

Employment Law Fact Sheet No. 18



EMPLOYING SHORT TERM WORKERS

It is common to engage short term workers for example during the foaling season or for sales preparation. Such workers may be engaged in a variety of ways. For example:

1. Genuinely self-employed (see TBA fact sheet on using the services of self-employed individuals)
2. Fixed term or assignment based (for example until the last mare foals)
3. Casual bank staff used on an ad hoc basis.

Recruit carefully

Even though you are only likely to be using the worker for a short period be aware of the problems that may arise if you do not recruit carefully. If specific qualifications or experience are required ensure that these are held and possibly check with the relevant bodies and take references.

Agree terms

Set out in writing what is agreed between the parties at the outset. If employing on a fixed term or assignment based basis ensure that the length or anticipated length of the assignment is clear but reserve the right to terminate on one week's notice within the fixed period (e.g. if problems arise). However consider whether you want this to be reciprocal because you may require more notice than this from the individual if you will need time to replace them.

Beware of ancillary issues

Depending on the nature of the role there are likely to be further issues to take into account.

For example, if engaging individuals to carry out sitting up duties, thought will need to be given to compliance with the Working Time Regulations in respect of entitlements such as night work and rest breaks (see TBA Fact sheet on the Working Time Regulations for further details).

There may also be lone working issues. Whilst there is no general prohibition on lone working you will need to carry out a risk assessment taking risks to health and safety into account. For further detail see:

<http://www.hse.gov.uk/toolbox/workers/lone.htm>

If using casual or bank staff on an ad hoc basis ensure that your contractual arrangements are appropriate. See section on Zero Hours Contracts in TBA fact sheet on Contracts of Employment and ACAS guidance:

<http://www.acas.org.uk/zerohours>

If you are engaging individuals to assist in sales preparation duties, they may be working long hours and should be asked to sign a working time opt out agreement (again see TBA fact sheet on Working Time Regulations and also sample Working Time Opt Out Agreement).

Holiday entitlement is still going to be applicable for all those engaged who are not genuinely self-employed. This will be on a pro rata basis according to the proportion of the year worked. See fact sheet on Holidays and Holiday Pay.

Be Aware!

- TBA has produced an easy-to-use sample induction checklist for temporary workers at Bloodstock Sales. Please review this, adapt to your own circumstances and use when appropriate.
- If paying 'rolled up holiday pay' to workers on variable pay and/or hours to simplify the process of managing holiday entitlements for such employees, clearly break down the hourly rate to show the exact portion representing holiday pay, This transparency enables employees to understand their earnings and the method used to calculate their entitlements.
- For roles with a standard hourly rate, the hourly rate, including holiday pay, generally increases by a formulaic percentage of 12.07% (i.e. the statutory minimum of 5.6 weeks of annual leave).
- Minimum Guaranteed Hours? - Under the new Employment Rights Act zero-hours workers could be entitled to a minimum number of guaranteed hours per week, if they work regular hours over a defined period. This is intended to provide greater job security and predictability for their income.

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