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## **Article**

### **Title: What every Basingstoke business should know about taking on Christmas temporary staff**

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by **Kell-Jean Lees, solicitor specialising in employment law**

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If you are taking on temporary workers in the run-up to Christmas you must ensure they are given the same rights and privileges as other staff or you could run the risk of employment tribunals, warns Phillips, leading law firm in Basingstoke. Many businesses in Basingstoke, especially in retail and leisure sectors, employ seasonal workers to cope with the sudden sharp increase in demand but they often fail to comply with employment legislation.

Kelly-Jean Lees, newly appointed solicitor at Phillips Solicitors, specialising in employment law, warns that employers taking on temporary workers through an agency ('agency workers') or workers for a limited period ('seasonal workers'), cannot treat them any less favourably than permanent staff doing the same type of job. Kelly comments: 'These types of workers may also enjoy many of the same employment rights as permanent staff and, under certain circumstances, may even have a right to bring an unfair dismissal claim.'

So to help you stay on the right side of the law, here are Kelly-Jean Lees' tips for taking on temporary Christmas staff:

- Do the basics - carry out all the relevant pre-recruitment checks, such as checking visas and work permits for foreign nationals and do Criminal Record Bureau checks for workers who come into contact with children.
- Provide seasonal workers with written particulars setting out clearly the period for which they are employed and the terms and conditions of their employment.
- Make sure you pay your temps at least the minimum wage. They are also entitled to paid holiday and the protection of the Working Time Regulations. Remember that

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during this busy time all employees are entitled to a rest of at least 20 minutes when working more than six hours

- Ensure your temps are made aware of your policies because if their behaviour leads to claims of harassment or discrimination, you are still potentially liable for their actions.
- Give appropriate training to your temps to prevent injury - they are likely to be unfamiliar with your place of work - as you are obliged to conduct risk assessments under the Management of Health and Safety at Work Regulations 1999.
- Make sure that your temporary workers are made aware of your absence policy, disciplinary and grievance procedures
- Give your temps an exit interview – feedback on how your company compares to others is always useful

Kelly adds: 'It is important to comply with employment regulations for seasonal temps as well as permanent members of staff because if you don't, you could run the risk of ending up in the employment tribunals.'

For more employment law advice, call Kelly on her direct line: 01256 854670, or email Kelly at [klee@phillips-law.co.uk](mailto:klee@phillips-law.co.uk). Visit our website at: [www.phillips-law.co.uk](http://www.phillips-law.co.uk)

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