

# Casual Employment Changes

## Practical example



Amy signs a contract marked “**Casual Employment Agreement**” and starts work as a waiter at a new café in the city.

Amy’s employer, **Millie**, sends her a roster every **Thursday** with the shifts available to her for the following two weeks. **Amy reviews the shifts offered and informs Millie which shifts she wants to accept or not.**

The café is usually closed on weekends but opens on weekends during certain periods of the year when there are international festivals and more traffic in the city. During these periods, Millie will employ one or two other casual employees in addition to Amy.

There are no full-time or part-time employees at the café. **Amy is paid a casual loading of 25%.** Given the economic climate and competition for good coffee in the city, Millie is not sure if her café will still be in business after 12 months.

## Is Amy a casual employee under the new definition?

**Yes, likely.**

In addition to **signing a casual employment agreement**, **Amy’s employment relationship** considering its real substance, practical reality and true nature **is characterised by the absence of her employer Millie’s firm advance commitment to continuing and indefinite work.**

Applying some of the **factors** which are **used to assess the relationship**, we see the following:

- Millie can choose to offer or not offer work and Amy can choose to accept or reject such work;
- It is likely that, having regard to the employer’s café business, there will be future availability of continuing work of the kind usually performed by Amy (waitress), depending on the success of the café, but there is no guarantee given the competition for good coffee;
- There are no full-time or part-time employees performing the same type of work as Amy; and
- Amy does not engage in a regular pattern of work.

**Also, Amy is entitled to a casual loading as outlined in her contract.**





# SMALL BUSINESS PEAK

A large white arrow graphic pointing upwards and to the right, with the text 'SMALL BUSINESS PEAK' written in white, bold, sans-serif capital letters across its shaft.

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Please note this publication has been funded by the Australian Government Department of Employment and Workplace Relations through the Productivity, Education and Training Fund grant program.