This document explains the Casual Employment Policy that applies in respect to the employees of Murdoch Children's Research Institute (MCRI) and all its subsidiary organisations.

Summary
1.1 This policy has been applied in accordance with the Fair Work Act 2009 (Cth) “The Act”.
1.2 This policy applies to staff employed on a casual basis and paid as such by MCRI.
1.3 Where there is discrepancy between this policy and any applicable Modern Award, the Modern Award will prevail; except however, where there’s an Enterprise Agreement (EA), or equivalent workplace Agreement, the EA will prevail over the policy and the Modern Award at all times.
1.4 Where there is a difference between employees employed specifically by MCRI or VCGS, this will be stated.
1.5 A Casual employee is less likely to have regular or guaranteed hours of work.
1.6 A Casual employee receives a loading in addition to the hourly rate of pay in lieu of leave entitlements, subject to legislative requirements.
1.7 Notice periods by employer or employee do not apply to casuals, except as required in clause 3.5.

Introduction
2.1 MCRI utilises casual employment where work is to be performed on an irregular basis over an undefined and normally short period.
2.2 This policy sets down the principles for the engagement of casual staff at the MCRI. Managers should also refer to MCRI's Recruitment Policy and Departure Policy.

Principles
3.1 Use of Casual Employment
3.1.1 Casual employment is usually on an ad hoc or short term basis and is appropriate for, but not limited to, the following situations:
   - To cover staff absences;
   - To provide additional staff in peak periods;
   - On a short-term project;
   - Where the availability of work and/or funding is uncertain or variable.
3.1.2 Casual employees are paid at an hourly rate.
3.2 Engagement of Casual Employees
3.2.1 Existing Part-time MCRI employees may also be employed on a casual basis, on work unrelated to, or identifiably separate from, the employee’s normal duties. However, additional employment on a casual basis would usually be in a different Group, may be at a different rate of pay and must not conflict with their other duties. The total number of ordinary hours worked must not exceed 38 hours per week (or an average of 38 hours per week over a 4 week period) in total, when working on a part-time and casual basis. Approval from the Head of Human Resources is required before this can be offered.

3.2.2 While it would be rare, full-time MCRI employees may at times also have additional employment on a casual basis, but this would also usually be in a different Group, may be at a different rate of pay and must not conflict with other ordinary time worked. Therefore, such work would need to be performed before or after ordinary time hours and with an unpaid break of at least 30 minutes between roles. Such work is not classified as overtime. Clear approval from the Head of Human Resources must be given prior to any work being done at a capacity greater than 1.0 FTE.

3.2.3 It is a requirement that upon commencement, all Casual employees are inducted into the MCRI working environment and all MCRI compliance training is completed.

3.2.4 If the casual position has been regular and continuous for 12 months and it is envisaged that this will continue, the employment category should be reviewed with Human Resources to determine if the role may be more suitable as a part time position.

3.2.5 If a casual position is re-assessed/converted to part-time, the casual employee in the position may be subject to a satisfactory qualifying review prior to being offered the part-time position.

3.2.6 A casual employee is required to submit authorised timesheets on a fortnightly basis to MCRI Payroll in order to be paid.

3.3 Remuneration for Casuasls

3.3.1 A Casual employee cannot work more than 38 ordinary hours per week, or an average of 38 hours per week over a 4 week period, with no more than 10 hours to be worked on any one day; and with a minimum of 30 minutes unpaid break after no more than 5 hours worked.

3.3.2 A Casual employee will be paid an hourly rate, based on 1/38th of the weekly rate for the appropriate job level plus a loading in lieu of leave entitlements for ordinary hours of work performed, as follows:

- VCGS Medical Scientists and Genetic Counsellors (as per EA);
- Nurses Modern Award – 25% on Monday to Friday, except Public Holidays; 50% on a Saturday; 75% on a Sunday; and 150% on a Public Holiday (i.e. double time + 25%);
- All Other Employees – 25% on Monday to Friday, except Public Holidays; 75% on Weekends; and 212.5% on Public Holidays (i.e. double time and a half + 25%).

3.3.3 A Casual employee will not usually be required to work less than the minimum hours payable under their Award or EA, as applicable, however a minimum of 3 hours work will be paid per engagement, at the applicable rate; except for employees under the Nurses Modern Award, whereby a minimum of 2 hours of work will be paid per engagement applies.
3.3.4 For hours worked in excess of ordinary hours, as requested and authorised in advance by the Casual employee’s Line Manager, refer also to the MCRI Overtime & Re-Call Policy.

3.3.5 A Casual employee is entitled to employer superannuation contributions, as per the Australian Taxation Office (ATO) Superannuation Guarantee legislation. Superannuation entitlements are calculated on the total gross amount paid, including the casual loading.

3.3.6 A Casual employee cannot set up any recurring payroll deductions, including access to the MCRI salary packaging benefits.

3.3.7 Overtime rates may apply to hours worked by an employee on a casual contract, or hours agreed to be worked on a casual basis, only as provided for in the MCRI Overtime & Re-Call Policy.

3.4 Leave Entitlements

3.4.1 While a Casual employee is paid a loading in lieu of accruing leave entitlements, due to the irregularity & uncertainty of employment, some leave entitlements are now available. These are provided for under the National Employment Standards (NES) and the Victorian Long Service Leave (LSL) Act 1992. These entitlements are mostly unpaid, but can provide some additional flexibility.

3.4.2 A Casual employee may take Leave as per the chart & clauses below, as:

- Personal Leave – if the employee is unfit for work because of a personal illness, or personal injury, affecting the employee; or
- Carer’s Leave – to provide care or support to a member of the employee’s immediate family or household, who requires care or support because of:
  - A personal illness, or personal injury affecting the member; or
  - An unexpected emergency affecting the member.
- Compassionate Leave:
  - Upon the death of a member of the employee’s immediate family or household; or
  - In the event of an illness or injury that poses a serious threat to the life of a member of the employee’s immediate family or household.
- Community Service Leave, as detailed in clause 3.4.5 below.

3.4.3 Notification to your Line Manager is required as soon as reasonably practicable, of the expectation of being unable to work as provided in this policy and the period or expected period of absence.

3.4.4 Evidence requirements for an unpaid absence must state the reason that the leave was required and if it was to provide care or support to a member of your immediate family or household, it must include what their specific relationship is to you.

| FIGURE 2 – CASUAL LEAVE ENTITLEMENTS, EVIDENCE REQUIREMENTS & ITEM LIMITS |
|---------------------------------|---------------------------------|--------------------------------------------------|
| Leave (Item) Type | Type of Evidence Required | Leave (Item) Type – Limits Within Each Anniversary Year |
| Unpaid Personal Leave | Certificate from Qualified Medical Practitioner | Up to 2 days per annum (taken as a single continuous period, or any separate periods to which |
### 3.4.5
A Casual Employee is entitled to be unable to attend for work for the purpose of performing an **eligible community service activity** such as:

- a 'voluntary emergency management activity';
- **jury service** (including service for jury selection) that is required by or under the law of the Commonwealth or of a State or Territory.

### 3.4.6
The employee is entitled to be absent from work as per clause 3.4.5:

- for the time the employee is engaged in the **eligible community service activity**, including reasonable travelling time associated with the activity and reasonable rest time immediately following the activity;
- if the absence is reasonable in all the circumstances (**jury service** is taken to always be reasonable).

### 3.4.7
All Leave absences for Casual employees are unpaid, except in relation to jury service, but this only applies under specific circumstances where the employee would have reasonably expected to be working, if not required for jury service. The payment only applies for the hours the casual employee would reasonably expected to have worked and is only for make-up pay.

### 3.4.8
A Casual employee’s request for payment of make-up pay for jury service must be provided immediately on their return to work, or within 2 weeks of attendance, whichever is the earlier. The request is by submission of a timesheet to MCRI Payroll, with the evidence of attendance for jury service and the amount you received from the Juries Commissioner attached. Refer also to MCRI payroll staff, as required.

### 3.4.9
Evidence of your attendance at a **voluntary emergency management activity** may be required by MCRI.

### 3.4.10
A Casual employee is not entitled to any payment under “Community Service Leave”, including jury service, while on another period of absence, including for example, Parental Leave or Long Service Leave.
3.4.11 Attendance at a Defence Force camp or training activity is not a voluntary emergency management activity (as defined in the Act). If a casual employee wishes to attend a Defence Force camp, they must discuss their period of unavailability for work with their Line Manager.

3.4.12 A casual employee is entitled to have a day off on a public holiday (unpaid) unless reasonably requested to work by their Line Manager. Refer also clause 3.3.2.

3.4.13 In addition, casual employees who have been employed for at least 12 months by an employer on a regular and systematic basis and with an expectation of ongoing employment are entitled to:

- make requests for flexible working arrangements; and
- unpaid parental leave.

3.4.14 The Victorian Long Service Leave (LSL) Act 1992 explicitly includes casual and seasonal employees provided that:

- The employee has had continuous employment with one employer, as defined. At MCRI, this would include both MCRI & VCGS together.
- There has been no more than a three month absence between any two periods of employment.
- The LSL Act also specifies that even if there is an absence of more than three months between two periods of employment/work, the employment may still be regarded as continuous if such an absence is in accordance with the terms of the employment, although unpaid absences do not count towards any entitlement.
- A casual hourly rate cannot be loaded further, expressly to exclude the obligation of an employer to pay long service leave.
- Where the casual hours worked varied, the long service leave entitlement is based on the average hours of the previous 12 months or 5 years, whichever is the greater entitlement, or as per the LSL Act.
- Cashing out of Long Service Leave entitlements is not permitted by law.
- Entitlement for Long Service Leave for Casuals employed by MCRI & VCGS, except VCGS Medical Scientists and VCGS Genetic Counsellors, which is as per their EAs, is as follows:

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<th>APPLICABLE INDUSTRIAL INSTRUMENT:</th>
<th>Victorian Long Service Leave (LSL) Act 1992</th>
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<tr>
<td>ELIGIBLE CONTINUOUS SERVICE:</td>
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<td>ENTITLEMENT AFTER ELIGIBILITY:</td>
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<td>PRO-RATA ACCRUAL PAYABLE ON CESSION AFTER ELIGIBLE SERVICE OF:</td>
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3.5 Cessation of Casual Employment

3.5.1 The employment of a Casual employee commences at the start of each shift and terminates at the end of each shift. Termination of employment during a shift shall be one hour’s notice in accordance with
the Leaving MCRI Policy. However, it is always expected that an attempt will be made to provide reasonable notice that the services of a casual employee are no longer required.

3.5.2 The contract of a Casual employee who has not worked with MCRI for more than 3 months may be terminated, subject to the operational requirements of the role.

Related Policies

Recruitment Policy

Qualifying Period of Employment Policy & Procedure

Overtime & Re-Call Policy

Departure Policy

The current, official version of this Policy and associated Procedures is maintained on this Policies and Procedures database. Printing this Policy or transferring it into another electronic format will result in the document being an uncontrolled copy which might not be current. Please refer any feedback to the Policy Owner via the link below:

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