

**Caution against simply relying on the casual being a student, retiree, or having some other primary occupation**

AHEIA advice to members (19.8.21):

In a [FWC Statement](#) issued on 18.8.21 by the Full Bench undertaking the Casual Terms Review of the three awards applying to the Higher Education sector, the Full Bench stated at [22] that the following grounds contained in the *Higher Education Industry General Staff Award 2020* are unlikely, of themselves, to constitute “reasonable grounds” for denying conversion from casual to permanent employment under the new legislative regime:

- *the employee is a student, or has recently been a student, other than where their status as a student is irrelevant to their engagement and the work required;*
- *the employee is a genuine retiree;*
- *the employee has a primary occupation with the employer or elsewhere, either as an employee or as a self-employed person.*

The Statement provides no explanation for this observation, that obviously constitutes a departure from the 2008 Full Bench decision that created the award with these grounds specified as valid grounds for not providing conversion.