

# Responding to an employee's notice to change to permanent employment – checklist and response template

## Who can use this response template?

This response template is for **employers** to respond to an employee notice of intention to change from casual to permanent employment under the **employee choice pathway**.

Casuals employed by small business (with less than 15 employees) before 26 August 2024 will not be eligible to access the new employee choice pathway until 26 August 2025. The previous casual conversion provisions continue to apply for eligible employees until 26 August 2025. For information on casual conversion visit [fairwork.gov.au/casual-conversion](https://fairwork.gov.au/casual-conversion)

### What is the employee choice pathway?

The employee choice pathway is an entitlement under the National Employment Standards (NES). It gives eligible casual employees the right to notify their employer that they intend to change to permanent employment. Under this pathway, an employer can only refuse the notice to change to permanent employment based on limited reasons.

Learn more about the employee choice pathway at [fairwork.gov.au/employeechoice](https://fairwork.gov.au/employeechoice)

Your award or enterprise agreement may have rules about changing to permanent employment that are more beneficial than the NES. If so, those rules apply.

## Who is a casual employee?

A person is a casual employee if, when they start employment:

- the employment relationship has no firm advance commitment to ongoing work, and
- they're entitled to a casual loading or specific casual pay rate under an award, enterprise agreement, or employment contract.

For more information on how to assess a 'firm advance commitment' visit [fairwork.gov.au/casual](https://fairwork.gov.au/casual)

## How to use this response template

- Use the [checklist](#) to confirm whether the employee choice pathway applies, and to help you understand what steps you need to take when responding to a notice to change.
- Use the relevant response template to respond to your employee letting them know if you accept the notice to change or not.

### Important

This checklist and response template provide general information for employers responding to an employee's notice to change to permanent employment. Language and concepts have been simplified for education purposes. It is your responsibility to confirm your obligations and ensure the information you include in the template is accurate for your personal circumstances.

This resource was last updated in February 2025.

## Checklist: Confirm what steps you need to take when responding to an employee's notice

This checklist has two steps. Step 1 will help you confirm if the employee choice pathway applies. If it does apply, Step 2 will help you decide how to respond.

Step 1: Confirm the employee choice pathway applies

### Check if the employee choice pathway applies

Your employee:

- has **been working for you for more than 6 months, or 12 months** if you're a small business with less than 15 employees. Any time spent working by your employee working with you **before 26 August 2024** does not count towards eligibility to access the employee choice pathway. For more information, visit [fairwork.gov.au/employeechoice](https://fairwork.gov.au/employeechoice)
- believes that they no longer meet the definition of a casual employee – find out more at [fairwork.gov.au/casual](https://fairwork.gov.au/casual)
- doesn't have a current dispute with you about changing to permanent employment under the employee choice pathway
- hasn't had a previous notification refused or had a dispute resolved with you about changing to permanent employment under the employee choice pathway within the last 6 months

### Did you tick all the boxes?

- I'm not sure, I need more information:**
  - visit our Becoming a permanent employee page at [fairwork.gov.au/employeechoice](https://fairwork.gov.au/employeechoice)
  - call our Infoline to speak to an adviser on 13 13 94.
- Yes** – if you ticked all the boxes above, the employee choice pathway **applies**. Continue to **Step 2** of this checklist.
- No** – if you did not tick all the boxes above, the employee choice pathway **might not apply**.
  - you should discuss the notification with your employee. You can still accept or refuse your employee's notification to change to permanent employment, but the employee choice pathway **will not apply**.

## Step 2: Employee choice pathway applies - responding to the notice to change

### What do I need to do next?

- check if an award or enterprise agreement applies to your workplace and whether it has rules about changing to permanent employment that are more beneficial than the NES. If there is an award or enterprise agreement, those additional rules may apply. Find your award at [fairwork.gov.au/awards](http://fairwork.gov.au/awards) or find your enterprise agreement at [fwc.gov.au/agreements](http://fwc.gov.au/agreements)
- If you're accepting the change**
  - you must first discuss with your employee the new conditions of employment including whether the employee will be full-time or part-time, their hours of work and their start date as a permanent employee.
- If you're not accepting the change**
  - check that your reason or reasons for not accepting a notification are allowed reasons. If a reason is not allowed, you **can't refuse the notice to change on that basis**. To see the list of allowed reasons visit [fairwork.gov.au/employeechoice](http://fairwork.gov.au/employeechoice)
  - you must discuss with your employee the reasons why before responding to them in writing. You can view our 'Difficult conversations in the workplace – manager course' for help with this conversation at [fairwork.gov.au/learning](http://fairwork.gov.au/learning)
- Written response** – you must respond to the employee's notice in writing within 21 days, explaining whether you're accepting the change or not. Your response must include information on the new conditions of employment (if accepted) or reasons for not accepting the change (if not accepted).

### What if my employee doesn't agree with my decision?

Workplace problems can usually be fixed quickly when employees and employers work together to come up with a solution. Sometimes this isn't possible and extra help is needed. Start by visiting our Workplace problems page at [fairwork.gov.au/workplace-problems](http://fairwork.gov.au/workplace-problems)

If you and your employee still can't agree about the change to permanent employment, you can apply to the Fair Work Commission for help to resolve a dispute about changing to permanent employment. Find out more at [fwc.gov.au/issues-we-help](http://fwc.gov.au/issues-we-help)



### Instructions for completing this template

This response template has been colour-coded to help you to complete it.

Replace the **<red writing inside the angle brackets>** with the information relevant to your circumstances. When you're done you need to remove the brackets and change the text to black.

Instructions are included to help you. They are written in **[purple writing inside square brackets]**. You need to delete these instructions when you're finished.

When completing the template, you should copy and paste the text into a new Word document or email. **Do not include the Fair Work Ombudsman letterhead.**

Please keep a copy of the letter for your records.

# Response template: Accepting an employee's notice to change to permanent employment

[Copy and paste all text below the dotted line into a new blank Word document, or into an email. To make sure you are using this template correctly, follow all the steps in the checklist]

---

<Print on your business letterhead if applicable>

<Date>

Private and confidential

<Employee's full name>

<Employee's residential/postal/email address>

Dear <Employee's first name>

Thank you for your notice to change to permanent employment, dated <date of employee request>.

We confirm that we discussed your notice on <date you consulted with the employee>, including the potential changes to your employment.

We are pleased to advise you that following this discussion, we are accepting your notice to change to permanent employment.

## What happens next?

Your change to permanent employment will take effect on <first day of the employee's next full pay period or the date you both agreed on>.

## What will change?

Based on our discussion, you will change to permanent <part-time or full-time> employment. Your hours of work will be <agreed days and hours of work>.

As a permanent employee, you will be entitled to different minimum employment entitlements, including paid annual leave, and paid sick and carer's leave. For more information about minimum entitlements visit [fairwork.gov.au/nes](http://fairwork.gov.au/nes)

Following the change, your pay rate will be <pay rate>. This is in accordance with the <name of your award/agreement or employment contract>.

## Where can you go for help?

If you have any questions, please contact me on <contact details>.

Thank you again for your work and contribution to our business.

Yours sincerely

<Your name>

<Your position>

# Response template: Not accepting an employee's notice to change to permanent employment

[Copy and paste all text below the dotted line into a new blank Word document, or into an email. To make sure you are using this template correctly, follow all the steps in the checklist]

---

<Print on your business letterhead if applicable>

<Date>

Private and confidential

<Employee's full name>

<Employee's residential/postal/email address>

Dear <Employee's first name>

Thank you for your notice to change to permanent employment, dated <date of employee request>.

We confirm that we discussed your notice on <date you consulted with the employee>, including the potential changes to your employment.

As discussed, we have made the decision not to accept your notice to change to permanent employment.

## Why we aren't accepting the change

We have refused your request to change to permanent employment because <reason or reasons allowed for not accepting>.

## What happens next

You will continue to be employed as a casual employee with <business name>.

Though we have not accepted your notice to change to permanent employment at this time, you may give notice of your intention to change to permanent employment again in the future if you meet the eligibility criteria.

You can find out more about the process of changing to permanent employment, including the allowed reasons for not accepting a notification, at [fairwork.gov.au/employeechoice](https://fairwork.gov.au/employeechoice)

If you disagree with this decision, we will organise a time to discuss this further with you. Please let us know what time is suitable for you.

Thank you for your work and contribution to our business.

Yours sincerely

<Your name>

<Your position>