



DETERMINATION

Fair Work Act 2009

Sch 1, cl 101—Variation of modern awards to resolve an uncertainty or difficulty

Variation on the Commission’s own initiative—Casual employment terms
(AM2024/29)

EDUCATIONAL SERVICES (SCHOOLS) GENERAL STAFF AWARD 2020

[MA000076]

Educational services

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT GIBIAN
COMMISSIONER CRAWFORD

SYDNEY, 26 AUGUST 2024

Variation on the Commission’s own initiative – Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024 (Cth) – casual employment terms – award varied.

A. Further to the decision issued by the Fair Work Commission on 26 August 2024 [[2024] FWCFB 316], the above award is varied as follows:

1. By inserting a note below the definition of “casual employee” in clause 2 as follows:

NOTE: Section 15A of the Act was amended with effect from 26 August 2024. Under clause 102(3) of Schedule 1 to the Act, an existing employee who was a casual employee of an employer under section 15A as it was immediately before that date is taken to be a casual employee of the employer for the purposes of section 15A after that date.

2. By deleting clause 11.5 and inserting the following:

11.5 Changes to casual employment status

A pathway for employees to change from casual employment to full-time or part-time employment is provided for in the NES. See sections 66A to 66MA of the Act.

NOTE: Disputes about changes to casual employment status may be dealt with under sections 66M and 66MA of the Act and/or under clause 31—Dispute Resolution.

3. By deleting the table appearing in the note at the end of clause 31 and inserting the following:

| For a dispute about rights under the Act to | Section |
|--|----------------|
| Request flexible working arrangements | 65B |
| Change casual employment status | 66M |
| Request an extension to unpaid parental leave | 76B |
| Exercise an employee's right to disconnect | 333N |

B. This determination comes into operation on and takes effect from 27 August 2024.



PRESIDENT

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