

COMMUNITY AND PUBLIC
SECTOR UNION

SPSF GROUP NSW BRANCH
ABN 11 681 811 732

In Reply Please Quote AK: ndef CN 162674

23 August 2021

Ms Janelle Sheather
Workplace Relations Specialist
University of Technology Sydney
ULTIMO NSW 2007

By email: Janelle.Sheather@uts.edu.au

Dear Ms Sheather,

Re: Obligation to Offer Casual Staff Conversion to Ongoing Employment

In March 2021, parts of *Division 4A –Offers and requests for casual conversion* of the *Fair Work Act 2009* were amended that require employers to offer certain casual employees the option to permanent employment. Specifically Section 66B states:

Employer offers

(1) Subject to section 66C, an employer must make an offer to a casual employee under this section if:

(a) the employee has been employed by the employer for a period of 12 months beginning the day the employment started; and

(b) during at least the last 6 months of that period, the employee has worked a regular pattern of hours on an ongoing basis which, without significant adjustment, the employee could continue to work as a full-time employee or a part-time employee (as the case may be).

Note: An employee who meets the requirements of paragraphs (a) and (b) would also be a regular casual employee because the employee has been employed by the employer on a regular and systematic basis.

(2) The offer must:

(a) be in writing; and

(b) be an offer for the employee to convert:

(i) for an employee that has worked the equivalent of full-time hours during the period referred to in paragraph (1)(b)--to full-time employment; or

(ii) for an employee that has worked less than the equivalent of full-time hours during the period referred to in paragraph (1)(b)--to part-time employment that is consistent with the regular pattern of hours worked during that period; and

(c) be given to the employee within the period of 21 days after the end of the 12 month period referred to in paragraph (1)(a).

Note: If an offer is accepted, the conversion to full-time employment or part-time employment has effect for all purposes (see section 66K).

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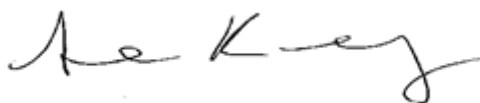
(3) For the purposes of paragraph (2)(b), in determining whether an award/agreement free employee has worked the equivalent of full-time hours, regard may be had to the hours of work of any other full-time employees of the employer employed in the same position as (or in a position that is comparable to) the position of the employee.

The amendment requires employers to identify casual employees who are affected by this provision, and to make offers of permanent conversion by 27 September 2021.

Accordingly, the CPSU NSW seeks that the University of Technology Sydney advises what procedures have been put in place to comply with the *Fair Work Act 2009*, how many casual employees will be offered conversion to ongoing employment, and the date that those offers will be made.

Please contact Senior Organiser, Anne Kennelly on akennelly@psa.asn.au to respond and or arrange a consultation meeting around this matter.

Yours faithfully,

A handwritten signature in cursive script, appearing to read 'Anne Kennelly'.

Anne Kennelly
For Stewart Little
STATE BRANCH SECRETARY