment, the employee could continue to work

Reasonable grounds for no conversion

FW Act, Division 4A of Part 2-2

- Reasonable grounds – s.66C
 - to be based on facts known or reasonably foreseeable
 - s.66C(2) non-exhaustive list; examples given:
 - position will cease within 12 months
 - pending significant reduction in hours of work
 - pending significant change for work days/times ...
- “which cannot be reasonably accommodated on days/times the employee is available”

Reasonable grounds for no conversion

FW Act, Division 4A of Part 2-2

- Explanatory memo item 38:
 - other reasonable grounds:
 - all circumstances to be taken into account
 - ...including the needs of the employer's business and the nature of the employee's role

Conversion consequences

- EA workload models apply
- Incremental progression applies
- Promotion eligibility
- 17% super
- Redundancy notice and pay applies
- Performance management and disciplinary provisions apply

The contract upon conversion

- the regime contemplates:
 - no significant change in hours of work
 - loss of 25% casual loading
 - hourly rate otherwise remains the same
 - leave and other entitlements denied to casuals

Contractual issues

Modern Award casual academic rates are based on:

- B2: lectures, higher marking
- A6: subject coordination or relevant PhD
- A2: other academic duties
(using a 37.5 weekly hours divisor?)

- Level A or B contract?
- Can the contract provide for no work and no pay during periods of the year?
- How do we calculate the contract hours as a proportion of full-time employment?



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