

Reference No: **Casual Conversion Clause – Clerks Private Sector Award** Date issued: 29/11/2018

**CASUAL CONVERSION CLAUSE NOW IN THE CLERKS PRIVATE SECTOR AWARD 2010
(Clerks Award - Further to article in the VACC Update December 2018)**

The Full Bench of the Fair Work Commission has handed down important decisions as part of the four-year review of modern awards which have resulted in changes.

On 1 October 2018 the Fair Work Commission introduced a model casual conversion clause into modern awards which did not have a conversion clause. The Clerks Award did not previously include a casual conversion clause.

A summary of the requirements to comply with the new clause in the Clerks Award.

Summary of New Model Casual Conversion Clause

You must provide a casual employee, whether they are a regular casual employee or not, with a copy of the casual conversion award provisions within the first 12 months of the employee's first engagement to perform work.

In respect of casual employees already employed as at 1 October 2018, you must provide such employees with a copy of the provisions of this subclause by 1 January 2019. A copy of the clause can be found directly on the Fair Work Commission's website - at Clerks Private Sector Award 2010, Section 12 Casual Employment:

https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000002/default.htm.

Where casual conversion is agreed, the employer and employee must discuss and record in writing whether the agreed conversion is to be full-time or part-time employment. The conversion will take effect from the start of the next pay cycle following such agreement being reached unless otherwise agreed.

Once a casual employee has converted to full-time or part-time employment, the employee may only revert to casual employment with the written agreement of the employer.

Important: A regular casual employee is not obliged to convert to permanent employment.

Note:

The Vehicle Manufacturing Repair, Services and Retail Award (VMRSR Award) has had a casual conversion clause since 1 January 2010. The casual conversion clause in the VMRSR Award requires a business to offer casual conversion to a casual employee who has worked on a regular and systematic basis for 6 months although by mutual agreement the period can be extended to 12 months.

The IR Department can provide members with a copy of proforma conversation letters for both awards. Please contact VACC IR for further assistance on (03) 9829 1123.

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