

Casual Conversion Audit Checklist

Work through the steps in this checklist prior to September 27th, 2021 if you employ casuals and have 15 or more employees (headcount).

STEP 1.

Prepare 3 lists (eg. on paper or an Excel spreadsheet) titled:

List #1. Eligible Casuals.

List #2. Ineligible Casuals – completed 12 months.

List # 3. Casuals not completed 12 months as at September 1st 2021.

STEP 2.

Look at the start dates of every casual employee and:

- Place the names of those who have not completed 12 months employment with your business as at September 1st 2021 on to list #3 – Casuals not completed 12 months as at September 1st 2021.
- Place a reminder in your calendar to alert you to the 12 month anniversary of each of those casuals on List #3 - Casuals not completed 12 months as at September 1st 2021 so that you will be reminded to reassess their eligibility at that time and notify them as per STEP 5 or STEP 6. You do not need to notify these casuals that they are not yet eligible and why. No communication is required at all.

STEP 3.

Work through each remaining casual and ascertain which are “Eligible Casuals” and are to be placed on to *List #1 - Eligible Casuals* and which are “Ineligible Casuals” and are to be placed on to *List #2 - Ineligible Casuals – completed 12 months*

“Eligible Casuals” are those who meet ALL of the following eligibility criteria:

- i. Have been employed for a period of 12 months beginning the day the employment started.
- ii. During at least the last six months of that period, have worked a regular pattern of hours on an ongoing basis.
- iii. Could continue working those hours as a permanent employee without significant changes.
- iv. Hold a position that is not due to cease to exist in the next 12 months.
- v. Transferring them to permanent would not result in (non-exhaustive list):
 - Hours of work they’re required to perform being significantly reduced.

- A significant change in the times at which the employee's hours of work are required to be performed which cannot be accommodated within the days/times the employee is available to work.
- The employer having to make a significant adjustment to the employee's work hours for them to be employed full-time or part-time.
- Non-compliance with a recruitment or selection process required by or under a Commonwealth, State or Territory law.

STEP 4.

For those on *List #1 – Eligible Casuals*:

- Provide them a written offer to convert to full-time or part-time (permanent) employment (within 21 days) advising them:
 - They must respond to the offer in writing within 21 days after receiving the offer advising whether they accept or decline the offer.
 - That If they don't respond within that timeframe, then you the employer can assume that they've declined the offer.

STEP 5.

For those on *List #2 - Ineligible Casuals – completed 12 months -*

- Consult/discuss with the employee that:
 - Their employer has been exempted from the requirement to offer them the opportunity to convert to permanent, and on which of the criteria that exemption is based.
 - That they will be notified in writing.
- Provide notification in writing (within 21 days) advising them:
 - That their employer has been exempted from the requirement to offer the opportunity to convert to permanent.
 - On which of the criteria that exemption is based.

STEP 6.

When you receive an acceptance in writing you must within 21 days:

- Discuss the new permanent arrangements with the employee – the hours of work etc
- Convert them to permanent in your payroll system to commence within the next full pay period (or on another date as agreed between the employee and the employer)
- Provide them with a Permanent Part Time/Full Time Employment Contract (or Letter of Appointment for businesses with an Enterprise Agreement)

When you receive a declined offer in writing you must within 21 days:

- Confirm in writing to them that you've received their decision to not convert;

When you don't receive anything in writing you must within 21 days:

- Confirm in writing to them that as you have not received their response, you have assumed that they've declined the offer.