

National Employment Standards

Changes to casual employment – industrial relations reforms

On 26 March 2021, sections of the Fair Work Act relating to casual employees were amended.

We have detailed information and guidance about the changes. We've also reviewed and updated the information on this page.

For more information, see [Changes to casual employment – industrial relations reforms \(www.fairwork.gov.au/about-us/news-and-media-releases/website-news/reforms\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/reforms) .

The National Employment Standards (NES) are 11 minimum employment entitlements that have to be provided to all employees.

The national minimum wage and the NES make up the minimum entitlements for employees in Australia. An award, employment contract, enterprise agreement or other [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can't provide for conditions that are less than the national minimum wage or the NES. They can't exclude the NES.

The 11 minimum entitlements of the NES are:

- [Maximum weekly hours \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours)
- [Requests for flexible working arrangements \(www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/flexible-working-arrangements\)](http://www.fairwork.gov.au/Employee-entitlements/Flexibility-in-the-workplace/flexible-working-arrangements)
- [Offers and requests to convert from casual to permanent employment \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee)
- [Parental leave and related entitlements \(www.fairwork.gov.au/Leave/maternity-and-parental-leave/default\)](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default)
- [Annual leave \(www.fairwork.gov.au/leave/annual-leave/default\)](http://www.fairwork.gov.au/leave/annual-leave/default)
- [Personal/carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/default\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/default) , [compassionate leave \(www.fairwork.gov.au/leave/compassionate-and-bereavement-leave\)](http://www.fairwork.gov.au/leave/compassionate-and-bereavement-leave) and [unpaid family and domestic violence leave \(www.fairwork.gov.au/leave/family-and-domestic-violence-leave/default\)](http://www.fairwork.gov.au/leave/family-and-domestic-violence-leave/default)
- [Community service leave \(www.fairwork.gov.au/leave/community-service-leave/default\)](http://www.fairwork.gov.au/leave/community-service-leave/default)
- [Long service leave \(www.fairwork.gov.au/leave/long-service-leave/default\)](http://www.fairwork.gov.au/leave/long-service-leave/default)
- [Public holidays \(www.fairwork.gov.au/Leave/Public-holidays/default\)](http://www.fairwork.gov.au/Leave/Public-holidays/default)
- [Notice of termination \(www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default\)](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) and [redundancy pay \(www.fairwork.gov.au/ending-employment/redundancy/default\)](http://www.fairwork.gov.au/ending-employment/redundancy/default)
- [Fair Work Information Statement \(www.fairwork.gov.au/Employee-entitlements/National-Employment-Standards/fair-work-information-statement\)](http://www.fairwork.gov.au/Employee-entitlements/National-Employment-Standards/fair-work-information-statement) and [Casual Employment Information Statement \(www.fairwork.gov.au/employee-entitlements/national-employment-standards/casual-employment-information-statement\)](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards/casual-employment-information-statement)

Who's covered by the NES

All employees in the [national workplace relations system \(www.fairwork.gov.au/Dictionary.aspx?TermID=2033\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2033) are covered by the NES regardless of the award, registered agreement or employment contract that applies.

Casual employees and the NES

Casual employees only get some NES entitlements including:

- [offers and requests to convert from casual to permanent employment \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/becoming-a-permanent-employee)
- [unpaid carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave)
- [unpaid compassionate leave \(www.fairwork.gov.au/leave/compassionate-and-bereavement-leave\)](http://www.fairwork.gov.au/leave/compassionate-and-bereavement-leave)
- [unpaid family and domestic violence leave \(www.fairwork.gov.au/leave/family-and-domestic-violence-leave/default\)](http://www.fairwork.gov.au/leave/family-and-domestic-violence-leave/default)
- [unpaid community service leave \(www.fairwork.gov.au/leave/community-service-leave/default\)](http://www.fairwork.gov.au/leave/community-service-leave/default)
- the [Fair Work Information Statement \(www.fairwork.gov.au/employee-entitlements/national-employment-standards/fair-work-information-statement\)](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards/fair-work-information-statement) and the [Casual Employment Information Statement \(www.fairwork.gov.au/employee-entitlements/national-employment-standards/casual-employment-information-statement\)](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards/casual-employment-information-statement)

[ployment-standards/casual-employment-information-statement](#) .

In some states and territories long serving casuals are eligible for long service leave.

Casual employees can request flexible working arrangements and take unpaid parental leave if:

- they have been employed by their employer as a casual employee on a regular and systematic basis over at least 12 months, and
- they reasonably expect to continue being employed by the employer on a regular and systematic basis.

See [Casual employees \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees/casual-employees\)](#) for more information.

Source reference: [Fair Work Act 2009 s.61](#)  (<http://www.comlaw.gov.au/Series/C2009A00028>)


Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](#) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.


What to do next

- Download the Fair Work Information Statement (PDF 187.8KB) (<https://www.fairwork.gov.au/ArticleDocuments/724/Fair-Work-Information-Statement.pdf.aspx>) (DOCX 86.1KB) (<https://www.fairwork.gov.au/ArticleDocuments/724/Fair-Work-Information-Statement.docx.aspx>)
- Find an [Award \(www.fairwork.gov.au/Awards-and-agreements/Awards/default\)](#) that applies
- Search the [Fair Work Commission website \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](#)  for an agreement

Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](#) .

You might also be interested in

- [Introduction to the National Employment Standards fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards\)](#)
- [Award and agreement free wages and conditions \(www.fairwork.gov.au/awards-and-agreements/award-and-agreement-free-wages-and-conditions\)](#)
- [My employment checklist \(DOCX 417.2KB\) \(www.fairwork.gov.au/ArticleDocuments/715/My-employment-checklist.docx.aspx\) \(PDF 365.7KB\) \(www.fairwork.gov.au/ArticleDocuments/715/My-employment-checklist.pdf.aspx\)](#)
- [business.gov.au – Employment Contract Tool \(https://employ.business.gov.au\)](#) 

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.