



# Casual Employment

Research findings to inform  
independent review of SAJER Act

November 2022

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Managing Director  
Behavioural Economics Team of the Australian Government  
Department of the Prime Minister and Cabinet  
1 National Circuit  
Barton ACT 2600  
Email: [beta@pmc.gov.au](mailto:beta@pmc.gov.au)

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## Research team

BETA team members who contributed to the research include Shae Ffrench, Brad Carron-Arthur Ph.D., Aurore Chow Ph.D., Dana Leidl Ph.D., Rachel Stichnau, and Andrew Bromwich.

## Acknowledgments

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# Who?

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## Who are we?

We are the Behavioural Economics Team of the Australian Government, or BETA. We are the Australian Government's first central unit applying behavioural economics to improve public policy, programs and processes.

We use behavioural economics, science and psychology to improve policy outcomes. Our mission is to advance the wellbeing of Australians through the application and rigorous evaluation of behavioural insights to public policy and administration.

## What is behavioural economics?

Economics has traditionally assumed people always make decisions in their best interests. Behavioural economics challenges this view by providing a more realistic model of human behaviour. It recognises we are systematically biased (for example, we tend to satisfy our present self rather than planning for the future) and can make decisions that conflict with our own interests.

## What are behavioural insights and how are they useful for policy design?

Behavioural insights apply behavioural economics concepts to the real world by drawing on empirically-tested results. These new tools can inform the design of government interventions to improve the welfare of citizens.

Rather than expect citizens to be optimal decision makers, drawing on behavioural insights ensures policy makers will design policies that go with the grain of human behaviour. For example, citizens may struggle to make choices in their own best interests, such as saving more money. Policy makers can apply behavioural insights that preserve freedom, but encourage a different choice – by helping citizens to set a plan to save regularly.

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# Executive summary

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The Attorney-General's Department<sup>1</sup> asked BETA to examine the drivers of behaviour in the conversion of employees from casual to permanent roles by conducting research with current and recent casual employees and employers.

BETA's research delivers an evidence base to help inform key questions relevant to the independent review of the *Fair Work Amendment – Supporting Australia's Jobs and Economic Recovery Act 2021* (the SAJER Act), summarised below. This research was commissioned alongside a range of other inputs to the independent review, including analysis of casual conversion rates by the Australian Bureau of Statistics (ABS). The purpose of this report is to provide a full description of our research methods and findings.

In two online surveys, we collected the views and experiences of 1,211 recently converted and long-term casual employees, and 813 employers of casual staff. We also conducted 20 qualitative interviews. Our research focused on specific groups of people who may have been impacted by the SAJER Act: long-term casual employees, employees who have recently converted to permanent roles, and employers of casual staff.

**Motivations and barriers for casual conversion.** *What is driving decisions to offer, request, and accept casual conversion?*

Most of the long-term casual employees we surveyed would prefer to remain in a casual role, valuing the flexibility and higher rate of pay. However, for those who would like to convert to a permanent role, this was primarily driven by a desire for financial stability, leave entitlements and regular hours of work.

Outside of the legal requirements to do so, employers often have strong motivations to hire permanent employees and convert existing casual employees to permanent roles. Employers told us they converted staff to avoid paying the casual loading, to 'lock in' employees in a tight labour market, and as a 'reward' for high performers who have demonstrated their commitment to the business. As evidence of these existing motivations, our survey with employees found that most casual conversions appear to be taking place *before* an employee reaches the eligibility thresholds (12 months with their employer, with 6 months of regular hours). See the *Casual conversion in practice* section for further details of these 'organic' conversions.

However, there are a number of long-term casual employees who want to convert, but have not been able to. Our research found that barriers to conversion experienced by employees include a lack of awareness of their rights, not being eligible (or eligibility being contested by their employer), and the business having a need for casual staff. For employees in small businesses (where the onus is on the employee to request

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<sup>1</sup> At the time of project commissioning, the employment conditions policy area responsible for this review was in the Attorney-General's Department. This has since shifted to the Department of Employment and Workplace Relations (National Employment Standards Policy Team).

conversion), comfort making a request is also a barrier – only a third of employees in small businesses say they are definitely comfortable enough to request conversion.

The two most common reasons provided by employers for not offering conversion to eligible employees are aligned with the ‘reasonable grounds’ specified in the legislation: that the work schedule will change, or that the hours of work will reduce or the position will no longer exist. However, a third of employers told us they did not offer conversion to eligible employees because of poor performance.

**Awareness and comprehension.** *Are casual employees and employers aware of the changes? Do they understand their rights and obligations?*

Around half of current and recent casual employees report being aware of the changes to the Fair Work Act, compared with a large majority of employers.

While awareness of the changes is relatively low among employees, a higher proportion (approximately three quarters) are aware of their entitlements to request or be offered conversion, meaning they may simply not be aware the laws have changed.

Although most employers indicated they were aware of the changes, it appears to be common for employers to misunderstand their obligations in regards to distributing the Casual Employment Information Statement (the CEIS), and notifying and making offers to convert their eligible casual employees.

**Eligibility for casual conversion.** *How common is eligibility for conversion among long-term casual employees?*

Among long-term casuals (employed for 12 months or more with the same employer), *eligibility* for casual conversion (based on having a regular pattern of hours for 6 months or more) appears to be common. Of the long-term casuals we surveyed, 7 in 10 have likely been eligible for conversion at some point since March 2021, based on self-reporting a regular pattern of shifts for 6 months or more.

**Self-reported compliance.** *Are employers generally following their obligations, including providing employees with the CEIS, notifying eligible casual employees, and making offers?*

Our research cannot measure actual compliance with the requirements under the SAJER Act, as we rely on self-reports. Employer and employee views often differ on compliance; employers self-reported a higher level of compliance than the level of employer compliance reported by casual employees.

A majority of employers report they have provided the CEIS to their casual employees. However, only around one third of employees report receiving the CEIS, and of those, just over half can recall any information that was on it.

The vast majority of employers from medium and large businesses told us they have notified some or all of their casual employees of their eligibility to convert, but only 3 in 10 eligible employees from medium and large businesses report being notified within the relevant timeframe.

Among our sample, less than 1 in 10 eligible employees reported being converted to permanent positions since March 2021 via an offer from their employer. It appears to be

more common for eligible employees to convert after making a *request to* their employer, even in medium and large businesses, where notifications are required.

**Attitudes towards casual conversion laws.** *Have employers and employees found the changes helpful?*

When asked for their views about the changes to the Fair Work Act, most employees reported the amendments have had no impact for them (noting only around half were aware of the changes prior to the survey). However, over a third say it has been a helpful change, and very few casual employees say it has been unhelpful. The requirement for employers to notify eligible employees was found to be particularly helpful, as many employees were not aware of their eligibility to convert.

Most employers report they have found the changes helpful. Employers who already had strong motivations to convert employees (and who had complied with the requirements) felt the laws are generally fair. Those who reported not following the requirements told us they did not see the changes as problematic because they had so far been able to continue with their existing practices.

**Unintended consequences.** *Have there been any unintended consequences of the changes?*

Despite overall positive or neutral views about the changes, we did find some evidence of potential unintended consequences.

Some employees reported negative outcomes, such as tension in the workplace after they were notified about their eligibility, but not offered conversion.

A majority of employers say the notification process has created challenging workplace dynamics, and 4 in 10 told us it had imposed a significant administrative burden.

# Project background

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## Policy context

The SAJER Act made changes to the Fair Work Act in regards to casual employment rights and requirements, including new measures to support casual conversion. These changes include that:

- Employers must provide casual employees with the Fair Work Ombudsman’s ‘Casual Employee Information Statement’ (the CEIS).
- Employers, except small businesses, are required to notify eligible casual employees of their eligibility to convert, and make offers of permanent employment unless they have reasonable grounds not to. These ‘reasonable grounds’ to not offer conversion include that, within the next 12 months:
  - the position will not exist,
  - the hours of work will significantly reduce, or
  - the days or times the employer needs the employee to work will change significantly, and the employee will not be available to work the revised schedule.
- Eligible casual employees, including those who work for small businesses, can also request to convert to a permanent position, provided they have not been offered or made a request in the last 6 months.
- The eligibility criteria for conversion are that the employee:
  - has been employed for 12 months with the same employer,
  - has worked a regular pattern of hours on an ongoing basis for at least the last 6 months, and
  - could continue working that regular pattern of hours as a permanent employee without significant changes.

## The research requirement

The National Employment Standards Policy Team in the Attorney-General’s Department (now in the Department of Employment and Workplace Relations) asked BETA to examine the drivers of behaviour in the conversion of casual employees to permanency by conducting research with current and recent casual employees and employers.

Our research findings will be considered by an independent reviewer to support their assessment of the appropriateness and effectiveness of the changes made by the SAJER Act, including any unintended consequences. This research was commissioned alongside a range of other inputs to the review, including industry consultation and analysis of casual conversion rates by the Australian Bureau of Statistics (ABS).



Our research delivers an evidence base to inform key questions relevant to the review, including:

- 1 **Motivations and barriers for casual conversion.** What is driving decisions to offer, request, and accept casual conversion? This focuses on factors outside of the legal requirements, including the role of employee choice, employer and employee preferences for casual and permanent roles, and comfort making a request.
- 2 **Awareness and comprehension.** Are casual employees and employers aware of these changes to the Fair Work Act? Do casual employees and employers understand their rights and obligations in regards to casual employment and casual conversion?
- 3 **Eligibility for casual conversion.** How common is eligibility for conversion among long-term casual employees?
- 4 **Self-reported compliance.** Are employers generally following their obligations under the changes to the Fair Work Act, including providing employees with the CEIS and notifying eligible casual employees?
- 5 **Attitudes towards casual conversion laws.** Have employers and employees found the changes helpful?
- 6 **Unintended consequences.** Have there been any unintended consequences of the changes?

### Purpose of this report

As this report is one of several inputs into the independent review of the SAJER Act, we have presented only factual findings from the quantitative and qualitative data collected. This report does not draw inferences or conclusions from the data, or make any recommendations to the reviewer.

# Methodology

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## Employee survey (current and recent casual employees)

In July 2022, BETA conducted a 10-minute online survey with 1,211 current and recently converted casual employees. Participants were recruited via a market research panel provider – Kantar Profiles. The focus of this survey was to understand the experiences, attitudes and behaviours of Australian employees who may have been impacted by the changes to casual employment law under the SAJER Act.

Our sample of 1,211 current and recent casual employees was comprised of two groups:

- **Long-term casu**als. We surveyed 995 people who had been in a casual role *for at least 12 months* at some point after March 2021 (when the changes to the SAJER Act came into effect). This group includes:
  - People currently in a casual role who are eligible for conversion (or have been eligible for conversion at some point in the relevant timeframe), based on having a regular pattern of hours for 6 months, as well as those who have not reached eligibility.
  - People previously in a casual role long-term, who have since converted to a permanent role.
- **Short-term conversions**. We surveyed 216 people who had been in a casual role at some point in the relevant time period, but for *less than 12 months*, and had since converted to a permanent role.
  - As this group was not the primary focus of the survey, we implemented a hard quota during recruitment to exclude any further sample who met these criteria completing the survey. At this point in the recruitment, they made up 36% of the total sample and 82% of all employees who had converted. See *Casual conversion in practice* section for more details on this group.

See *Appendix 2: Employee survey sample characteristics* for demographic details.

## Employer survey

BETA also conducted a 10-minute online survey with 813 employers of casual employees, also recruited by Kantar Profiles. The focus of this survey was to understand the experiences, attitudes and behaviours of employers who may have been impacted by the changes to casual employment law under the SAJER Act. We included employers in a range of roles, including owners, managers, and HR representatives. All had responsibility for hiring and making decisions about employment conditions for their casual staff.

See *Appendix 3: Employer survey sample characteristics* for demographic details.

## Interviews with current and recent casual employees

To complement and expand on the findings of our employee survey, BETA conducted 12 qualitative interviews with current and recent casual employees. These semi-structured interviews were approximately 45-60 minutes long, conducted by BETA researchers via video call.

See *Appendix 4: Employee interview sample characteristics* for demographic details.

## Interviews with employers

To complement and expand on the findings of our employer survey, BETA conducted 8 qualitative interviews with employers of casual staff. These semi-structured interviews were approximately 45-60 minutes long, conducted by BETA researchers via video call.

See *Appendix 5: Employer interview sample characteristics* for demographic details.

## Considerations and limitations

### Limitations of our findings in regards to measuring impact of the SAJER Act

Our research was not designed to measure direct causal impacts of the changes to the Fair Work Act on rates of casual conversion or other outcomes. We have asked individuals about their experiences and attitudes towards the changes, as well as any resulting behaviours. These findings may be considered by the reviewer as proxy measures of impact, to complement analysis by the ABS on rates of casual conversion in the relevant timeframe.

### Limitations of self-reported compliance

Our research is not able to measure actual compliance of employers with their obligations in regards to casual employment and conversion. Even in an anonymous survey, we expect self-reported compliance of employers to be overstated due to social desirability bias. As a counterpoint, we also asked employees about the compliance behaviours of their employer. However, these reports are subject to memory lapses and should be taken as a guide only.

### Impact of the COVID-19 pandemic

The COVID-19 pandemic had dramatic impacts on casual employment in Australia. Casual staff were often the first to lose their jobs during lockdowns, and these jobs have since rebounded during the economic recovery. Our research findings indicate that employee and employer preferences for permanency vs casual employment have been impacted by these experiences (see Table 4 and Table 12).

### Sampling approach and limitations

This survey was not designed to deliver findings representative of the overall casual workforce. The independent review of the SAJER Act required research to be conducted with very specific groups of people who may have been impacted by the changes to the Fair Work Act (long-term casual employees, employees who have recently converted to permanent roles, and employers of casual staff). We posed a range of survey questions tailored to the experiences of these sub-groups, for example, asking employers who did not offer conversion to their eligible employees for the reasons they provided. It is important to note

that each finding presented in this report is based on the views and experiences of a specific sub-group – as indicated in each data table – not the wider population.

We used a non-probability-based sampling approach, and no weights have been applied to responses of the individuals we surveyed. This is due to the project requiring a large sample of people from a very specific population of employees and employers. Because of the sampling method, we do not make estimates to any population (including the populations from which our sub-groups were drawn). The statistics presented in this report simply *describe* the current sample and subgroups. Additionally, for this reason, we do not include statistical inferences (such as confidence intervals and p-values) in this report.

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### Qualitative research limitations

Qualitative research is useful in providing further context for how people have experienced the changes to the Fair Work Act, and understanding the factors motivating behaviours. However, these qualitative findings are based on a relatively small sample size, and should not be interpreted as representative of the relevant population.

For further discussion of our research approach, limitations and considerations please see *Appendix 1: Technical notes*.

# Motivations & barriers for casual conversion

This section covers motivations for employee and employer decisions to offer, request and accept casual conversion. We focus on driving factors outside of the legal requirement to offer conversion to eligible employees.

## Preferences for casual vs permanent roles

### Overall preference for casual vs permanent roles – employee survey results

A majority (63%) of the long-term casual employees we surveyed say they would prefer to remain in their current casual role, rather than convert to a permanent position. A quarter (26%) would like to convert to a permanent role, and a further 11% have no preference.

**Table 1. Preference for casual vs permanent role (among long-term casual employees)**

Preference for casual vs permanent role	% selected
Prefer to remain in current casual role	63%
Prefer to convert to permanent position	26%
No preference	11%

Source: Q - Would you prefer your current role to a permanent position instead of a casual position?  
Base: Current long-term casual employees, n=487.

Of the 63% who would prefer their current role to remain casual, a third (33%) would be open to shifting to a different permanent role or becoming permanent at some point in the future. The remainder would like to remain in their current casual role long-term.

Preference for casual vs permanent roles does appear to differ based on the employee's individual circumstances:

- Long-term casual employees with a *regular pattern of hours* are more likely to prefer converting to a permanent role (32% would like to convert, vs 18% of employees who do not have a regular pattern of hours).
- Casual employees experiencing very high levels of financial stress are more likely to want to convert to a permanent role (40% vs 16% of those with low levels of financial stress<sup>2</sup>).

<sup>2</sup> Financial Stress indicator, as used in the 2014-15 ABS National Health Survey, is based on the individual's capacity to raise money in an emergency.

There are no notable differences in preference for casual vs permanent roles across industries or by size of business.

## Motivations to seek permanent roles

### Motivations to seek permanent roles – employee survey results

For those casual employees who would like to convert to a permanent role, this is primarily driven by a desire for improved financial stability, followed by the appeal of paid leave entitlements and the guaranteed regular hours of work.

**Table 2. Reasons permanent role preferred (among long-term casual employees who would like to convert)**

Reasons for preferring a permanent role	% selected
Permanent employment improves my financial stability	40%
Paid leave entitlements	29%
Guaranteed regular hours of work	27%
More opportunities for training or career progression	2%
Other reason	2%

Source: Q - What is the main reason you want to convert from casual to a permanent role? Base: Current casual employees who would prefer a permanent role, n=93. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.

For employees who have taken the step of *requesting conversion* from their employer, this was also mostly based on a desire for improved financial stability.

**Table 3. Reasons permanent role requested (among current or recently converted casuials who requested conversion)**

Reasons permanent role requested	% selected
Permanent employment improves my financial stability	38%
Paid leave entitlements	19%
Guaranteed regular hours of work	21%
More opportunities for training or career progression	20%
Other reason	2%

Source: Q - What is the main reason you made the request to convert from casual to a permanent role? Base: All employees who requested conversion (irrespective of outcome), n=336.

There were no notable differences between sub-groups (industry, employee circumstances, etc.) on the above drivers of preference for permanency.

### Shifts in preference for having a permanent role – employee survey results

We asked all participants if their preference for a permanent or casual role has shifted over the last two years. For those who now have a stronger preference for a permanent role, this is most commonly attributed to changes to personal circumstances, followed by the COVID-19 pandemic. However, a quarter of employees who now have a stronger preference for a permanent role attribute this to the changes to the Fair Work Act.

**Table 4. Reason for shift in preference (among long-term casual employees who now have a stronger preference for a permanent role)**

To what extent is your change in preference (towards a permanent role) due to...	Almost entirely	To some extent	Negligible or not at all
The COVID-19 pandemic	32%	45%	24%
The changes to the Fair Work Act	25%	48%	27%
Changes to personal circumstances	43%	45%	12%

Source: Q - To what extent is your change in preference due to... Base: Employees who now have a stronger preference for a permanent role, n=545.

### Motivations to seek permanent roles – employee interview findings

In our qualitative interviews, the employees who wanted to move into a permanent role generally cited two main drivers: the stability and security of hours and income, and the benefits of having leave entitlements.

Many employees drew a direct link between predictability of income and their ability to afford housing – usually a mortgage, but also rent.

***“I think [being permanent] just gives you a bit of peace of mind because I've had it in the past where working as a casual, something happens ... and you lose all your shifts and it's like you don't know if you're going to be able to pay rent the next week.”***

(Employee, casual, small business, retail)

In particular, those with caring responsibilities saw the benefits of having sick leave and annual leave in a permanent role.

***“For me, as someone with a family, the benefits of the leave, holidays, pay, sick leave or that kind of stuff is something that I do value at the moment and is something that I would like to have.”***

(Employee, casual, medium/large business, education)

Others felt that to have a ‘real career’, or to progress within the organisation, they would need to move into a permanent role. Overall, most felt that moving from a casual role to a permanent role would mean a reduction of stress and uncertainty in their work lives.

### Barriers to casual conversion

Some long-term casual employees would like to convert, but have not been able to. This group is of particular relevance to the independent review of the SAJER Act, as the

amendments primarily focused on supporting secure employment for long-term casual employees. Our research found that barriers to conversion experienced by employees include a lack of awareness of their rights, not being eligible (or eligibility being contested by their employer), and the business having a need for casual staff.

### Barriers to conversion to permanent roles – employee survey results

In an open response question, we asked current casual employees who would prefer a permanent role what is the main thing stopping this from happening for them. These responses were then categorised into common themes, with some responses categorised into more than one theme. This was a small sub-group within our survey sample, but among those responses, the most commonly cited barriers were a lack of permanent jobs available in their organisation and not being eligible. Some also felt their employer was not correctly interpreting the eligibility criteria for conversion:

***“[My employer] believes my hours are unreliable and potentially will reduce, which isn’t true.”***

*(Open text response in survey, Casual employee, wants to convert)*

**Table 5. Stated barriers to conversion (among current casual employees who would prefer to convert to a permanent role), coded open response**

Reason for non-conversion (themes)	% of responses coded to each category
Business requirements / no permanent roles available to me	23%
No specific barrier	18%
Not eligible / my employer thinks I am not eligible	16%
Fear of consequences / fear of making request	14%
Previously unaware this was an option	8%
Don't want to / can't lose the higher casual pay rate	7%
Other reason	12%

*Source: Q - What is the main thing that is stopping you from converting to a permanent role? Base: Current casual employees who would prefer a permanent role, n=95. An additional 34 employees were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.*

Lack of comfort in making a request to convert is also a barrier, which is particularly relevant for employees in small businesses, where their employer is not obligated to notify or offer them conversion. Only a third of employees in small businesses say they are definitely comfortable enough to request this of their employer.



**Table 6. Level of comfort making a request to convert (among casual employees in small businesses)**

Level of comfort making a request	% selected
Not at all comfortable – I wouldn't do it	23%
Somewhat comfortable – I might do it	47%
Comfortable enough that I would do it (or already have done it)	31%

Source: Q - Hypothetically, how comfortable would you feel making a request of your employer to convert to a permanent role? Base: Casual employees in small businesses, n=133.

### Barriers to conversion to permanent roles – employee interview findings

Several employees we interviewed told us they would not be comfortable making a request to move to a permanent role, particularly if their employer made it clear the business had a preference for casual staff, or if they did not feel secure in their employment.

One long-term casual employee shared that he expected if he requested conversion, he would be viewed as a 'troublemaker' and not be given shifts as a result.

***“My boss is a bit scary, so yeah... I'm not really too sure how I'd go about [asking to convert]. Usually, casuals get their hours cut and stuff like that if the bosses aren't happy, so yeah. They might think that I'm looking into laws and stuff and trying to use that against them. They might want to kick me out before I ever do anything about it.”***

(Employee, casual, medium business, construction)

### Motivations to remain in casual roles

#### Motivations to remain in casual roles – employee survey results

For those who would like to remain in a casual role, this is largely based on a desire for flexibility and having a job that suits their lifestyle.

**Table 7. Reasons casual role preferred (among current long-term casual employees who would prefer to remain in their current role)**

Main reason casual role preferred	% selected
I value the flexibility of choosing when I work	32%
It suits my lifestyle	30%
I value the higher pay rate	15%
I don't plan on having the job for long	6%
It's the norm in my industry / role	6%
I am working more than one job	5%
Easier to leave if I don't like the job	1%
Provides good work experience / good entry to the job market	1%
Other reason	2%

Source: Q - What is the main reason you would prefer to remain in a casual role? Base: Current long-term casual employees who would prefer to remain in a casual role, n=306.

Similarly, for eligible employees who have *not requested conversion*, the most common reason cited was a desire to retain their flexibility in hours as a casual. However, for some, not making a request was not an active choice; 17% say they were unaware this was an option for them.

**Table 8. Reasons permanent role NOT requested (among current long-term casual employees who did not request conversion)**

Main reason permanent role NOT requested	% selected
I get more flexibility in hours as a casual	29%
I get a higher hourly pay rate as a casual	19%
I was not aware this was an option	17%
I am planning to leave my current employer	8%
I am not eligible for conversion	7%
I'm not comfortable asking	5%
My employer told me this wasn't an option	4%
Other reason	10%

Source: Q - What is the main reason you did not request to convert from casual to a permanent role? Base: Employees who did not request conversion, n=875.

There were no notable differences between sub-groups (industry, employee circumstances, etc.) on drivers of preference for casual roles.

### Motivations to remain in casual roles – employee interview findings

In our qualitative interviews, those who were happy to remain in their current casual roles typically spoke about appreciating the flexibility of the work and the higher hourly pay rate.

Flexibility of hours was particularly important for those who worked part time, and needed their casual role to fit around other aspects of their life, such as studying or caring responsibilities. Some told us that this flexibility was critical to their ability to remain in the workforce, and that they would not be able to take on a permanent role with consistent shifts.

Others mentioned the appeal of being able to turn down shifts, not being obligated to work if they did not want to.

***“I was happy being casual for a long time. Casual means you're flexible. You can take a day off whenever you feel like it.”***

(Employee, permanent, medium/large business, education)

The higher hourly wage was particularly appealing for those who worked in industries where weekend shifts (with higher rates of casual loading) are common, including hospitality and retail.

Some casual employees we interviewed were worried that a permanent role would also come with increased work pressure and a need to take on additional responsibilities, which they wanted to avoid.

### Preferences for hiring casual vs permanent roles

Outside of the legal requirement to do so, some employers have strong motivations to hire permanent employees and convert existing casual employees to permanent roles. This includes avoiding paying the casual loading, ‘locking in’ staff in a tight labour market, and keeping their workforce happy and secure.

### Preferences for employing casual vs permanent staff – employer survey results

Twice as many employers say they generally prefer employing permanent employees than those who say they prefer hiring casuals (35% vs 18%). However, almost half of employers say they do not have an overall preference, or that this varies according to business needs or the type of role.

**Table 9. Employer preference for employing people in casual or permanent roles (among all surveyed employers)**

Preference for employing casuals / permanents	% selected
Overall, I prefer employing casual employees	18%
Overall, I prefer employing permanent employees	35%
No preference	20%
My preference varies according to their role or the needs of the business at the time	27%

Source: Q - In general, do you have a preference for employing people in casual or permanent roles?  
 Base: All surveyed employers, n=813.

Preference for hiring casual vs permanent employees differs based on business type:

- Larger businesses (100+ employees) tend to prefer employing permanent employees (45% of employers in large businesses prefer hiring permanent employees, vs 35% overall).
- Small businesses (1-14 employees) have a greater need to be flexible; 37% of employers in small business say their preference varies based on needs at the time (vs 27% overall).
- Employers in the financial and insurance services industry are the most likely to prefer permanent employees, and those in the accommodation and food services industry are the least likely to prefer hiring permanent employees.

## Motivations to hire permanent employees

### Motivations to hire permanent employees – employer survey results

When choosing to hire staff in permanent roles (rather than casuals), employers told us this was largely based on a desire to ‘lock in’ employees and have certainty around when they will be working. They are also motivated by wanting to ‘do the right thing’ by their employees, with many saying they want their employees to have leave entitlements.

**Table 10. Reasons employers prefer hiring permanent staff (among employers with a preference for hiring staff in permanent roles)**

Reasons for preferring hiring permanent staff	% selected
It makes me more confident the employee will stick around	44%
It gives me certainty regarding when employees will be working	42%
I want my employees to have leave entitlements	42%
My employees prefer it	33%
It’s the normal thing to do in a business like mine	29%
It means I don’t have to pay casual loading	21%

Source: Q - Why do you prefer hiring people in a permanent position? Base: Employers who prefer hiring permanent employees, n=284. As this was a multi-select question, the data sums to greater than 100%.

### Shifts in preference for hiring permanent vs casual staff – employer survey results

When asked if their attitudes towards hiring have changed in the last two years, half of employers (49%) are now *more willing* to take on permanent staff.

**Table 11. Shifts in employer preferences for employing casual vs permanent staff (among all surveyed employers)**

Preference for employing casuals / permanents	% selected
I am now less willing to take on permanent staff	24%
I am now more willing to take on permanent staff	49%
No change	27%

Source: Q - In the last two years, have your attitudes changed towards hiring permanent staff? Base: All surveyed employers, n=813.

Reasons for this shift in preference are mixed. For those employers who are now more willing to take on permanent staff (as of July 2022, when fieldwork was conducted), a third attribute this to the changes to the Fair Work Act, but slightly more attribute this shift to the pandemic.

**Table 12. Attribution for shift in employer preference towards hiring permanents (among employers now more willing to take on permanent staff)**

To what extent is your change in preference (towards hiring permanents) due to...	Almost entirely	To some extent	Negligible or not at all
The COVID-19 pandemic	35%	48%	18%
The changes to the Fair Work Act	32%	54%	14%
Changes to business operating environment	32%	59%	10%

Source: Q - To what extent is your change in attitude due to... Base: Employers who are now more willing to take on permanent staff, n=399.

### Motivations to convert employees to permanent roles – employer interview findings

Aligned with our survey findings, the employers we interviewed saw many benefits to hiring permanent staff or converting casual staff to permanent roles. They focused mainly on wanting to have reliable staff with consistent hours of work, but also saw permanency as important in retaining good employees.

***“You don’t want your employees to hand in a day’s notice and then go.”***

(Employer, medium/large business, manufacturing/distribution)

Employers in larger businesses, and those with predictable work patterns (e.g. not seasonal or fluctuating based on contracts) saw the financial benefits of having permanent over casual staff.

***“Well, on our end it saves us about 5% when they go to [permanent] full time. So that's the bottom line.”***

(Employer, medium/large business, manufacturing/distribution)

## Motivations to hire casual employees

### Motivations to employ casuals – employer survey results

For those employers who prefer to hire staff in casual roles (rather than permanent staff), the most common reason cited was a desire for flexibility in determining when employees work. Reasons relating to minimising financial obligations or responsibilities were less common.

**Table 13. Reasons employers prefer hiring casual staff (among employers who prefer hiring staff in casual roles)**

Drivers of preference for hiring casuals	% selected
It gives me flexibility regarding when employees will be working	41%
It's the normal thing to do in a business like mine	33%
My employees prefer it	31%
It means I am not liable to pay leave entitlements	19%
It means I am not obligated to offer shifts to someone if I don't want to	19%
I prefer not to take on the financial responsibility of keeping them on permanently	19%
Other reason	1%

Source: Q - Why do you prefer hiring people in a casual position? Base: Employers who prefer hiring casual employees, n=149. As this was a multi-select question, the data sums to greater than 100%.

# Awareness & understanding of amendments

## Awareness of changes to the Fair Work Act

Awareness of the changes to casual employment laws under the SAJER Act is greater among employers than casual employees. Around half of employees report being aware of the changes, compared with a large majority of employers.

### Awareness of amendments – employee survey results

Half (50%) of long-term casual employees say they were aware of the changes to the Fair Work Act.

**Table 14. Awareness of amendments (among all long-term and recently converted casual employees)**

Awareness of amendments – by employee sub-group	% aware
Total sample (long-term and recently converted casuals)	54%
Long-term casuals	50%

Source: Q - Prior to this survey, were you aware there were changes to employment laws regarding casual employees? This involved amendments to the Fair Work Act that took effect in March 2021. Base: All employees, n=1211.

Awareness of the changes to the Fair Work Act differs based on employees' circumstances:

- Employees in larger businesses have higher rates of awareness of the changes (58% aware), compared to small businesses (40% aware).
- Across industries, employees generally have similar levels of awareness. The exception is financial and insurance services, where 75% of casual employees are aware of the changes.
- Employees with a tertiary education are more likely to be aware of the changes (56% aware), compared to employees who have not completed secondary school (40% aware).
- Employees experiencing high levels of financial stress are less likely to be aware of the changes (37% aware).

### Awareness of amendments – employee interview findings

When discussing the changes to the Fair Work Act in the qualitative interviews, awareness among employees was quite low.

***“I’m not really aware of any changes. I think what you’re saying is vaguely from when I worked in hospitality, I remember some rules about it, but I wouldn’t be aware of any changes or new stuff.”***

(Employee, casual, medium/large business, education)

Very few of the employees we spoke to were able to accurately describe the changes to their entitlements (even if they initially reported being aware of the changes). Some employees reported they were aware of the amendments, but described changes that were not a focus of the recent laws.

***“There was some changes made, so I think it was basically that the casuals could access some leave around leave entitlements.”***

(Employee, casual, medium/large business, care/support)

### Awareness of amendments – employer survey results

In our survey, 86% of employers report being aware of the changes to the Fair Work Act. Small business employers are somewhat less likely to be aware (71%), while medium and large business employers have higher levels of awareness (90%).

**Table 15. Awareness of amendments (among all surveyed employers)**

Awareness of amendments - by employer sub-group	% aware
All surveyed employers	86%
Employers in small businesses	71%
Employers in medium and large businesses	90%

Source: Q - Prior to this survey, were you aware there were changes to employment laws regarding casual employees? This involved amendments to the Fair Work Act that took effect in March 2021.  
Base: All surveyed employers, n=813.

- Awareness of the amendments differs based on the employer’s role in the business, with owners the least likely to be aware (80%) and HR representatives the most likely to be aware (97%).
- Employers’ awareness differs by industry: almost all employers in financial and insurance services say they are aware (96%), and employers in accommodation and food services have lower levels of awareness (76%).

### Awareness of amendments – employer interview findings

Most of the employers we spoke to in the interviews believed they were familiar with the changes, but frequently described practices suggesting a lack of understanding of the specific requirements. Some employers admitted to not knowing anything about the changes to employment law, despite having responsibility for hiring and making decisions about casual employees in their business.



***“No, like I was not aware of [the changes to the Fair Work Act]. Maybe because the business setup is not as big and don't really have the compliance department as such. Sort of not aware of any of that.”***

(Employer, medium business, manufacturing/distribution)

## Awareness of casual employee entitlements

While awareness of the changes is relatively low among employees, a higher proportion are aware of their entitlements to *request* or *be offered* conversion, meaning they may simply not be aware the laws have changed.

### Awareness of entitlements – employee survey results

Three quarters of employees are aware casual employees have a right to *request* conversion, and to be *offered* conversion if they meet the criteria.

**Table 16. Awareness of entitlements for casual employees (among current and recently converted casual employees)**

Entitlements for casual employees	% aware
A right to <i>request</i> conversion (if they meet criteria)	76%
A right to be <i>offered</i> conversion (if they meet criteria)	76%

Source: Q - To the best of your knowledge, are casual employees in Australia entitled to the following conditions? Base: All surveyed employees n=1211.

There are no notable differences on awareness of entitlements by employee sub-groups.

### Awareness of entitlements – employer survey results

Eight in ten employers are aware casual employees have a right to *request* conversion. The same proportion are aware casual employees have a right to be *offered* conversion if they meet certain criteria.

**Table 17. Awareness of entitlements for casual employees (among all surveyed employers)**

Entitlements for casual employees	% aware
A right to <u>request</u> conversion (if meet criteria)	84%
A right to be <u>offered</u> conversion (if meet criteria)	84%

Source: Q - To the best of your knowledge, are casual employees in Australia entitled to the following conditions? Base: All surveyed employers, n=813.

There are no notable differences on awareness of entitlements by employer sub-groups.

## Source of awareness

### Source of awareness – employee survey results

For employees aware of the changes, most found out about these new entitlements for casual employees from the media or directly from their employer.

**Table 18. Source of awareness (among current and recently converted casual employees who were aware of the changes to the Fair Work Act)**

Source of awareness (employees)	% selected
Media	38%
Employer	31%
Casual Employee Information Statement	24%
Fair Work Ombudsman / Fair Work Commission	23%
Colleague	18%
Union	17%
Other source	2%

Source: Q - How did you find out about these changes to employment laws regarding casual employees? Base: Employees aware of the changes, n=651.

#### Source of awareness – employer survey results

For employers aware of the changes, most found out about these new obligations and entitlements for casual employees from the Fair Work Ombudsman or Fair Work Commission, from an industry body or association, or heard about it in the media.

**Table 19. Source of awareness (among employers aware of the changes to the Fair Work Act)**

Source of awareness (employers)	% selected
Fair Work Ombudsman / Fair Work Commission	38%
Industry body / association	33%
Media	31%
Corporate guidance / my organisation's head office	29%
Someone else in my business	23%
Another employer/business like mine	21%
A solicitor or workplace relations adviser	20%
Bookkeeper / accountant	19%
Employee	18%
Other source	1%
Unsure / can't remember	3%

Source: Q - How did you find out about these changes to employment laws regarding casual employees? Please select all that apply. Base: Employers aware of the changes, n=698.

### Source of awareness – employer interview findings

Consistent with the survey findings, most of the employers we interviewed told us they found out about the changes from online resources. Some employers, mostly those from smaller businesses, kept track of changes to employment laws through third parties such as employment agencies and accountants.

*“I actually do remember going through [the changes to the law] with an employment agency, and it was actually last year.”*

(Employer, small business, hospitality)

*“Our accountant sends us a lot of information as well, I guess if it's something we need to keep up with, something really important. I probably don't go looking for it, honestly.”*

(Employer, small business, retail)

## Understanding of amendments

### Understanding of amendments – employee survey results

Among employees who are aware of the changes to the Fair Work Act, 39% say they understand how it affects them.

**Table 20. Understanding of amendments (among current and recently converted casual employees who were aware of the changes to the Fair Work Act)**

Level of understanding (employees)	%
I have only heard about it, I don't know any of the details	19%
I understand a little but I'm not fully sure how it affects me	42%
I understand it to the extent that it affects me	31%
I understand it fully, I could explain it to someone else	8%

Source: Q - How would you describe your level of understanding of these new laws? Base: Employees aware of the amendments, n=651.

Understanding of the changes to the Fair Work Act differs for employee sub-groups:

- Employees who have not completed secondary school are less likely to understand the changes (28% understand how it affects them vs 39% overall).
- Employees experiencing high levels of financial stress are less likely to understand the changes (29%).

### Understanding of amendments – employee interview findings

Many employees we interviewed seemed to underestimate their understanding of the changes to their entitlements. Although most reported they were unsure about or unaware of changes to the Fair Work Act, their explanations indicated almost all were aware of the basics of their entitlements as casual employees.

***“So I know with my employer that, after 12 months as a casual employee, if you've worked a regular pattern of hours, they have to transfer you over to a permanent position, and they can't actually go about and change your pattern of hours to avoid having to do that. So I knew that was a thing with my employer, but I believe that that's not necessarily just a rule of theirs, that it's a government change to allow that.”***

(Employee, casual, medium/large business, retail)

Some employees had clearly heard about the changes, but did not fully understand the more granular details, such as the employer needing to make an offer in writing, and the employee needing to respond to confirm the conversion.

***“I thought it was just an automatic thing that if you've been doing the same job for maybe same number of hours for longer than 12 months, it just happens from the employer.”***

(Employee, permanent, medium/large business, employment services).

### Understanding of amendments – employer survey results

Among employers who are aware of the amendments, 61% say they understand how it affects them as an employer, or understand it so well they could explain it to someone else.

**Table 21. Understanding of amendments (among employers aware of the changes to the Fair Work Act)**

Level of understanding (employers)	%
I have only heard about it, I don't know any of the details	13%
I understand a little but I'm not fully sure how it affects me as an employer	26%
I understand it to the extent that it affects me as an employer	44%
I understand it fully, I could explain it to someone else	17%

Source: Q - How would you describe your level of understanding of these new laws? Base: Employers aware of the amendments, n=698.

### Understanding of amendments – employer interview findings

Our interviews with employers revealed quite low levels of understanding of the changes in regards to their obligations. Although most employers indicated they were aware of amendments, they appeared to not fully understand their responsibilities as an employer. They often described practices loosely aligned with the recent amendments, but very few understood their new responsibilities.

***“I thought that it's at your discretion that you can do it [offer conversion]...I know there was talk that after a certain amount of, certain period of time, I know they were pushing to say that, well, if someone's been a casual for X amount of years, then they should have the same rights [as a permanent] because it's obviously an ongoing sort of thing...That's just stuff I've heard. I haven't followed through with the legislation of it.”***

(Employer, medium/large business, manufacturing/distribution)

Larger companies with more sophisticated HR infrastructure were more likely to describe workplace practices similar to those outlined in the laws, with medium to small businesses having the lowest level of understanding.

***“I think, because I remember that it was something like 12 months or so. I don't know why I'm thinking that, but there was like a time of 12 months that they... Or two months. Look, I can't remember exactly.”***

(Employer, small business, hospitality)

# Experiences of casual conversion

## Eligibility for casual conversion

### Self-reported eligibility status – employee survey results

Among long-term casuals, 7 in 10 have likely been eligible for conversion at some point since March 2021, based on self-reporting a regular pattern of hours for 6 months or more.

**Table 22. Eligibility status (reported by long-term casual employees)**

Long-term casual employees self-reporting eligibility for conversion	%
Yes	69%
No	31%

Source: Q - [Since March 2021], have you worked a regular pattern of hours for at least 6 months? AND Q. Based on this [description of eligibility requirements], are you or have you been eligible for conversion from casual to permanent employment? Base: Long-term casual employees, n=995.

Rates of eligibility vary by business type and industry:

- Long-term casual employees in small businesses are more likely to report working a regular pattern of hours (72%) vs employees in medium and large businesses (67%).
- Long-term casual employees in the health care and social assistance industry and the financial and insurance services industry have higher rates of eligibility, with 78% and 89% respectively working a regular pattern of hours. The education and training industry has the lowest, with around half (55%) reporting a regular pattern of hours.
- Those who work more hours are more likely to have regularity in shifts; those who work between 3-5 full days a week as a casual are more likely to have regular hours (78%) vs those who work less than 1 day a week (35% have regular hours).

### Eligibility of staff – employer survey results

Aligned with the high rates of eligibility reported by employees, a strong majority of employers report having at least one eligible casual employee in the relevant timeframe.

**Table 23. Eligibility of staff (reported by employers with long-term casual employees)**

If had at least one long-term casual employee with a regular pattern of hours for 6 months	%
Yes	89%

If had at least one long-term casual employee with a regular pattern of hours for 6 months	%
No	11%

Source: Q - Did any of these long-term casual employees work a regular pattern of hours for at least 6 months? AND Q. Based on this [description of eligibility requirements], has your business had casual employees who meet this eligibility criteria? Base: Employers with long-term casual employees, n=766.

## Pathways for casual employees to convert

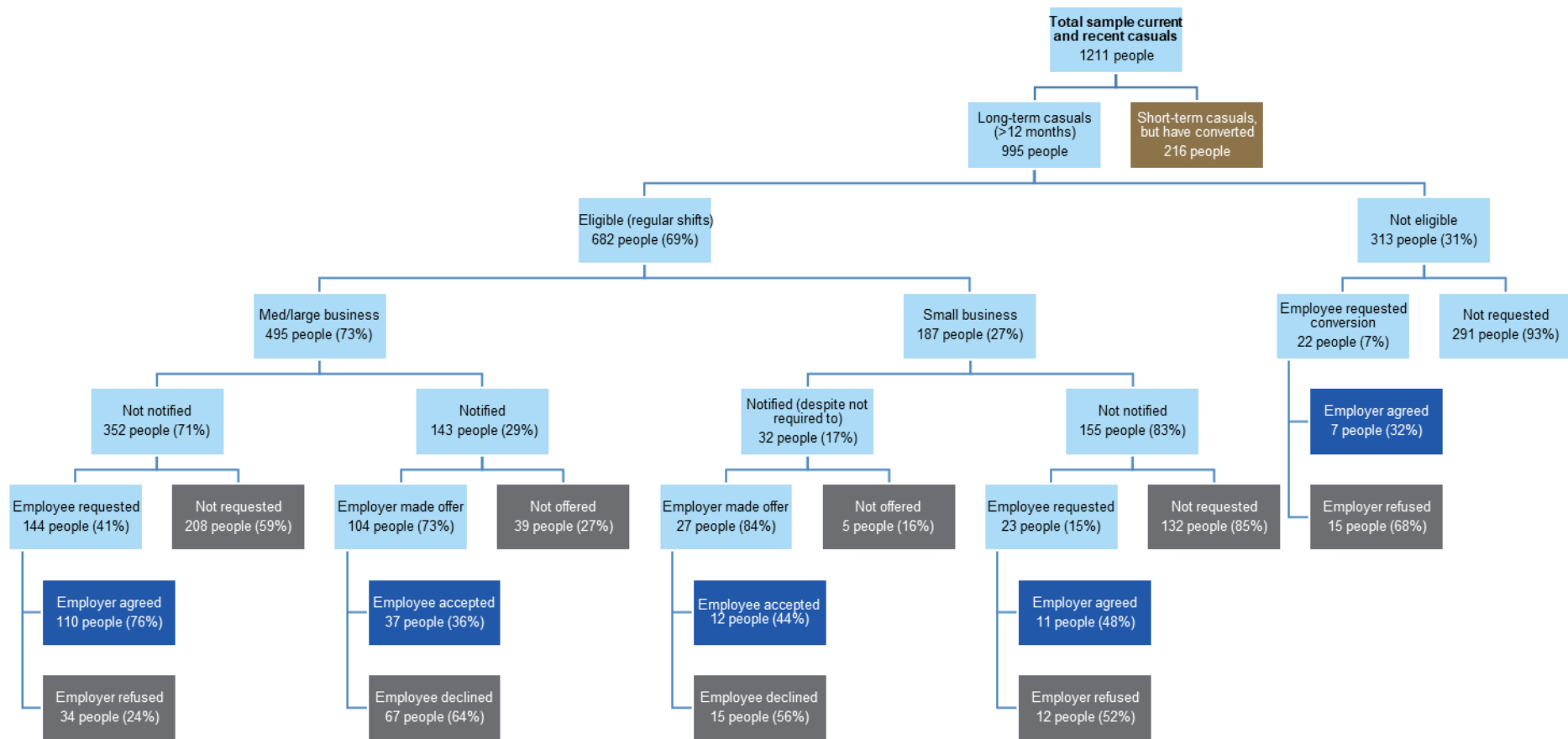
There are a number of ways for casual employees to convert to a permanent role. 0 illustrates these conversion pathways based on the experiences reported by employees in our survey. 0 includes counts of the number of employees in each pathway, with percentages in each box describing the proportion of each sub-group for the box immediately above.<sup>3</sup> Conversion pathways include:

- 1 An employee can convert *before they are technically eligible* under the current laws. We refer to this group as ‘short term’ or ‘organic’ conversions (see gold box in the pathway illustration on next page). This scenario was not the primary focus of this study; see the *Casual conversion in practice* section for more details.
  - i This conversion occurs when it is mutually agreed between the employer and employee (the employer is under no obligation to offer or agree to conversion).
- 2 When an employee becomes *eligible for conversion*, their employer may notify them with an offer to convert their casual role to a permanent position, or to provide reasonable grounds for why they are not offering conversion.
  - i In medium and large businesses (with 15 or more employees), this notification is required. However, in our study a large number of eligible employees in medium and large businesses report not being notified.
  - ii In small businesses, this notification is not required. However, our research shows the notification and offer process does still occur in some small businesses.
  - iii When notified with an offer to convert, the employee can either accept (and convert) or decline (not convert).
- 3 If an employee is eligible and has not been notified by their employer (either because they are in a small business or their employer was non-compliant), or 6 months has passed since a previous notification or request, they can *request conversion*.
  - i Their employer can then agree to this request (and convert them) or refuse this request (and not convert them).

<sup>3</sup>Percentages displayed are based on the proportion in each scenario by row. These figures do not reference percentages of the overall employee survey sample, or the casual workforce population. Dark blue boxes represent scenarios where conversion occurred, dark grey boxes represent scenarios where conversion did not occur. Source for Figure 1 (multiple questions): Q S4. Length of time in current casual job. S6 & S7. Length of time in previous casual job. S8. If converted since March 2021. S9. If worked regular pattern of hours. S11. Size of business. E19. Confirmation of eligibility status. E23 & E24. If notification / offer made. E25. If accepted offer. E36. If requested to convert. E37. If employer accepted request.

Casual Employment – Research findings to inform independent review of SAJER Act

Figure 1. Casual conversion pathways (reported by current and recently converted casual employees)





## Rates of casual conversion among eligible casual employees

It is important to note that our research was not designed to measure actual rates of casual conversion in the labour force, or how these have changed since the SAJER Act was introduced. We understand the ABS has conducted an analysis of conversion rates in the labour force for the relevant timeframe, and that the independent reviewer will consider this data alongside our research.

### Casual conversions – employee survey results

For the participants in our research (which involved a non-random panel sample of current and recent casual employees), 7% of employees who were eligible for conversion at some point since March 2021 reported they have since converted after being *offered* a permanent role by their employer. A further 18% of eligible employees reported they have converted after making a *request* to their employer. This means that in total, 25% of eligible casuals reported converting within the relevant timeframe, and the majority of these were not through the required ‘notification and offer’ process.

The rates of employers making offers to and converting eligible employees is not any higher in medium and large businesses (where notification is required), also at 7% (vs 6% in small businesses, where it is not required).

**Table 24. Conversions since March 2021 (reported by eligible casual employees)**

Type of conversion	% of eligible casuals
Eligible and converted – any method	25%
Eligible and converted – employer offered and employee accepted	7%
Eligible and converted – employee requested and employer accepted	18%

Source: Q - At any point since March 2021, have you converted from a casual position to a permanent position within the same business/organisation? By ‘converted’ we mean you changed from being a casual employee to being a permanent employee within the same role, either part-time or full-time. Q. You have told us that you have converted to a permanent position within the same role at some point since March 2021. Did you request this of your employer or did they initiate the offer? Base: Eligible casual employees, n=682.

## Casual conversion in practice

### Short-term conversions – employee survey results

Most casual conversions appear to be taking place *before* an employee reaches the eligibility thresholds (12 months with their employer, with 6 months of regular hours). Of all conversions reported in our survey, 82% occurred before an employee reached these

thresholds, and the remainder (18%) occurred when the employee was eligible.<sup>4</sup> These ‘organic’ conversions occur when the arrangement is mutually agreed between the employer and employee (the employer is under no obligation to offer or agree to conversion).

Of our total sample of n=1211 current and recent casual employees, 216 had been casual for less than 12 months since the amendments came into effect, and had since converted to a permanent role. As our study is not focused on these short-term ‘organic’ conversions, we began to exclude these type of participants from our survey once we had a sufficient understanding of how common this experience was. At the time we stopped accepting this group into the survey, they made up 36% of the total sample. The statistic mentioned above (that 82% of conversions occurred before employees were eligible and 18% after) is based on the proportion of conversions reported at the point in time when we stopped accepting short-term conversions into the survey.

### Short-term conversions – employer interview findings

Our findings from interviews with employers shed some light on this practice of ‘organic’ conversions, and may help explain why this is so common.

Several employers reported using casual employment as a mechanism to trial or ‘vet’ employees before offering them a permanent role. This could involve hiring all or most employees as casual and then converting those who were found to be suitable, based on factors such as reliability, performance, commitment and availability to work the required days and hours. Employee preference was also taken into account.

***“The way sort of we have converted casuals into permanent was based on their commitment and based on their skills.”***

(Employer, medium/large business, manufacturing/distribution)

These employers do not wait for an employee to become eligible for conversion, choosing instead to convert when it is mutually convenient for the business and the employee. In some cases, this conversion process could happen ‘almost immediately’, or after a very short trial period, depending on the availability of permanent positions.

***“... it comes to the point where, if we have an opening sometimes immediately available, as far as in our books or our budget...they’ll say, yeah, we got our opening for two full-timers, or one full-timer or something. And then they say, ‘Make an offer to these guys’, and just kind of goes through the process...”***

(Employer, medium/large business, manufacturing/distribution)

Overall, employee performance appears to be a key reason for employers to offer (or not offer) conversion to a permanent role. Consistent with the survey results, conversions described by employers and employees in the interviews were more commonly ‘short-term conversions’, occurring well before the employee reached the eligibility criteria.

The case study below provides an example of how this ‘short-term conversion’ process can operate in practice:

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<sup>4</sup> NB: These figures provide an indication of the split of when conversions are occurring (before and after the eligibility thresholds). They do not indicate the *rate* of conversion among employees before and after reaching the eligibility thresholds. See Table 24 for the rate of conversions reported among eligible employees in our survey.

### Case Study: Trialling employees with casual contracts

#### Adam<sup>5</sup>, Employer, medium business, manufacturing

Adam is an employer at a manufacturing company. He employs staff in casual roles for two reasons. First, he employs people on a casual basis to ‘trial’ them before deciding whether to offer them a permanent role in the business.

***“For people that you don’t know are suited to the job, they’ve got nothing to lose, you’ve got nothing to lose. You go, ‘Okay, we’ll start you on casual and see how it goes’.”***

Second, by employing staff casually he is able to better manage the cash flow uncertainty that comes with contract funding.

***“Like if we’ve had a contract come in and it was a temporary contract, then we might say, ‘No, don’t make them full-time, because the contract might not be there next month.’ So, yeah. But most of the time we get long enough contracts.”***

After 6 to 12 months, if the company is happy with the employee and the workflow from contracts seems stable, the employee is offered a permanent contract. If the employee accepts the offer, they are converted to permanent employment. He explained the conversion allows the company to lock in good employees whilst also providing them with a sense of security.

***“People are so keen about permanency because of the security and stability. So we find after a little while, people start getting a bit of anxiety there because like I said, it could be Christmas coming up, they think they’re going to dip out and leave or they might be wanting to plan a family. So that’s when you start to get a push from the employee sort of saying, well, ‘Hey, I’ve been working well. When are you going to make me permanent?’”***

If the employee does not want to convert to permanent employment, Adam will continue to employ the person as casual for another 6 months. After that time, Adam will offer a permanent conversion again. If the employee still does not want to convert to permanent employment, Adam will usually terminate the person’s employment. He says that it is too expensive to keep a casual employee long term.

***“Well, we offered him right at six months I think. And then he turned it down. He just decided that he didn’t want to give up the money. And to be honest, my manager said cut him loose. Well, on our end it saves us about 5% when they go to full time. So that’s the bottom line.”***

## Reasons for not offering conversion to eligible employees

### Reasons for not offering conversion – employer survey results

Employers in medium and large businesses who notified but did not offer conversion to eligible employees were asked for the reasons they provided to the employees.

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<sup>5</sup> Not participant’s real first name.

The two most common reasons provided by employers for not offering conversion to eligible employees are aligned with the ‘reasonable grounds’ specified in the legislation:

- That the work schedule will change, and the employee will not be available.
- That the hours of work will reduce or the position will no longer exist.

However, a third (34%) of employers told us they did not offer conversion to eligible employees because of poor performance, and 21% said they did not want to offer the employee entitlements such as paid leave.

Overall, 64% of employers based their decisions not to offer conversion on *at least one* of the ‘reasonable grounds’ specified in the legislation, and 36% based their decisions *only* on other grounds not expressly included in the legislation.

**Table 25. Reasons given by employers for not converting eligible staff (among employers in large and medium businesses with eligible staff not offered conversion)**

Reasons provided by employer to the employee	% selected	
That the days or times I need them to work will change significantly, and they won't be available to work the revised schedule within the next twelve months	41%	✓
That their hours of work will significantly reduce or their position won't exist within the next twelve months	36%	Reasonable grounds as specified in the legislation
They are not performing well enough to consider converting them to a permanent position	34%	
That the business didn't want to provide them with the entitlements of a permanent position such as paid leave	21%	✗ Grounds not expressly included in the legislation
That the business couldn't afford it	19%	
That the business didn't have permanent positions available	14%	
I did not provide a reason	14%	
I gave them a different reason	1%	

Source: Q - What were the reasons you gave for not offering your employee(s) conversion to a permanent position? Base: Employers in medium / large businesses with eligible casual employees who were not offered conversion, n=382.

We also asked employers who *declined an employee's request* for the reason they gave. This includes conversion requests made by eligible employees in small businesses (where there was no requirement for employers to notify or offer), and requests made by employees in medium and large businesses. It also includes requests made by employees who were not eligible at the time. Overall, the reasons for declining offers mirror the reasons for not making offers, with some notable exceptions:

- Employers *declining* an employee's request are more likely to say this is based on not wanting to provide them with entitlements such as paid leave (reason provided in

36% of cases) when compared with reasons for employers not making an offer (21%).

- When declining a request, this is less commonly based on poor employee performance (9%) vs when not making an offer (34%).

**Table 26. Reasons given by employers for declining an employee’s request to convert (among employers with casual employees who requested but were denied conversion)**

Reasons provided by employer to the employee	% selected	
That the days or times I need them to work will change significantly, and they won’t be available to work the revised schedule within the next twelve months	47%	✓ Reasonable grounds as specified in the legislation
That their hours of work will significantly reduce or their position won’t exist within the next twelve months	41%	
That the business didn’t want to provide them with the entitlements of a permanent position such as paid leave	36%	
That the business couldn’t afford it	18%	✗ Grounds not expressly included in the legislation
They are not performing well enough to consider converting them to a permanent position	9%	
I did not provide a reason	6%	
I gave them a different reason	0%	

Source: Q - What were the reasons you gave for declining your employee(s) conversion to a permanent position? Base: Employers with casual employees who requested conversion but were denied, n=277.

**Reasons given for not offering conversion – employer interview findings**

Consistent with the survey results, the employers we interviewed commonly cited grounds for not converting eligible staff members which are not expressly included in the legislation.

Often, decisions not to offer conversion to eligible staff was based on poor employee performance, or a lack of perceived ‘commitment’ to the business.

***“I think everything at the moment is a case by case basis... There are some predetermining factors in there, as well as performance. Like if casuals we've had in the role have not turned up to work, or they haven't been able to meet requirements.”***

(Employer, medium/large business, employment services)

**Reasons received when being denied conversion – employee interview findings**

According to the employees we interviewed, employers frequently provided them reasons for not offering conversion which are not expressly included in the legislation. Most commonly, decisions were based on the needs of the business at the time, with employees being told there were not enough permanent positions available.

***“When I applied to go permanent, I was under the understanding like, ‘Well, this is my right. I've been here, and I'm working 40 hours a week, it's my right.’ And***

***then, so I applied and then I was told, 'Oh, well, it depends on the business.' Well, I work 40 hours a week. I don't know why I shouldn't be getting transferred over [to] full-time."***

(Employee, casual, medium/large business, manufacturing/distribution)

One employee believed his employer was aware of the laws, but did not follow them because the flexibility of casual staff suits the business model. This was a frequent topic of conversation with his colleagues, who all agreed their employer took advantage of 'loopholes' in employment law to avoid having to offer permanent positions.

***"Well, [my co-employees and I] were just basically saying how our employer would find loopholes to cut around any permanent positions and stuff like that. Probably the reason why we're all casuals in the first place. They don't have to worry about guaranteeing you hours or they can just get rid of you whenever they want. They get a lot of contract work and also they want people on their books so they can bid for the bigger contracts with the government and stuff like that. Yeah. Also, to get rid of people easier and stuff like that - or cut their hours to suit them if they not performing or anything like that."***

(Employee, casual, medium/large business, construction)

Others told us the process appeared to be quite 'random', with no specific reasons why an employee's request to convert would be approved.

***"When I inquired about [converting] to my immediate supervisor, he was like, "Oh yeah, they're just random. You never know when they're going to put [permanents] on. You can apply, but it doesn't mean you're going to get on...But yeah, there's definitely people in my workplace who have been casual for years and they don't know about how they could apply or request"***

(Employee, casual, medium/large business, manufacturing/distribution)

# Use & impact of the information statement

Under the SAJER Act, all employers are required to provide every new casual employee with the Casual Employment Information Statement (the CEIS) before, or as soon as possible after, they start their new job.<sup>6</sup>

## Distribution of the CEIS

A majority of employers report they have provided the information sheet to their casual employees. However, only around one third of employees recall receiving the information sheet, and of those, only about half recall the content.

### Receipt of CEIS – employee survey results

Only around a third (35%) of current and recent casual employees reported they received the CEIS since March 2021. Around half (49%) say they did not receive it, and 16% are unsure or can't remember.

**Table 27. Receipt of CEIS (among current and recently converted casual employees)**

If employees recall receiving the information statement from an employer since March 2021	% selected
Yes	35%
No	49%
Unsure / Can't remember	16%

*Source: Q - Since March 2021, has an employer provided you with the Fair Work Ombudsman's Casual Employment Information Statement? (Image of the first page of the CEIS was provided as a memory prompt). Base: All current and recent employees n=1211.*

Small businesses appear to be less compliant in distributing the CEIS. Only 22% of employees in small businesses recall receiving the information statement, compared to 39% in medium or large businesses. This may be a reflection of smaller businesses appearing to have more informal onboarding processes (see our qualitative findings in the following section for further detail on this).

<sup>6</sup> <https://www.fairwork.gov.au/employment-conditions/national-employment-standards/casual-employment-information-statement>

### Receipt of CEIS – employee interview findings

Most employees we spoke to in the interviews did not recall receiving the CEIS, even when prompted with an image of the document. The small number who did were employed by large businesses, with more formal or sophisticated on-boarding processes.

Many described being inundated with forms and information when starting a new job, much of which they did not read (or only skimmed for relevant information), meaning many of them could not recall whether they had received the CEIS or not.

***“Yeah, I did get all policy documents and all of that type of stuff [referring to the CEIS]. That was all part of your onboarding, they call it. So all of that stuff is given to you. But for most people, they'd get all that info, but they wouldn't read it. They wouldn't go through and look at all of that and whatever. I mean, I did, but a lot of people wouldn't.”***

(Employee, casual, medium/large business, retail)

These qualitative findings indicate that receipt of the CEIS may be higher than indicated by participants in the survey. It is possible they did not remember receiving it, or that it got lost in the shuffle of other on-boarding documents.

### Distribution of CEIS – employer survey results

Three quarters (74%) of employers report that since March 2021, they have provided the CEIS to all of their casual employees, and a further 14% say they provided it to some, but not all, of their casual employees.

**Table 28. Distribution of CEIS (reported by all surveyed employers)**

If employers report providing the CEIS to their casual employees	% selected
Yes – I provided it to all of my casual employees	74%
I provided it to some, but not all, of my casual employees	14%
No – I did not provide it to any of my casual employees	13%

Source: Q - Have you provided your casual employees with the Fair Work Ombudsman's 'Casual Employee Information Statement'? Base: All employers, n=813.

Distribution of the CEIS appears to differ by industry:

- The industry with the highest self-reported compliance with distribution of the CEIS is retail trade, where 83% of employers say they provided it to all casual employees. Only 60% of employers in health care and social assistance say they distributed it to all casual employees.

Among employers who did not hand out the CEIS to any of their casual employees, half say this was because they were unaware of the requirement, and 2 in 10 say they did not think it was relevant for their casual employees.



**Table 29. Reasons CEIS not distributed (among employers who did not distribute the CEIS)**

Why employers did not distribute the CEIS	% selected
I haven't heard of this / didn't know I was required to hand it out	52%
I don't think it's relevant for my casual employees	18%
I've been too busy	8%
I don't want to	6%
Another reason	16%

Source: Q - You told us you have not handed out the Fair Work Ombudsman's 'Casual Employee Information Statement'. Why not? Base: Employers who did not distribute the CEIS, n=104.

Of the 16% who said there was 'another reason' for not handing out the CEIS, almost all said this was someone else's responsibility within the business.

Employers do not appear to be opposed to distributing the CEIS. Among employers who did not hand out the CEIS to any of their casual employees, 65% say they intend to do so in future, and only 12% say they definitely will not.

**Table 30. Employer's intentions to distribute the CEIS in future (among employers who did not distribute the CEIS)**

If employer intends to distribute CEIS in future	% selected
Yes	65%
No	12%
Not sure	23%

Source: Q - Do you intend to provide the [CEIS] to casual employees in future? Base: Employers who did not distribute the CEIS, n=104.

### Distribution of CEIS – employer interview findings

In our interviews with employers, it was apparent that distribution of the CEIS to casual staff was not a priority. Most employers could not accurately describe their compliance with distribution of the CEIS. Some employers thought the form was 'probably' provided to casual staff along with other on-boarding documents (such as superannuation forms), but often could not answer with certainty.

***"It does look vaguely familiar. However, it's probably... I'd have to actually look at our processes to see where it's built in..."***

(Employer, medium/large business, education)

Other employers could not recall whether they provided the form to employees, or thought someone else in the business may have taken care of this requirement.

***"Anything like this, they would get, at some point. Probably on the other end, probably at our other office, for hiring casuals. But, yeah, I'm sure they get that."***

(Employer, medium/large business, manufacturing/distribution)

## Impact of the CEIS

Overall, employers and employees who have engaged with the CEIS found it helpful and informative. However, low rates of receipt and recall appear to have limited its potential impact on understanding of casual employee's rights.

### Recall and impact of the CEIS – employee survey results

Among employees who received the CEIS, 59% say they can recall the information in it.

**Table 31. Recall of information on CEIS (among employees who received the CEIS)**

If employees recall information on the CEIS	% selected
Yes	59%
No	41%

Source: Q - You told us you have received the [CEIS]. Do you recall what was on it? Base: Employees who received the CEIS, n=420.

This engagement with the CEIS is associated with higher awareness of the changes to the Fair Work Act (84% of those who received the CEIS were aware of the changes, vs 37% of those who did not recall receiving the CEIS). Further, receiving the CEIS is associated with higher levels of understanding of the amendments, with employees who received it much more likely to say they understand how the changes affect them (49% vs 30% of those who did not receive it).

Among employees who received the CEIS *and* can remember the information on it, 83% agree that it has made it easier to understand what it means to be a casual employee, and 81% agree it has made it clearer what rights casual employees are eligible for.

**Table 32. Impact of the CEIS on employee understanding (among employees who received and can remember the information on the CEIS)**

Statement	Disagree + strongly disagree	Neutral	Agree + strongly agree
It has made it easier to understand what it means to be a casual employee	6%	11%	83%
It made it clear what rights casual employees are eligible for	6%	12%	81%

Source: Q - Thinking about the information in the [CEIS], to what extent do you agree... Base: Employees who received and recall the information in the CEIS, n=246.

### Impact of the CEIS – employer survey results

Among employers who provided the CEIS to some or all of their casual employees, 73% overall agreed it has provided certainty around which roles should be casual and which should be permanent, and 76% overall agreed it has provided greater clarity for employers about their obligations.

**Table 33. Impact of the CEIS (among employers who distributed the CEIS)**

Statement	Disagree + strongly disagree	Neutral	Agree + strongly agree
It has provided greater certainty around which roles should be casual and which should be permanent	7%	20%	73%
It has provided greater clarity for employees and employers about their entitlements and obligations	6%	17%	76%

Source: Q - You told us you have handed out the [CEIS]. To what extent do you agree with the following statements... Base: Employers who distributed the CEIS to some or all of their casual employees, n=709.

# Use & impact of notifications

## Self-reported rates of notifying employees

The SAJER Act introduced new requirements for employers, except small businesses, to notify eligible casual employees of their eligibility to convert, and either make them an offer to convert or provide reasonable grounds why they would not be making them an offer.

Our research is not able to measure actual employer compliance with these ‘notification and offer’ requirements, as it relies on employers’ self-reports which are likely to overstate compliance. However, we have been able to compare self-reported compliance from employers with reports from employees about their employers.<sup>7</sup> Employers self-report a higher level of compliance than is reported by casual employees.

## Notifications reported by employees – employee survey results

Only 3 in 10 (29%) eligible casual employees from medium and large businesses say they have been notified by their employer since March 2021 about the possibility of converting to a permanent role.

**Table 34. Notification of eligibility received (as reported by eligible employees in medium / large businesses)**

Eligible employees who report being notified by employer	%
Yes, I was notified	29%
No, I was not notified	71%

Source: Q. Since March 2021, did your employer [notify you / offer to convert you]... Base: Eligible casual employees from medium and large businesses, n=495.

## Self-reported compliance with notification requirement – employer survey results

The vast majority (89%) of employers from medium and large businesses report notifying some or all of their employees of their eligibility to convert.

**Table 35. Notification of eligibility made (as reported by employers in medium / large businesses)**

Notification – reported by employers and employees	%
Yes – I notified (some or all) of my eligible employees	89%

<sup>7</sup> We did not pair employers and employees from the same organisation in our study, meaning reports from employers and employees are not a direct comparison.

Notification – reported by employers and employees	%
No – I did not notify any of my eligible employees	11%

Source: Q - Did you notify these [eligible] employees about the possibility of converting their job to a permanent role? Base: Employers from medium and large businesses with eligible casual employees, n=547.

This apparent disparity between employee and employer reports is likely due to a combination of factors:

1. As referenced in our *Limitations of self-reported compliance* section earlier in this report, we expect employers' self-reported compliance to be overstated, due to social desirability bias. This means that even in an anonymous survey, employers would generally want to be seen as someone who does the 'right thing'.
2. As with the CEIS, it is possible some employees do not recall receiving a notification from their employer.
3. Partial compliance with the required notification and offer process appears common. In our survey, employers were asked to report if they notified *any* of their eligible employees, and employees were asked if they were *individually* notified. As explained further in the employer interview findings section below, it appears common for employers to notify some, *but not all*, of their eligible employees. This may explain some of the difference in reported rates of notifications. For example, if an employer in our survey had 10 eligible casual employees, and only chose to notify 3 of these employees, then the employer would report they had notified eligible employees, while 7 in 10 of their employees would report not being notified.

### Self-reported compliance with notification requirement – employer interview findings

Most employers we interviewed described business practices apparently non-compliant with the required 'notification and offer' process. This may be partly attributed to limited awareness about the laws and a lack of understanding of their obligations. For example, some employers told us they were aware of their obligations in regards to conversion, but then described the laws prior to the 2021 amendments (when the onus was on the employee to request conversion, regardless of the size of the business).

Some employers explained they chose to *only* notify those eligible employees who they were planning to offer a permanent role. Often this partial compliance was based on discomfort with (or lack of perceived value in) notifying an employee of their eligibility if they did not intend to offer that employee a permanent role. They anticipated it would be upsetting for an employee to be told about the possibility of a permanent role they were not ultimately being offered, and so chose to avoid having this interaction. Some employers explained that, since they were generally aware of their casual employees' preferences, they would only notify and make offers to the employees who they knew would accept.

Other employers who felt they were compliant with the required notification and offer process described practices that did not align with the specific requirements in the legislation. This included making verbal offers instead of written, or basing their decision to offer conversion on factors such as employee commitment, performance or perceived appropriateness of timing (rather than the 'reasonable grounds' outlined in the SAJER Act).

***“But when I converted my employees, it was basically... It wasn't even because I knew that it was law. It was just that I thought, "It's time to see whether these guys want to go permanent."”***

(Employer, small business, hospitality)

We also found some evidence of misconceptions among employers, such as believing their Enterprise Agreement (EA) could reduce their obligations. The case study below outlines how this has played out for one of our interview participants, an employer in a large education organisation.

### Case Study: ‘EA trumps all’

***Belinda***<sup>8</sup>, Employer, large business, education industry

Belinda is a manager of a large HR team. When discussing the casual conversion legislation, she explained that her business's enterprise agreement (EA) supersedes employment legislation. She explained her business does not pay much attention to the laws because there are already provisions for casual conversion in their EA.

She reported these were similar to those outlined in the laws and are likely more ‘generous’. However, in contrast to the recent laws, Belinda explained their EA places the onus on the employee to apply for conversion.

***“I'm going to be honest, I didn't pay a huge amount of attention [to the changes to the Fair Work Act] because we already have clauses in our EA to provide for that... The clause that we have in our enterprise agreement is very clear and very generous in its provision in allowing any casual to applying for conversion as long as they meet specific criteria.”***

Belinda admitted there were not many roles that would meet the eligibility criteria in their EA because the organisation's work is seasonal, and employees would rarely work for 12 months continuously.

***“I guess there's not many roles where the work is so consistently weekly, daily basis for 12 months straight. It could be, they'll be doing something that could resemble that for a shorter period of time and then there'll be a gap and then they're back doing it again for another period of time.”***

She explained their EA required employees to initiate the conversation and provide a supporting statement for review by their supervisor and a senior delegate.

***“...in terms of casuals, it's really quite specific in that the onus is on the employee under our enterprise agreement to initiate the process. They basically go to their supervisor and talk about it. They raise a request in just that they, I guess, would write a bit of a statement as to why they're requesting it and how they meet the clause under the EA. They then would go through their supervisor and gain a statement that either supports or doesn't support it”***

She indicated meeting the requirements of the new law would be challenging and time-consuming for such a large organisation. Financially, it would be challenging because funding for casual jobs is often contingent on contracts. Logistically it would be challenging because

<sup>8</sup> Not participant's real first name.

of the high number of casuals in the organisation. Implementation would likely require improvements to existing HR infrastructure to track employee eligibility and support the notification process.

**“Across my organisation, there are thousands of casual employees that we would have to monitor and have reporting functions and things like that where we can analyse who’s worked 12 months straight and things like that. It would be the notification system that would have to be built. There’d have to be lots of different checking systems that are created to make sure that we’re actually reaching out to the right people because the casuals are so varied.”**

Based on these administrative burdens, she indicated her organisation had no intention of notifying eligible casual staff members going forward.

## Impact of required notification process

### Impact of the notification process – employee survey results

Most employees are either positive or neutral about the impact of the notification process. 41% of employees who were notified agree this has ‘made the process of converting to a permanent role easier’, and around half are either neutral or unsure if the notification process was helpful (48%).

Unsurprisingly, those who were not offered conversion after being notified of their eligibility were less likely to agree this was a helpful process (26% agree).

**Table 36. Impact of notification process on ease of conversion (reported by eligible employees who were notified)**

Statement	Employee sub-group	Disagree + strongly disagree	Neutral / don’t know	Strongly agree*
<i>It has made the process of converting to a permanent role easier</i>	All notified employees (n=143)	10%	48%	41%
	Notified and offered conversion (n=104)	7%	46%	47%
	Notified and not offered conversion* (n=39)	21%	54%	26%

Source: Q - ‘You told us your employer raised conversion to a permanent role with you. To what extent do you agree or disagree it has made the process of converting from casual to permanent easier?’

Base: Eligible employees notified, n=143.

\* NB: Due to a programming error, this question did not display the ‘Agree’ option to respondents. Respondents had to select ‘Strongly agree’ to provide an affirmative response to this question.

### Impact of the notification process – employer survey results

Most employers who were required to notify their eligible employees reported negative impacts of this process. While responses were mixed on whether or not these notifications have made conversion easier, three quarters of employers say the process has ‘created

tension or uncomfortable situations at my workplace'. Four in 10 employers agree it has 'imposed a significant administrative burden' on them.

**Table 37. Impact of the notification process (reported by employers in medium and large business who notified their eligible employees)**

Statement	Disagree + strongly disagree	Neutral / don't know	Agree + strongly agree
It has made it easier for casuals to convert to a permanent role	34%	21%	45%
It has created tension or uncomfortable situations at my workplace	8%	18%	73%
It has imposed a significant administrative burden on employers	35%	24%	41%

*Source: Q - Earlier you told us that you have notified eligible employees whether will be offered conversion. This is an obligation under the changes to the Fair Work Act. Thinking about this obligation, to what extent do you agree/disagree with the following statements? Base: Employers in medium or large businesses who notified their eligible employees, n=489.*

Employers who agreed the notification process has imposed a significant administrative burden were asked to provide further detail in an open text question. Employers identified some specific aspects of the notification task they found challenging, including arranging finances and salaries for converted staff, the paperwork associated with tracking eligibility and notifying staff, and managing relationships with staff who were not converted.



**Table 38. Most burdensome aspects of the notification task (reported by employers who agreed this had imposed an administrative burden), coded open response**

Aspects of the notification task which have created the greatest administrative burden	% of open responses in this category
General burden / everything	26%
Finances / salary for newly permanent staff	18%
Paperwork associated with notifications / tracking if casual staff are eligible	16%
Staff management / impact on relationships with staff (including declining conversion)	12%
No specific burden	8%
Rostering / organising working hours for newly permanent staff	5%
Performance of staff / training for new roles	5%

Source: Q - What aspects of the task have caused the greatest administrative burden? Base: Employers who agreed the notification task had created an administrative burden, n=186. An additional 14 employers were posed the question but opted not to provide a response.

# Overall impact of amendments

## Sentiment towards SAJER Act amendments

### Sentiment towards amendments – employee survey results

When asked for their views about the changes to the Fair Work Act, most employees (57%) reported the amendments have had no impact for them. Over a third (37%) say it has been a helpful change, and only 6% say it has been an unhelpful change.

**Table 39. Overall impact of the amendments (reported by all surveyed employees)**

Overall, it has been a...	% selected
Helpful change	37%
Unhelpful change	6%
No impact / don't know if had an impact	57%

Source: Q - How would you describe the impact these changes (the new information sheet and new processes to convert a role from casual to permanent) have had on you? Base: All surveyed employees.

The sentiment towards the changes differed among employee sub-groups:

- Employees in medium and large businesses were more likely to find the amendments helpful (40% said it was a helpful change vs 26% of employees in small businesses).
- A strong majority of employees in small business feel the amendments made no difference to them (70% say it had 'no impact' or 'don't know').
- Part-time casual employees also reported the amendments overall had little impact for them. 85% of those working 1 day a less per work say it had 'no impact' or they 'didn't know' and 72% working 1-3 days a week say it had 'no impact' (vs 57% overall)

We asked employees in an open-ended survey question for the main reason they found the changes helpful or unhelpful.

Among employees who found the changes *helpful*, the most common reasons provided were that the requirement for employers to notify eligible employees is beneficial for employees, that it has increased job stability or security, and that it has increased awareness of their rights as a casual employee.

***“It was really helpful that I was approached about it as it took a lot of the stress out of having to ask to convert to full time which can be really nerve wracking”***  
*(Open text response in survey, Casual employee, found changes helpful)*

**Table 40. Reasons some employees have found the changes helpful (among employees who agreed that overall it has been a helpful change)**

<b>Main reason the changes have been <u>helpful</u></b>	<b>% of open responses in this category</b>
Benefits employees by having employers notify them of eligibility	26%
Increased stability / security	24%
Increased awareness of rights	21%
Unspecified / general positive statement	16%
More income or entitlements	12%
More flexibility / choices	5%
Improvements to workplace relationships / dynamics	5%
Opportunities to advance	4%

Source: Q - What is the main reason you say these changes have been helpful? Base: Employees who found the changes helpful, n=348. An additional 97 employees were posed the question but opted not to provide a response.

Among the small group of employee respondents who found the changes *unhelpful*, the most common reasons provided for this sentiment were that the changes ‘missed the mark’ and are not enforced, or that the entitlements did not apply to their situation:

***“By law they were required to offer it, but by law they do not have to follow up on what they promise.”***  
*(Open text response in survey, Casual employee, found changes unhelpful)*

***“The criteria are too specific and not applicable to me.”***  
*(Open text response in survey, Casual employee, found changes unhelpful)*

**Table 41. Reasons some employees have found the changes unhelpful (among employees who agreed that overall it has been an unhelpful change)**

Main reason the changes have been <u>unhelpful</u>	% of open responses in this category
Changes missed the mark / are not enforced	24%
No benefit to me	22%
Decreased pay	9%
Prefer casual work	9%
General negative impact	7%
Not relevant to me / I've moved on	7%

Source: Q - What is the main reason you say these changes have been unhelpful? Base: Employees who found the changes unhelpful, n=55. An additional 17 employees were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.

### Overall impact of the amendments – employee interview findings

Aligned with the survey results, most employees we interviewed held overall positive or neutral views about the changes. Most felt the laws are fair and important in supporting the rights of casual employees.

All of the employees we spoke to felt it was important they have the choice to remain casual if they want to. Many preferred the flexibility and higher pay associated with casual work and would not want to be 'forced' to convert, even if they were working regular shifts for a long period of time.

***"I think it's fair for both the employers and the employees being able to give the option and say whether or not they want to do it instead of being forcefully required to offer everybody a permanent role."***

*(Employee, casual, small business, retail)*

Several employees also reported the importance of employers initiating conversion requests, rather than placing the onus on employees who may be unaware of the changes.

***"I think it's really fair, and I think it's good for the employee, because a lot of the times employees, they don't know what's going on, and they don't even know the questions to ask to find out what's going on, or what their rights are and stuff like that."***

*(Employee, casual, medium/large business, retail)*

A small number of employees we spoke to wanted to convert to a permanent role, but had not yet been able to due to (actual or perceived) ineligibility. They felt the changes to the law had not been helpful to them, reporting that employers could easily ignore the law or deny their conversion for 'any reason'.

***"I think it's a good thing, but also think there'd be a fair few loopholes for businesses to get out of the obligations, especially in my line of work."***

*(Employee, casual, medium/large business, construction)*

### Overall impact of the amendments – employer survey results

Half of employers report that overall they have found the changes helpful. A third say the changes have had no impact, and 12% feel it has been unhelpful.

**Table 42. Overall impact of the amendments (reported by employers)**

Overall, it has been a...	% selected
Helpful change	50%
Unhelpful change	12%
No impact / don't know if had an impact	38%

Source: Q - How would you describe the impact these changes have had on your business? Base: Employers who handed out the information sheet, OR notified / offered conversion, OR had heard of the changes before, n=757.

The overall reported impact of the amendments differed by business type:

- Small businesses are more likely to say the changes have had 'no impact' on them (46% vs 34% overall).
- Employers in financial and insurance services are more likely to say the changes have been helpful (68% vs 50% overall).

We asked employers in an open-ended question for the main reason they found the changes helpful or unhelpful.

Employers who found the changes *helpful* generally noted benefits for both their business and for their employees, including more stability in their workforce:

***“We can be more reliant now on the employees that have become permanent. And the workload has become spread out and therefore more manageable.”***  
(Open text response in survey, employer, found changes helpful)

***“It's much easier and better to transition casual to permanent than hire permanent staff who don't know the business operations.”***  
(Open text response in survey, employer, found changes helpful)

**Table 43. Reasons some employers have found the changes helpful (among employers who agreed overall it has been a helpful change)**

Main reason the changes have been <u>helpful</u> (employers)	% of open responses in this category
Benefits employers	40%
Benefits employees	28%
Generally beneficial	23%
Improved retention / stability	8%
Increased awareness of rights / obligations	7%
Improvements to workplace relationships / dynamics	7%
Decreased administrative burden / greater clarity	5%
Aligned to business requirements	3%

Source: Q - What is the main reason you say these changes have been helpful? Base: Employers who found the changes helpful, n=355. An additional 26 employers were posed the question but opted not to provide a response.

The small group of employer respondents who found the changes *unhelpful* generally commented that the changes were harmful to their business, increased their administrative burden, or that permanency was not appropriate for their staff:

**“Staff felt tied and preferred freedom of casual employment, and I didn’t always need them to work.”**

*(Open text response in survey, employer, found changes unhelpful)*

**“Casual employees are happy with the extra money, and businesses need a mix of full time and casual employees.”**

*(Open text response in survey, employer, found changes unhelpful)*

**Table 44. Reasons some employers have found the changes unhelpful (among employers who agreed overall it has been an unhelpful change)**

Main reason the changes have been <u>unhelpful</u> (employers)	% of open responses in this category
Generally harmful	22%
Harms employers	15%
Increased administrative burden	12%
Permanency not appropriate for my staff / my business	12%
Increased costs to business	10%
Harms employees	4%
Changes are not effective	4%
Harmful to workplace relationships / dynamics	2%

Source: Q - What is the main reason you say these changes have been unhelpful? Base: Employers who found the changes unhelpful, n=82. An additional 9 employers were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.

### Overall impact of the amendments – employer interview findings

Most of the employers we interviewed expressed either positive or neutral attitudes towards the changes.

Employers who already had strong motivations to convert employees (and who had complied with the requirements) felt the laws are generally fair and do not impose significant difficulty on the employer.

***“I think it makes total sense because if the employee's been working for the business for over 12 months and they're getting the regular shifts, regular work, it does make perfect sense to convert them into permanent role.”***

*(Employer, medium/large business, manufacturing/distribution).*

***“We didn't really care. We were like, ‘This is just another change that needs to be adapted to, and it is the law.’ I don't see why you'd try and avoid that, rather than implementing a plan to get it done.”***

*(Employer, medium/large business, employment services).*

For the employers who told us they had not been compliant, they did not see the changes as problematic because they had not been met with any consequences, and have so far been able to continue with their existing business practices. As previously highlighted, some employers preferred and practiced the conversion process outlined in their Enterprise Agreements.

***“For us, I prefer what it is that we have in our EA, because it gives us the flexibility across those other employment types. In terms of having the onus sitting with the business, it would then be for us having to look at, is our EA***

***going to be able to override it and obviously, that's a legal aspect that I wouldn't be able to say yes or no in the future."***

*(Employer, medium/large business, education)*

A small number of employers highlighted potential challenges associated with implementing the law, including administrative burden, difficulties tracking individual employee eligibility and the need for improved human resources capabilities and appropriate business infrastructure.

***"That [notification process] wouldn't be easy at all. That's to track every employee there and the date, the time they started, how long they've been in the business for, how many shifts they've been getting in last 12 months, and then when they become eligible for this conversation, and so on and so on. So for a small business, it's sort of not having the resources as such to have someone just to take care of this."***

*(Employer, medium business, manufacturing/distribution).*

***"Look, I think if my organization had to look at doing that, we would be building infrastructure essentially. They would probably have to be a dedicated team or responsible officer for that to ensure consistency across the approach of all of the casuals because of our organisation size and breadth."***

*(Employer, medium/large business, education).*

## Impact on employer / employee relationship

### Impact of notifications on workplace dynamics – employee survey findings

Overall, very few employees say the notification process has had a negative impact on their workplace dynamics. Only 8% of employees who were notified agree it has 'created tension or uncomfortable situations at my workplace'. Employees who were notified but not ultimately offered conversion were slightly more likely to say this has caused tension (13% agree\*).

**Table 45. Impact of notification process on workplace dynamics (among eligible employees who were notified)**

Statement	Sub-group	Disagree + strongly disagree	Neutral	Strongly agree	Don't know
It has created tension or uncomfortable situations at my workplace	All notified employees (n=143)	69%	22%	8%	1%
	Notified and offered conversion (n=104)	72%	21%	7%	0%
	Notified and not offered conversion* (n=39)	59%	23%	13%	5%

*\*Small sample size, interpret with caution.*

Source: Q - 'You told us your employer raised conversion to a permanent role with you. To what extent do you agree or disagree it has created tension or uncomfortable situations at your workplace? Base:



Eligible employees notified, n=143.

Note: Due to a programming error, this question did not display the 'Agree' option to respondents. Respondents had to select 'Strongly agree' to provide an affirmative response to this question.

### Impact of notifications on workplace dynamics – employee interview findings

In the interviews, several employees initially believed they had been converted because of their high performance, but during the interview realised their employer may have simply been following employment law. This lack of clarity on the motivation for conversion left them wondering about their work performance and status with their employer.

The case study below explains how this conflict between (assumed) performance-based conversion and the legal requirements may undermine employees' confidence and relationship with their employer.

#### Case study: Obligation to offer may prompt concerns about employer's motivation

**Jacinta<sup>9</sup>, employee, in the process of converting from casual to permanent, medium business, retail**

Jacinta is an employee at a small retail shop that does steady business. She has worked regular shifts at the business for around a year. She has worked as a casual employee at various businesses for about 6 years. During that time, she was happy with casual employment as it suited her lifestyle of study and travel.

Recently, her employer offered to convert her to permanent employment. At first, she was hesitant about losing the flexibility and higher hourly wage of casual employment. After learning more about the permanent employee entitlements, and reflecting on her experience of losing casual work during the pandemic, Jacinta decided to accept the offer.

Jacinta was flattered that her employer offered her permanent employment. She interpreted the offer as a sign that the employer appreciated her hard work and wanted to reward her contributions to the business.

***"I just thought, well, they think I'm a really good employee and they want me as a permanent. I was like, 'Oh, that's so nice they're recognising me'."***

When she learned more about casual conversion legislation over the course of the interview with us, she felt disappointed and wondered if her employer might have made the offer out of obligation.

***"I guess until [they made me the offer], I felt like... I don't really know what they think of me or if they think I'm doing a good job. I mean, there's part of it that I hope is because I was doing a good job, but also part of it maybe is because [of] the laws..."***

#### Impact of accepting conversion offer on relationship – employee survey results

We asked the small group of employee respondents who accepted an employers' offer to convert an open ended question on how this has impacted their relationship with their employer (if at all).

<sup>9</sup> Not participant's real first name.

Just under half said accepting their employer's offer to convert had no impact, and the remainder mentioned benefits such as an improvement to the workplace relationship, improved trust and stability.

**Table 46. Impact of accepting offer on relationship (among employees who accepted an offer to convert to a permanent role)**

Impact of acceptance on relationship with employer	% of open responses in this category
No impact / neutral	45%
Generally improved relationship	32%
Improved trust	7%
Nice to have work / performance / commitment recognised	7%
Improved stability	5%
Increased benefits / entitlements	2%

Source: Q - Please tell us how accepting the offer ultimately impacted your relationship with the business / your employer (if at all)? Base: Employees who accepted offer to convert, n=44. An additional 5 employees were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.

#### Impact of accepting conversion offer on relationship – employee interview findings

In our interviews, most employees expressed a positive attitude toward receiving an offer to convert, perceiving it as recognition of their value and performance.

***"I just thought, "Well, they think I'm a really good employee and they want me as a permanent." I was like, "Oh, that's so nice they're recognising me."***

*(Employee, casual, small business, retail)*

Others reported feeling a sense of urgency and pressure to accept offers, as well as uncertainty about their ongoing role as a casual if they did not accept permanency.

***"But they pretty much... I'm going to say blackmailed me, not officially blackmailed me, but they pretty much said... "You do need to sign that contract within half an hour because come Monday, if you lose all your systems across the weekend, I can't guarantee you have a casual job on Monday if you don't sign the permanency contract." So I feel as though, even though they were being lovely, I was blackmailed into signing my contract because I was so shocked and so disappointed in the pay, and then there was never time to have a conversation about the pay or anything like that."***

*(Employee, permanent – recently converted, medium/large business, finance)*

Several employees also indicated there was a lack of clarity around their new permanent role, and wondered whether their responsibilities would change following conversion. Despite expressing an overall positive attitude toward her conversion, one employee reported feeling she had taken on greater responsibility and was now more invested, explaining she was 'being taken advantage of' as a result of her permanent employment status.

***“And I do feel that I'm been taken advantage of a little bit because I am now full-time... There is a little bit of frustration on my part because I'm there so much, it's annoying me more. Do you know what I mean? Whereas before I just go, "Oh, well, so who cares?" I'm just a casual, whereas now I feel invested...”***

*(Employee, permanent, small business, retail)*

A few employees reported conversion opened up more opportunities to develop their professional careers and upskill in relevant areas.

***“... I do feel like since I've become permanent, there's a lot more talking about the opportunities that are around...I'm invited to a lot of different other meetings, and then we're talking about trying to upskill myself into a senior position and things like that.”***

*(Employee, permanent, medium/large business, employment services)*

### Impact of declining conversion offer on relationship – employee survey results

We asked the small group of employee respondents who *declined* an employers' offer to convert an open-ended question on how this has affected their relationship with their employer (if at all).

Overwhelmingly, employees told us that declining an offer had no impact on their relationship with their employer. However, 9% did mention a negative impact, which included 4 out of the 76 participants who said they were fired or had their hours reduced as a result of declining an offer to convert.

**Table 47. Impact of declining offer on relationship (among employees who declined an offer to convert to a permanent role)**

Impact of declining conversion offer on relationship with employer	% of open responses in this category
No impact	92%
Overall negative impact on relationship	3%
My hours were reduced	3%
I was fired or made redundant	3%

*Source: Q - Please tell us how declining the offer ultimately impacted your relationship with the business / your employer (if at all)? Base: Employees who declined offer to convert, n=76. An additional 6 employees were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.*

### Impact of not being offered conversion on relationship – employee survey results

Most of the small group of eligible employee respondents who were notified but *not offered conversion* say this has had no impact on the relationship with their employer. 17% said they felt devalued or demotivated, and 15% said they quit or wanted to leave their job.

***“I felt less valued within the organisation. As it was just an email and not a discussion it felt very impersonal.”***

*(Open text response in survey, eligible casual employee, notified, not offered)*

**“Considering I had won an award for being the BEST employee in the organisation that same year, it was gutting. [My] effort at work has since been reduced to the bare minimum.”**

*(Open text response in survey, eligible casual employee, notified, not offered)*

**“It greatly reduced my loyalty to the [university]... Now I treat my employer with the same loyalty they (didn’t) show to me even though I’ve been working for them for about 15 years.”**

*(Open text response in survey, eligible casual employee, notified, not offered)*

**Table 48. Impact of not being made offer on relationship (among eligible employees who were notified of the eligibility, but not offered conversion)**

Impact of not being made an offer on relationship with employer	% of open responses in this category
No impact	54%
Felt devalued / demotivated	19%
Quit / wanted to leave my job	15%

*Source: Q - Please tell us how not being offered conversion ultimately impacted your relationship with the business / your employer (if at all)? Base: Eligible employees who were notified but not offered conversion, n=41. An additional 3 employees were posed the question but opted not to provide a response. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.*

Just over half of the small group of employee respondents who were not offered conversion (or their request was denied) felt this was unfair, and that their employer should have offered them a permanent role.

**Table 49. Perception of fairness if offer not made OR request denied (among employees who were not made an offer, or who had their request denied)**

Perception of fairness of offer not being made or request being denied	% selected
Yes, it was fair	46%
No, they should have offered me a permanent role	54%

*Source: Q - Do you feel your employer’s decision to not convert your role to a permanent position was fair? Base: Employees who were notified but not offered conversion OR who requested but were denied, n=90. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.*

**Impact of not being offered conversion on relationship – employee interview findings**

The employees we spoke to who were not offered conversion, despite being eligible or working towards eligibility, felt as though their value had not been recognised. In some cases, this prompted a negative change in employee attitudes toward both their work and employer.

*“I’m always on time, always do my shift, and I just thought they should be happy to have me on their books, not me having to beg. And I was getting into the point I’m like, “Oh, I don’t care. Whatever. I’m going to just start taking days off. Whatever. And I don’t really care. If I’m not happy, they’re not happy. I’ve worked for three and a half years in the business, and [they] can’t see my worth. So yeah, there’s definitely been a change in my attitude towards the business.”*  
 (Employee, casual, medium/large business, manufacturing/distribution)

### Awareness and take up of options for dispute resolution

For the small group of employee respondents who did not agree with their employer’s decision to not offer conversion (or deny their request), most were aware of one or more options for further action to resolve this dispute.

**Table 50. Awareness of options for dispute resolution (among employees who disagreed with their employer’s decision to not convert them)**

Options for dispute resolution	% aware
Fair Work Commission	65%
Small claims in Federal Circuit Court	33%
Seek review within my organisation	41%
Ask the union for help	55%

Source: Q - Were you aware of the following options to take further action to resolve this disagreement with your employer about your conversion to a permanent role? Base: Employees who disagreed with their employer’s decision to not offer conversion n=49. This question was asked of a small sub-group within our survey sample. Results should be interpreted with caution.

A very small number sought review in court or sought help from their union to resolve a dispute with their employer. No participants in our survey took action via the Fair Work Commission, although 14 seriously considered it.

**Table 51. Take up and consideration of dispute resolution (among employees who disagreed with their employer’s decision to not convert them)**

Options for dispute resolution	Number who seriously considered taking action	Number who took action
Fair Work Commission	14	0
Small claims in Federal Circuit Court	4	2
Seek review within my organisation	8	3
Ask the union for help	9	3

Source: Q - Were you aware of the following options to take further action to resolve this disagreement with your employer about your conversion to a permanent role? Base: n=16-32, some participants considered or took more than one action. Due to small sample sizes, this table presents the total number of participants who selected each option, rather than percentages. Results should be interpreted with caution.

Those who seriously considered taking action to resolve a dispute with their employer were asked in a follow up question what stopped them for taking action. Most commonly, participants mentioned a fear of losing their job, or other negative consequences as a result of taking action. Others felt this would be a hassle, or had already moved onto another job.

# Unintended consequences

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Throughout this report, we have presented findings that could indicate potential unintended consequences of the changes to the Fair Work Act. These are summarised below:

## Unintended consequences for employees

- A small number of employees who *accepted an offer to convert* reported feeling a sense of urgency or pressure to do so. They worried their existing casual role would not continue if they did not accept the offer to convert to a permanent role.
- Around 1 in 10 employees who *declined an offer to convert* reported a negative outcome, including tension in the workplace.
  - Two participants in our survey told us they had their hours reduced, and a further two reported they had been let go after declining an offer to convert. We note these are self-reported findings only, and it is possible other factors contributed to these outcomes.
  - One employer we interviewed told us about letting an employee go after that employee turned down an offer to convert (see *Short-term conversions – employer interview findings*). In this case, the employee was offered conversion before they became eligible, meaning this outcome was not a direct consequence of the changes. However, this finding may indicate the potential for negative outcomes when an employee declines an offer to convert.
- Around 3 in 10 employees who were notified they were eligible, but were *not ultimately offered conversion* say this process has had a negative impact on the relationship with their employer. They commonly felt demotivated, undervalued, or confused, and some wanted to leave their job as a result.

## Unintended consequences for employers

- Most employers who were required to notify their eligible employees reported some negative impacts of this process (even if they overall found the changes helpful).
- Three quarters of employers say the process has ‘created tension or uncomfortable situations at my workplace’.
- Four in 10 employers agree it has ‘imposed a significant administrative burden’.
- Some found the requirement to notify eligible employees challenging, including difficulties tracking individual employee eligibility status, and the need for improved human resources capabilities and business infrastructure to manage the conversions.

# Appendices

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## Appendix 1: Technical notes

### Ethics and Privacy

The ethical aspects of this research have been approved by the Macquarie University Human Research Ethics Committee (2022/11762). Data collection and storage complies with Australian Privacy Principles.

### Recruitment

The survey respondents were recruited via a third party provider (Kantar Profiles). All respondents were members of market research panels. Members opt in to participate in these panels and opt in to complete the survey. Panel providers sent invitations to panel members to participate based on indicators that suggested they were likely to fit the survey screening criteria. E.g. employed. Reimbursement for participation is agreed by each panel provider and its members, and is based on the length of the survey completed. The median length of survey for both the employer and employee surveys was six and a half minutes.

### Screening

Respondents with the following characteristics were screened out:

- Aged under 18
- Not an Australian resident

#### *Employers*

- Not an employer
- Not involved in making hiring decision
- Has not employed a person in a casual position for a period of at least 12 months since March 2021 (with the exception noted in quotas below)

#### *Employees*

- Has not been a casual employee for a period of at least 12 months at any point since March 2021 (with the exception noted in quotas below)

### Quotas

#### *Employers*

All employers who had converted an employee since March 2021 were included in the survey, even if they had not had any casual employees who had worked for a period longer than 12 months.

#### *Employees*



Initially, all employees who had converted (within the same position) since March 2021 were included in the survey, even if they had not worked as a casual employee for a period longer than 12 months (“short-term conversions”). However, due to there being a higher than expected prevalence of short-term conversions, we implemented a hard quota partway through recruitment (And continued recruiting only employees who had been casual s for at least 12-months since March 2021). At the time we implemented this hard quota, respondents who fit the criteria for being a “short-term conversion” comprised 36% of the total sample (n=216).

We monitored the followed characteristics to ensure they were approximately representative of population proportions:

- Industry
- Size of business
- Gender

### Data cleaning

To ensure the quality of responses provided in the survey we implemented three data quality checks:

- We reviewed open-ended responses and removed participants who provided nonsensical answers.
- We reviewed the time taken for respondents to complete the survey and removed respondents who took less than 2 minutes to complete the survey.
- We reviewed the pattern of responses and removed respondents who has combinations or responses that were nonsensical. For example, some respondents indicated that they had been offered conversion and accepted it, but also told us that they had requested conversion and it had been declined.

### Resolving inconsistent responses

We made two exceptions to the quality control exclusions regarding inconsistent responses. This comprised respondents who:

- Told us that they requested conversion and it was agreed, as well as that they were offered conversion and they accepted.
- Told us they requested conversion and it was declined, as well as that they were told they were not being offered conversion.

Our interpretation of this pattern of results is that respondents who had made a request misinterpreted the question about offers as being about an offer of conversion in the context of their request. We have therefore treated their responses as if they made a request and that they were not also offered conversion independent of this request. Our justification for this decision includes:

Our survey shows evidence of low awareness and understanding of the employer obligation to make offers.

- By comparison, it seems more difficult to misunderstand a question about whether you requested a permanent position or misremember making such a request.

- There was a high proportion of these responses compared to other potential inconsistencies.

### **Sampling limitations**

The sample was recruited from a non-probability-based sampling frame. Probability-based sampling e.g. random digit dialling, was not feasible in the context of this project to recruit the required sample size. Thus, this sample is unlikely to be representative of either the general population or subgroup populations. For this reason, we do not make formal statistical inferences using confidence intervals or p-values and we do not extrapolate our results outside of our sample.

### **Quality assurance**

Processing of survey results was undertaken independently by two analysts within BETA. Discrepancies were identified and resolved.

## Appendix 2: Employee survey sample characteristics

Our sample was comprised of n=1211 current and recent casual employees. Our sample is not representative of the general Australian population, as casual employees are more likely to be younger and female. Further, our survey sample was drawn from a research panel that does not use a probability-based sampling frame. See appendix 1 for more details.

**Table 52. Age – employees**

Age – employee sample	%
18-24	16%
25-29	15%
30-34	15%
35-39	12%
40-44	7%
45-49	6%
50-54	6%
55-59	4%
60-64	7%
65 or above	11%

**Table 53. Gender – employees**

Gender – employee sample	%
Male	29.8%
Female	69.9%
Another gender	0.2%
Prefer not to say	0.1%

**Table 54. Industry – employees**

Industry – employee sample	%
Accommodation and food services	11%
Retail trade	21%
Health care and social assistance	16%
Education and training	15%
Mining	2%

Industry – employee sample	%
Financial and insurance services	5%
Arts and recreation services	4%
Other industry	27%

**Table 55. Size of business – employees**

Size of business – employee sample	%
1-14	24%
15-29	16%
30-99	23%
100+	38%

**Table 56. Location – employees**

Location – employee sample	%
ACT	1.3%
New South Wales	29.6%
Northern Territory	0.3%
Queensland	21.9%
South Australia	9.6%
Tasmania	2.3%
Victoria	24.1%
Western Australia	10.7%
Multiple states/territories	0.2%

**Table 57. Hours worked – employees**

Hours worked per week – employee sample	%
0 to 7 hours	20%
8 to 23 hours	50%
24 to 39 hours	25%

Hours worked per week – employee sample	%
40 or more hours	5%

**Table 58. Financial stress indicator – employees**

Financial stress indicator – employee sample	%
Low financial stress	29%
Medium financial stress	29%
High financial stress	19%
Very high financial stress	23%

**Table 59. Educational attainment – employees**

Educational attainment – employee sample	%
Year 10/11 or equivalent or below	8%
Year 12 or equivalent	18%
Trade/Technical/Vocational training	29%
Undergraduate degree	29%
Postgraduate degree	15%

**Table 60. Main language spoken at home – employees**

Language spoken at home – employee sample	%
English	93%
Language other than English	7%

### Appendix 3: Employer survey sample characteristics

Our sample was comprised of n=813 employers with the following characteristics:

**Table 61. Age – employers**

Age – employer sample	%
18-24	11%
25-29	16%
30-34	22%
35-39	19%
40-44	13%
45-49	6%
50-54	4%
55-59	3%
60-64	3%
65 or above	3%

**Table 62. Gender – employers**

Gender – employer sample	%
Male	53.3%
Female	46.1%
Another gender	0.2%
Prefer not to say	0.4%

**Table 63. Industry – employers**

Industry – employer sample	%
Accommodation and food services	7%
Retail trade	29%
Health care and social assistance	11%
Education and training	9%
Mining	3%
Financial and insurance services	15%
Arts and recreation services	4%

Industry – employer sample	%
Other industry	22%

**Table 64. Role in the business – employers**

Role in the business – employer sample	%
Owner	16%
Manager / supervisor / team leader	70%
Accountant / bookkeeper	4%
HR representative	11%

**Table 65. Size of business – employers**

Size of business – employer sample	%
1-14	24%
15-29	20%
30-99	30%
100+	26%

**Table 66. Location – employers**

Location – employer sample	%
ACT	1.7%
New South Wales	30.3%
Northern Territory	0.5%
Queensland	23.9%
South Australia	4.8%
Tasmania	1.6%
Victoria	25.7%
Western Australia	9.1%
Multiple states/territories	2.5%

**Table 67. Years business has been operating – employers**

<b>Years business in operation – employer sample</b>	<b>%</b>
Less than 1 year	1%
1 to 2 years	4%
3 to 5 years	20%
6 to 10 years	36%
11 to 25 years	22%
More than 25 years	17%



## Appendix 4: Employee interview sample characteristics

Our qualitative interview sample was comprised of n=12 current and recent casual employees, characteristics below:

**Table 68. Gender – employees**

Gender – employee sample	n=
Male	5
Female	7

**Table 69. Employment status – employees**

Employment status – employee sample	n=
Casual	8
Permanent (recently converted)	4

**Table 70. Industry – employees**

Industry – employee sample	n=
Manufacturing/distribution	1
Retail trade	4
Health care and support work	2
Education and training	2
Finance	1
Construction	1
Employment services	1

**Table 71. Size of business – employees**

Size of business – employee sample	n=
1-14 (small)	3
15+ (medium/large)	9

## Appendix 5: Employer interview sample characteristics

Our qualitative interview sample was comprised of n=8 employers of casual staff, characteristics below:

**Table 72. Gender – employers**

Gender – employer sample	n=
Male	4
Female	4

**Table 73. Industry – employers**

Industry – employer sample	n=
Manufacturing/distribution	3
Retail trade	1
Education and training	1
Hospitality	2
Employment services	1

**Table 74. Size of business – employers**

Size of business – employer sample	n=
1-14 (small)	2
15+ (medium/large)	6

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Behavioural Economics Team  
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