

CASUAL AND PART-TIME EMPLOYEES FWC DECISION

A Full Bench of the Fair Work Commission on 5 July 2017 handed down its Decision in the Casual Employment and Part-time Employment part of the 4 Yearly Review of Modern Awards.

A summary of the determination of the claims (as they affect the Pastoral award 2010 (PA) and the Horticulture Award 2010) (HA) dealt with is set out below.

Minimum Period of Engagement

Unions had claimed a minimum period of 4 hours per engagement for casual and part-time employees.

This claim has been rejected insofar as it affects the provisions of all Awards. The 3 hour minimum provisions for part-time and casual employees under the PA will continue to operate. The Commission has indicated it would be inclined to grant a 2 hour minimum engagement for those which do not currently provide for same, e.g., the HA. Further submissions have been called for.

Dairy Industry Minimum Engagement

The NFF had sought to reduce the 3 hour minimum engagement periods for part-time and casual employees involved in milking to 2 hours.

This claim was rejected, however, the Commission proposed a provision prescribing a 2 hour minimum provision to apply only to junior employees who are school students. The NFF is to prepared a draft clause.

Horticulture Award Hours and Overtime

The claim for clarification of the hours and overtime provisions has resulted in the Commission provisionally stating that the ordinary hours of work may be 304 hours averaged over an 8 week period (currently 152 hours over a 4 week period). Further submissions have been called for.

Conversion of Casual Employment

Union claims were for casuals to convert to permanent employment after 6 months continuous service.

The Commission has proposed a model Award clause which would include a qualifying period of 12 months to apply to casuals who have worked a pattern of hours that could be equated with full-time or part-time employment provisions of Awards.

Limitation of Hours for New Casuals

An ACTU claim for a provision to the effect that existing employees should be offered additional working hours prior to engaging new employees on a casual basis was rejected.

6 July 2017