

**Know your  
rights at work**



# casual work

## What is casual work?

A casual worker is employed by the hour or by the shift rather than being employed on an ongoing permanent basis. Technically its temporary work, although the majority of casual workers have been in the same position for over a year!

The essence of casual work is that there is no entitlement to ongoing employment therefore you are forced to live without any security in your life.

Casual workers have far less protection than permanent workers. This is due to the casual employment arrangement. As a worker, you are not entitled to notice of termination and you miss out on many of the entitlements that permanent workers have.

**Australia has one of the highest rates of casualisation in the OECD. Over 27% of the Australian workforce is currently employed on a casual basis. For young workers aged 15 -24 years, the figure is much higher at over 60%.**

### **Casual loading**

If you are a casual you are supposed to be paid a higher hourly rate of pay. This extra money is called a casual loading. It is generally between 15% and 25 % of the hourly rate paid to permanent workers.

This casual loading is supposed to be compensation for missing out on all the other basic entitlements, but you receive nothing to compensate you for the lack of job security, the long term financial disadvantage and the never-ending stress that casual work entails.

## **“flexibility” for who?**

Flexibility is supposed to mean that you work when you want to. In reality, it means that you work when your employer wants you to! Casual workers cannot have a normal life as they often have no notice of when they'll be required to work. Bosses are not always flexible when you want time off to study, or go on holiday. Many workers find themselves unofficially 'on call' and if they refuse shifts they often lose their job.

Employers prefer to use casual workers because they are cheaper. It is a myth that casuals get paid more. Overall casuals are paid less because they do not get paid basic entitlements such as holiday pay, sick pay and public holiday pay. This means a major boost to employers profits, while not providing any financial security to their workers

It is also better from an employer's point of view if they only have you working during busy times. This means they can save every last cent by not paying workers during down time. This is what bosses call 'flexibility' but in reality it means they increase their profits at the expense of our pay packets.

Casual workers are much more likely to be in fear of losing their job and as such face greater stress at work. Most employers take advantage of this and pressure their employees to work harder and faster.

## **Your rights as a casual worker**

Bosses often try to make out that you have no rights at all in the workplace simply because you're casual. This is not true. While you do receive fewer entitlements than permanent workers there are still many rights that you have as a casual worker.

Knowing your workplace rights is the first step to getting organised in your workplace. For instance every casual regardless of their industry is entitled to:

- A pay slip.
- Join a trade union.
- Receive the minimum wage plus (in most cases) casual loading.
- A safe and healthy workplace as defined in the 2004 OH&S Act (Victoria)
- Workers compensation for lost wages and medical expenses if you are injured at work.
- 9% Superannuation if you earn over \$450 gross per month. (This is on top of your ordinary wages)
- Freedom from discrimination. Under the Equal Opportunity Act it is against the law to discriminate against someone on the basis of their gender, race, pregnancy, union membership etc.

## **why has casual work exploded?**

Casualisation has exploded in recent years as competition between employers has increased. This is partially a result of globalisation but also because bosses are searching for new ways to reduce wages and conditions in order to boost profits. Inevitably this had led to a 'race to the bottom' where bosses end up pitting workers against each other in order to drive down wages costs.

## **If you are sacked without reason...**

One of the great problems for casual workers is being sacked without warning and without reason. Casual workers are commonly just 'written off the roster'.

Despite what your boss might have you believe, it's important to know that even as a casual you have many rights in regards to dismissal. Even if you are a new employee, there are still laws to protect you and action you can take if you are treated unfairly.

You may have a case for unfair dismissal or unlawful dismissal. This can lead to reinstatement or compensation. It could also lead to possible penalties against your employer. It is not legal for your boss to sack you for reasons such as raising health and safety concerns, being too old (to be paid youth rates), or complaining about unfair shift changes.

Casual workers have all the same rights as permanent workers when it comes to health and safety and equal opportunities at work. *If you are sacked it is important to seek advice and support from your union and co-workers immediately.*

## **The solution – casuals need to organise!**

While it is more difficult to organise your workplace when you are a casual, it's not impossible! Even casual workers have workplace rights.

By sticking together we can win better wages and conditions. By organising casual workers into fighting unions we can force employers to give us the security in our lives that we deserve.

# If you work in fast food or retail.... **join UNITE!**

UNITE is a fighting union for fast food and retail workers in Victoria. The fast food and retail industries are a source of employment for thousands of young people. Employment in these industries usually means casual hours, low pay, workplace bullying, and unsafe work practices.

This growing sector is mostly dominated by a handful of greedy corporations who are determined to drive down production costs in order to boost profits. One way that they reduce production costs is by employing young people and paying them low wages. Another way is by employing most of their staff on a casual basis. This saves them money by not having to pay out holiday pay, sick pay and all of the other benefits permanent staff enjoy.

It doesn't have to be this way! The creation of low paid casual jobs in the fast food and retail industries is only a relatively recent development. The reason other industries have been able to achieve better wages and conditions is by building fighting unions and bargaining collectively to force these greedy companies to pay higher wages, improve conditions and to provide workers with some security in their lives.

The time for workers in fast food and retail to have their own fighting union is long overdue. We urge all workers in the fast food and retail sectors in Victoria to join UNITE.

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Membership fees:

| HOURS<br>(per week) | WEEKLY<br>FEES |
|---------------------|----------------|
| 0 - 10              | \$2            |
| 10 - 20             | \$4            |
| 20 +                | \$6            |