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Article

Title: Temporary Seasonal Workers

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'Supermarkets and retailers will by now be running their pre-Christmas recruitment drives to find temporary staff for the Christmas and New Year Sales period and hoping for a pick-up in sales to improve their annual turnover figures.' says Gill Brown, the Employment Law Partner at Phillips Solicitors, 'Engaging seasonal workers is of benefit both to the unemployed and to employers who need a flexible work force, but both temporary workers and those businesses which recruit them, need to be aware of their rights and obligations to ensure they protect themselves from potential claims.

Advice to employers

If you are an employer you must be mindful of the rights which short term casual workers have, regardless of whether you engage them directly or through an agency. In addition to the points listed below, if you employ staff on short, fixed term contracts of employment, the legislation which protects them gives them specific rights, such as the right to be informed of permanent vacancies. Part-time and fixed term employees also have the specific right not to be discriminated against in comparison to permanent employees, so remember to include them in invitations to the Christmas party!

Temporary worker's rights

It is important not breach the following rules and regulations in relation to:

- the National Minimum Wage
- working time limits, including rest breaks, paid holiday and limits on night work
- limits and consents relating to employment of minors
- Sunday working
- protection against unauthorised deductions from pay

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- maternity, paternity and adoption pay (but not leave)
- Statutory Sick Pay
- protection against less favourable treatment if, for example, for making a disclosure in the public interest (often called 'whistle blowing')
- unlawful discrimination

'Temporary seasonal workers are an extremely useful resource for crucial periods of business such as during the festive season' concludes Gill, 'but both the businesses and those they recruit need to be mindful of and observe their legal rights, including implied duties of trust and confidentiality, if they want to avoid costly Tribunal claims.'

You can call Gill on 01256 854605 for advice or email Gill on gbrown@phillips-law.co.uk

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