

PROPOSED DRAFT TEMPLATES – CASUAL EMPLOYMENT

Template casual clause

"(i) A casual employee is an employee, who at the commencement of employment, is offered employment based on no firm advance commitment to continuing work and accepts the offer on that basis.

(ii) A casual employee, at the commencement of employment, is employed on the basis that an employee can accept or refuse any offer of work, subject to their agreement to work, according to the needs of an employer.

(ii) A casual employee, at the commencement of employment, is offered a casual loading, in addition to the base rate, as a payment in lieu of leave entitlements, notice in lieu and a redundancy."

Template casual conversion clause

"Notwithstanding the previous clause, a casual employee shall be entitled casual conversion in accordance with Division 4A of Part 2 -2 - Offers and Requests for casual conversion."

Template casual 'double dipping' clause

"A casual employee receives an additional casual loading as set out in this agreement, which is a percentage payment, higher than the base rate, as a payment in lieu of leave entitlements, notice in lieu payments on termination and any redundancy payments. (Note: Any previously paid casual loading referred to herein shall be set off against any paid NES entitlements to which an employee may be deemed to be entitled."

Bus Australia Network

Draft template letter not to offer conversion to a casual school bus driver

Dear

I refer to your employment, as a casual school bus driver, and note that, when you were employed, you were not offered a firm advance commitment of work to continuing and indefinite work.

As you have now been working with us for 12 months, we are required to consider whether to offer to you the right to convert your employment to a part time employee.

For us to consider an offer of conversion you would need to have worked over the last 6 months a regular pattern of work on an ongoing basis. To convert your employment to a part time position we would need to provide work to you, over the full 52 weeks of the year.

This would be a significant change to the hours and days of your current work.

Because you are only employed for 40 weeks a year, during school terms, and your work is broken between the 4 periods of school holidays, we consider that the role is not ongoing and that we would have to provide a significant number of additional hours of work to meet the requirements of part time employment.

For these reasons, we do not propose to make such an offer of conversion under section 66B of the Fair Work Act 2009.

We invite you to meet with us to discuss any aspect of this notice and our decision.

YF



Draft letter of employment as a casual school bus driver

Dear

Please be advised that you have been offered employment as a casual school bus driver.

As a casual employee, you will receive an hourly rate of \$28.96, which includes a 25% casual loading, paid to you, in lieu of paid leave entitlements and paid notice in lieu of redundancy payments.

As a casual we provide to you no firm advance commitment of work to continuing and indefinite work and you will be under no obligation to accept the work that we offer to you.

Please be mindful, however, that you are required to work to meet the needs of our business.

In accordance with legislation, we also provide to you a “casual employment information statement”, provided by the Fair Work Ombudsman, which sets out the nature of your employment.

We would ask that you accept this offer of employment by signing the attached copy.

Regards

I hereby accept the terms and condition of employment as a casual school bus driver as set out above.

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Bus Australia Network



Draft letter of offer of conversion to a bus driver

Dear

I refer to your employment with us as a casual bus driver. Over the last 12 months, for at least 6 months, you have worked a regular pattern of hours, on an ongoing basis.

On this basis we are offering to you the opportunity to change the nature of your employment to part time employment.

This will mean no significant reduction in your current hours of work. We will reach agreement with you on those guaranteed hours of work.

Please be advised that you will no longer receive the casual loading and your hourly rate will reduce to \$23.17 an hour.

However, you will be entitled to paid leave on a pro rata basis, based upon the hours of work, you work, as ordinary hours in the week.

You are not obliged to accept this offer of conversion to part time employment, but we would appreciate receiving your response, within the next 21 days.

If we receive no response, then this will be considered that you do not wish to convert from your current employment.

Please feel free to discuss this offer with me before you make your decision.

Regards

I _____ accept/ do not accept the offer to convert to a part time employee on the terms set out above.



Draft letter not to offer conversion to an existing bus driver

Dear

I refer to your employment with us as a casual bus driver.

Over the last 12 months, for at least the last 6 months, you have worked a regular pattern of hours, on an ongoing basis.

On this basis we are required to consider whether to offer to you the opportunity to change the nature of your employment to part time employment.

For us to consider an offer of conversion we are required to consider whether there are reasonable grounds not to make the offer on the basis of facts reasonably known or foreseeable to us at this time.

To convert your employment to a part time position we would need to provide work to you, over the full 52 weeks of the year. This would be a significant change to the hours and days of your current work.

Because you are only employed for 40 weeks a year, during school terms, and your work is broken between the 4 periods of school holidays, we consider that the role is not ongoing and that we would have to provide a significant number of additional hours of work to meet the requirements of part time employment.

For these reasons, we do not propose to make such an offer of conversion under section 66B of the Fair Work Act 2009.

We invite you to meet with us to discuss any aspect of this notice and our decision.



Draft letter not to accept a request from an employee to convert

Dear

I refer to your employment with us as a casual bus driver and to your recent request for conversion to a part time or permanent employee.

Over the last 12 months, for at least the last 6 months, you have worked a regular pattern of hours, on an ongoing basis and are entitled to make this request.

Over the same period, we have not made an offer for you to convert, and you have not accepted that offer nor have we given you notice that we are not prepared to offer conversion to you.

On this basis we are required to consider whether to accept your request and to offer you the opportunity to change the nature of your employment to part time employment.

For us to consider a request of conversion we are required to consider whether there are reasonable grounds to refuse the request on the basis of facts reasonably known or foreseeable to us at this time.

To convert your employment to a part time position we would need to provide work to you, over the full 52 weeks of the year. This would be a significant change to the hours and days of your current work.

Because you are only employed for 40 weeks a year, during school terms, and your work is broken between the 4 periods of school holidays, we consider that the role is not ongoing and that we would have to provide a significant number of additional hours of work to meet the requirements of part time employment.

For these reasons, we would refuse your request to conversion under section 66F of the Fair Work Act 2009.

We note that we have consulted with you with respect to our decision to refuse your request for conversion.

Disclaimer: The draft templates above are provided for reference only and should not be relied upon, without professional advice having first been received.

