



# STOP CUT-RATE CASUALS

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Australian Business Industrial (**ABI**), an employer representative group, has asked the Fair Work Commission to make a new type of employment. They call this 'Flexible Ongoing Employment'.

We call it **Cut-Rate Casual Employment**, because it is a cut-rate and more insecure type of casual work and can apply to all jobs – even jobs that we would usually think of as full-time and part-time.

## What is a Cut-Rate Casual?

A Cut-Rate Casual will be like a normal casual and have no guaranteed hours of work. But, unlike a normal casual, a Cut-Rate Casual will be paid a 10% casual loading instead of 25%.

Even worse, a Cut-Rate Casual cannot refuse to work the hours they are rostered by their employer. Your employer would be able to offer you work when they want to, but you wouldn't be able to say 'no' like a normal casual.

ABI is trying to make Cut-rate Casual sound attractive by giving Cut-Rate Casuals paid annual leave and paid sick leave. But is paid leave really going to help an employee whose job is totally insecure and who doesn't know what they will be earning from week to week? And if an employee has different hours of work each week, how will leave be accrued and paid?

If ABI win, employers will be able to categorise any full time and regular part time job as Cut-Rate Casual. Cut-Rate Casual is an attack on job security for every worker in our industry and a threat to the people we support.

We know that when disability and community service workers have less job security the people we support suffer. People with Disability Australia has supported the ASU's call for secure jobs in the sector, because low pay and insecure work makes our industries less attractive career paths and would lower the level of skills and commitment in the already strained workforce.



### Why do ABI want Cut-rate Casuals?

ABI says this application is about the outcome of a case called *Skene v Workpac*. In that case, the Federal Court found that a mining company had wrongly told a truck driver that he was a casual employee just because he was paid 25% above the legal minimum wage for his role. The Court found that the employee was actually a permanent employee because he worked a very regular roster (he was given his entire roster for the year in advance!). So the truck driver was owed back pay for annual leave and other entitlements for permanent employees.

ABI says that this decision was unfair because the employee received both a 25% loading and paid leave. We disagree with ABI – employers should never be able to get away with calling permanent employees ‘casual’ and making these employees live in a constant state of fear that their job is under threat. Employers who do the right thing have nothing to fear from this decision – so why is ABI trying to make it easier for employers who want to categorise full time employees as casuals? And what does *Skene v Workpac* have to do with the Community and Disability Service Sector anyway? How many of us get our rosters one year in advance?

**ABI is actually trying to undermine casual work in our industry.**

**Cut-Rate Casual means no minimum hours of work, no regular roster, no right to say ‘no’ and less pay.** And, if they win, they will try to undermine casual work in all other industries.

**The ASU will be working with other unions to stop this happening. We need your help.**

### What can you do to Stop Cut-Rate Casuals?

1. Hold a workplace meeting to pledge to fight against the proposal to introduce Cut-Rate Casuals in community and disability services.
2. Take a workplace selfie and send to your ASU branch or organiser.
3. Tell your workmates, family and friends about what big business is trying to do to your sector.
4. Vote to Change the Government and Change the Rules at the Federal Election.