

# COVID-19 | Work Rights

## **Casual workers still have rights**

- Casual workers are still entitled to the wage subsidy.
- You still have sick leave rights
- If you have a regular pattern of work over a period of time - the law would say you are not a casual. So, you would have a right to continue being paid.

## **Am I a casual?**

Just because your employer tells you that you are a casual worker does not mean that you are legally a casual worker.

You are not a casual worker if you have guaranteed hours of work, have a regular pattern of work, or have an ongoing expectation of employment. A casual is someone who doesn't have to be offered work and doesn't have to accept work offered to them.

Even if you are a casual employee, you still have employment rights.

## **Casual workers accessing the wage subsidy**

Your employer should apply for the wage subsidy and pass this onto you as part of their good faith obligations they owe to you, even if you are a casual worker.

If your employer does receive the wage subsidy, they must undertake their "best endeavours" to pay you at least 80% of your wages, they must also have a genuine reason why they cannot pay you 100% of your wages.

"Best endeavours" does not mean your employer can compel you to use your annual leave or sick leave to top up to 80% UNLESS you expressly agree to this.

## **Does the wage subsidy apply to workers who are working from home?**

Yes, the wage subsidy applies to both workers who are working from home, and those who cannot perform their work duties from home.

## **If I'm receiving less than full pay do I work less hours?**

If a worker is receiving less than full pay, they will also be expected to work less.

## **Sick Leave**

Casuals are entitled to sick leave when they have 6 months current continuous employment and have worked for either:

- An average of 10 hours per week for 6 months; or
- At least one hour every week or 40 hours in every month for 6 months

Sick leave is a right that you have under the law. Your employer can never force you to use sick leave.

You can choose to take sick leave if you, your partner, or your dependent (a child or person you care for) is sick or injured.