

December 2003

Employing Temporary Staff

Darina M. Blake Solicitor advises Northern Ireland employers of their obligations.

At this, the busiest time of year for shops and businesses around the province, many employers take on temporary workers to cope with the Christmas rush. Temporary workers have long been a feature of employment in industries that experience large swings in demand work and work that is seasonal. Temporary labour has become more common in recent years and it is now a central feature of our flexible work force.

The most common reason why employers use temporary labour is to adjust manning levels to peaks and troughs in business activity. Many employers opt for temporary labour as the savings that can result from employing temporary workers rather than full time staff are a big advantage. Temporary staff are often paid less than full time workers and are almost invariably excluded from a number of employee benefits. E.g. Bonuses and Sick Pay. However, this is no longer permitted under the Legislation.

There are obvious advantages for employer in recruiting temporary workers to cope with the busy Christmas period. However, many employers experience specific difficulties with this group of workers. Recruiting suitable staff can in itself be an onerous task. There is no doubt that greater supervision of temporary workers is required. It is common case that temporary workers' work is generally of a poorer quality to full time workers. It is often found that these temporary workers have a lack of commitment and loyalty to their employer and also lack motivation, as they are often paid the minimum wage. Turnover issues are often a problem and this work force tends to be less productive and have a high turnover of people. However, the main disadvantage to employers of employing temporary workers is that they are less reliable than full time workers. This can result in frequent absenteeism and unreliability, defeating the purpose of alleviating the workload, at this time of year.

In spite of the negatives issues outlined above, temporary workers offer both employees and employers potential advantages. Many people who choose temporary work do so as they do not wish to commit themselves to an employer for an extended period or a temporary post may be seen as a first step towards a permanent position. For unskilled workers a short term or fixed term contract might provide the potential for continued upward negotiation of salary and benefits.

Many temporary employees find that temporary work is more conducive to their home environment, especially when they have young children. Thanks to the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employers are now prohibited from treating fixed term employees less favourably than comparable permanent employees, in respect of contractual terms, including pay and pension. However, employers can treat fixed-term employees less favourably if such treatment can be objectively justified e.g. if providing access to an occupational pension scheme would be of little or no benefit to the employee because of the

timescale involved. Hence, employers may be in a position to justify the reason why they don't provide benefits to casual or fixed term employees.

For employers the way to get the most from any worker and especially temporary workers is to avoid discriminating against these workers and offering them the same terms and conditions as those offered to permanent employees. They should be offered similar career development and training opportunities to those available to permanent members of staff. This will lead to better motivation of temporary workers and should help to obliterate disloyalty and other problems associated with them.

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