

Who is a True Casual Employee?

It is not unusual in the retail industry for an employee to be a "casual" for a long period of time. Employees have been known to work as casuals for 20 years or more. Very often the employee enjoys the additional money that casual status provides and they like the freedom of not being tied down by a set roster. Conversely, some casual employees ask the employer if they can transfer from casual to permanent status, as this provides greater security.

For employers it is important to understand the employment relationship with a casual employee. If a casual employee works for a long period of time the employer will not always find it easy to end the relationship. The Workplace Relations Act states that a casual employee cannot make a claim for unfair dismissal unless the employee was employed on a "regular and systematic basis for a period of at least twelve months." This means that once the employment period lasts beyond twelve months it establishes a more permanent relationship. For example, if a retailer gives a casual employee a roster for work on 3 days a week for over a year and then decides that the casual is no longer needed and can be terminated because he or she is a "casual" then the employee would be able to make a claim for unfair dismissal.

It is important for employers to be aware that just because an employee holds casual status that it is no protection against an unfair dismissal claim. It should also be noted that a casual employee in most States will also be entitled to long service leave.

With the new unfair dismissal laws likely to become effective in June 2009 it is important for employers to ensure that they are aware of the entitlements held by a casual employee.

MGA Agreement Making Services

If you would like a simple, user friendly workplace agreement with your employees then we can provide you with one.

We have now lodged collective workplace agreements with the Workplace Authority for members in different States, which are fair, clear and easy to read.

MASTER GROCERS AUSTRALIA Contact our Workplace Relations Team to discuss your agreement options on **1800 888 479**

When to Pay Superannuation Contributions

MGA often receives calls from members in relation to when they are required to make superannuation payments. Employers only need to pay superannuation contributions for "eligible employees". An "eligible employee" is aged between 18 and 70 and earns at least \$450 (before tax) in a calendar month. Employees who earn less than this per month are not eligible for superannuation.

There is an added requirement when paying superannuation for employees under 18 years of age. You are only required to pay contributions for these employees if they earn more than \$450 (before tax) in a calendar month and work more than 30 hours per week.

The entitlement to superannuation is calculated on a month by month basis.

You must pay an employee's superannuation contribution in any month that they work enough to become eligible for superannuation contributions.

If you require further information contact a Workplace Advisor on 1800 888 479.

The States to Discuss the Future of IR and OHS Laws

All States have issued a communiqué that senior officials from the State Industrial Relations jurisdictions will meet to discuss the possibility of a national industrial relations system. Western Australia will be represented, but that State has already indicated its reluctance to join a national system.

The Federal Government in the meantime will press ahead with substantive changes to workplace relations laws which are expected in the next few weeks.

The State Industrial Relations Ministers have now received the first report on the National Review of Occupational Health and Safety laws. The Ministers will report back to the review panel on key issues in the proposed national legislation. The Senate has made a number of amendments to the Safe Work Australia Bill 2008 and has been criticised by the Federal Government for threatening the harmonisation of national OHS legislation. Ms. Julia Gillard has stated that the Senate amendments would be rejected by the Federal Government. MGA will keep members informed on the progress of the new IR and OHS laws.