

## Casual employment

**Policy Number:** B26 (QH-POL-110)

**Publication date:** April 2021

**Purpose:** To outline casual employment in Queensland Health.

**Application:** This policy applies to all casual employees working for Queensland Health.

This policy does not apply to Queensland Ambulance Service employees. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

**Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

### Legislative or other authority:

- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*
- *Public Service Regulation 2018*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Service General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No.7) 2019
- Queensland Public Health Sector Certified Agreement (No.10) 2019 (EB10)
- [PSC Directive 08/20: Casual employment](#)
- [PSC Directive 12/20: Recruitment and selection](#)

### Related policy or documents:

- Recruitment and selection HR Policy B1 (QH-POL-212)
- Separation of Employment HR Policy H1 (QH-POL-227)
- Code of Conduct for the Queensland Public Service
- Queensland Government Employment Security Policy



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### 1 Applied ruling and provisions

The Public Service Regulation 2018 applies the Public Service Commission (PSC) Directive No. 08/20: Casual employment to Queensland Health employees. Any replacement directive issued dealing with substantially the same subject matter is to be applied.

The Public Service Regulation extends the provisions of the *Public Service Act 2008* relating to casual employment (sections 149, 149A and 149B) to Queensland Health employees.

### 2 Casual employment

The Public Service Act establishes employment on tenure is the default basis of employment in the public sector, excluding non-industrial instrument employees and sets out the circumstances where permanent employment or fixed term temporary employment is not viable or appropriate.

A casual employee is defined as an employee, other than a part-time employee, who is engaged as such and is paid on an hourly basis. A casual employee cannot be employed to work more ordinary hours than are worked by an equivalent full-time employee each fortnight. For the purposes of this policy:

- an employee whose casual employment history is informal, irregular and uncertain with no continuing relationship between the employer and the employee, i.e. no expectation of ongoing or regular employment, is to be defined as a short-term casual
- an employee with features of casual employment such as employment on a regular and systematic basis for one or more periods of employment during a period of at least one year and with a continuing relationship between the employer and the employee is to be defined as a long-term casual employee.

### 3 Use of casual employment

Short-term casuals are to be used as daily hire to meet unpredictable, irregular or variable demand or in emergent situations. For example:

- backfilling tenured or fixed term temporary staff on short-term emergent leave
- covering short gaps in work rosters of tenured and fixed term temporary employees
- in a role where work patterns or work demand is variable and difficult to predict, with each engagement standing alone
- where needed to work irregular, informal, flexible, occasional or non-rostered hours.

This is not to be seen to override the capacity to employ casual employees on an hourly basis to work generally for less hours than the ordinary weekly working hours of a full-time employee as provided in the Hospital and Health Service General Employees (Queensland Health) Award – State 2015.

The engagement of short-term or long-term casual employees is not to be used to permanently fill any full-time or part-time position.

All casual employees are to be entitled to conditions of employment specified in the relevant industrial instrument including casual loading, minimum payment per engagement and overtime and penalty rates.

Delegates have an obligation to make decisions and act in ways that are compatible with the *Human Rights Act 2019* and the Code of Conduct for the Queensland Public Service. When making a decision under this policy, decision-makers must comply with those obligations.

#### 4 Checking early retirement, redundancy or retrenchment status

Upon re-employment within the Queensland public sector, the line manager is to check with the potential employee whether they have received an early retirement, redundancy or retrenchment package and take appropriate action.

If the employee is in receipt of an early retirement, redundancy or retrenchment package, a total accumulative period not greater than 20 days can be worked without any further action being required. An employee who was paid a severance benefit and works greater than 20 working days is required to refund to the Crown that portion of the severance benefit to which the employee is not entitled. Refer Separation of Employment HR Policy H1.

#### 5 Nurses and midwives

In accordance with clause 17 of the Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018, the engagement of a casual employee is not to be more than 38 hours per week. When a casual employee is to work in excess of 38 hours in any one week, they are to receive the appropriate overtime rate for all hours worked in excess of 38 hours.

#### 6 Employees other than nurses and midwives

Employees other than nurses and midwives are to refer to their relevant [Award and/or certified agreement](#) for information regarding casual employment hours and/or overtime.

#### 7 Conversion of casual employees to permanent status

A casual employee who has been continuously employed for one year or more may request a review for conversion to permanent employment. Employees are to refer to the [QHEPS page](#).

Queensland Health must review the employment status of a casual employee for conversion to permanent employment at the end of two years after the employee has been continuously employed as a casual employee and annually thereafter. Refer to the PSC Directive 08/20: Casual employment.

Permanent employment may be viable or appropriate if a casual employee is engaged on a regular and systematic basis.

**Definitions:**

Casual employee	An employee, other than a permanent or fixed term temporary employee, who is engaged and paid as such.
Long-term casual	For the purposes of this policy, an employee with features of casual employment such as employment on a regular and systematic basis for one or more periods of employment during a period of at least one year and with a continuing relationship between the employer and the employee.
Non-industrial instrument employee	A person who works, or has worked, as a public sector employee other than under an industrial instrument. For example, a Health Executive Service employee.
Short-term casual	For the purposes of this policy, an employee whose casual employment history is informal, irregular and uncertain with no continuing relationship between the employer and the employee, i.e. no expectation of ongoing or regular employment.

**History:**

April 2021	<ul style="list-style-type: none"> <li>• Policy: <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy review</li> <li>– amended to update references and naming conventions</li> <li>– updated provisions under the Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018 (section 5)</li> <li>– amended to include award and agreement provisions relating to employees other than nurses and midwives (section 6)</li> <li>– reviewed in accordance with clause 2.8.1 of the Queensland Health Building, Engineering &amp; Maintenance Services Certified Agreement (No.7) 2019 (BEMS7)</li> <li>– amended to include applied ruling Directive No. 08/20: Casual employment</li> <li>– amended to remove Attachment One Example casual appointment letter.</li> </ul> </li> </ul>
April 2010	<ul style="list-style-type: none"> <li>• Protected IRM 1.4 reformatted as part of the HR policy consolidation project in accordance with EB7.</li> </ul>
October 2004	<ul style="list-style-type: none"> <li>• Amended IRM 1.2 Temporary/Fixed Term Appointment IRM 1.4 Casual Employment – (clause 26.2 of the Nurses (Queensland Health) Section 170MX Award – 2003) amended.</li> </ul>
November 2003	<ul style="list-style-type: none"> <li>• IRM 1.4 Casual Employment – (clause 7.2.3 of the Queensland Public Health Sector Certified Agreement (No 4) 2004).</li> </ul>