



## Casual employment of nurses, midwives and assistants in nursing position statement

### 1. Purpose

This position statement sets out the principles the Australian Nursing and Midwifery Federation (ANMF) considers should apply to employing casual and agency nurses, midwives and assistants in nursing.<sup>1</sup>

### 2. Definitions

Under the *Fair Work Act 2009* (Cth), a person is a **casual employee** if:<sup>2</sup>

- they are offered a job
- the offer does not include a firm advance commitment that the work will continue indefinitely and in an agreed pattern of work
- they accept the offer knowing there is no firm advance commitment and become an employee.<sup>3</sup>

Once someone is employed on a casual basis, they continue to be a casual employee until they stop being employed by the employer or they become a permanent employee.

### 3. Context

Many nurses, midwives and assistants in nursing are engaged in casual employment. While offering convenience for some, casual employment has financial, social and industrial implications for all casual employees. For example, as well as not having job security, casual employees have:

- reduced earnings when casual loadings do not fully compensate for lost conditions such as paid annual leave and personal leave
- reduced retirement savings
- reduced career opportunities and access to workplace continuing education
- reduced ability to secure finance
- reduced ability to plan caring, family and community activities.

A reliance on casual employees can also impact continuity of care.

### 4. Position

To mitigate these impacts, it is the position of the ANMF that:

#### Use of casual staff

1. The casual employment of nurses, midwives and assistants in nursing must only be used to cover temporary employment situations or in exceptional circumstances.
2. The use of casual employees must not be allowed to undermine:
  - the continuity of care
  - the knowledge and skill base of employees providing care

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<sup>1</sup> Assistants in nursing refers to all care workers however titled.

<sup>2</sup> See [http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/fwa2009114/](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/fwa2009114/).

<sup>3</sup> See <https://www.fairwork.gov.au/starting-employment/types-of-employees/casual-employees>.



- the time available for care by permanent staff who are orientating or helping casual employees
  - the employer's duty to provide an environment in which employees can deliver safe care
  - permanent employment opportunities.
3. Health services must limit the number of casual employees to that required to meet temporary or exceptional circumstances which cannot be covered by permanent staff.
  4. Health services should create 'banks' or 'pools' of nurses, midwives and assistants in nursing whose qualifications and competence are known, and who are familiar with the policies and practice of the health service.
  5. Health services should always source staff from their bank or pool before sourcing staff from agencies and aim to provide ongoing, permanent employment for their bank or pool staff.
  6. If the health service has no option but to engage agency staff, the health service should use a reputable agency that does not deduct or charge unreasonable placement fees.
  7. Health services should also ensure the agency staff they engage:
    - have been appropriately vetted
    - have appropriate insurance cover and training for the job for which they have been engaged.

### **Terms and conditions**

8. Casual nurses, midwives and assistants in nursing must:
  - be properly compensated for the loss of employment security and paid annual, personal and compassionate leave entitlements
  - have access to all other entitlements including shift allowances, penalties and overtime as well as casual loading and leave where applicable
  - receive an orientation to the workplace before performing any clinical responsibilities
  - have access to the same professional development opportunities as permanent employees.
9. Casual employees who perform regular casual work, including working a regular pattern of hours on an ongoing basis should be offered permanent employment.
10. Employers should provide incentives for employees to choose permanent employment over casual employment, including policies that provide:
  - flexibility of rosters and leave
  - job-sharing
  - career advancement
  - permanent part-time employment.

### **5. Position statement management**

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