



Article



August 2018

Summer Staffing Solutions

by Lloyds Employment Law Consultancy

If your organisation is experiencing an increase in work over the summer, you may be thinking about your staffing requirements.

Here's some key things to bear in mind:

1. Choose a contract that's right for your business needs.

Think about whether you need to employ additional staff on a permanent or temporary basis, whether you need them to work set hours, or your demand for hours will fluctuate. Considering these issues can help you to work out what sort of employment contract you need.

If you only need additional staff to cover a busy period, a fixed term / temporary contract or a zero hours contract may be a good fit your needs.

Fixed term / temporary contracts will have an end date or end event.

It is important to be aware that the non-renewal of these types of contract on expiry is considered a dismissal. You should therefore seek advice on the facts of your case in good time if you do not wish to keep the employee on.

Zero-hours contracts give employers flexibility as you are not required to offer the employee work unless there is some available and there will be no set hours. However, it is important to be aware that you cannot require zero-hours employees to work exclusively for you.

2. If your existing employees are working overtime, remember the rules on working limits and rest breaks.

As a statutory minimum, adult workers are usually entitled to:

- **Daily rest:** 11 hours uninterrupted rest in each 24-hour period.

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- **Weekly rest:** one day off per week or two consecutive days off per fortnight.
- **Rest break:** 20 minutes in-work rest break where the employee will work more than six hours.
- **Weekly working time:** limited to 48 hours per week averaged over a 17-week reference period, unless the employee has voluntarily signed an opt-out agreement.

There are some special circumstances where the above may not apply, you should seek advice on your situation.

It's important to note that the rules regarding working time for young workers are more restrictive than

those for adults. Young workers are 15 – 17 years old and are over compulsory school age.

3. **Temporary workers and those on zero-hours contracts are entitled to paid holiday.**

This can be an easy right to overlook, especially if you have brought the employee in to cover holiday in your organisation!

In practice, employees on short fixed term contracts often don't request holiday. Instead they tend to prefer to be paid in lieu of holiday accrued and not taken on termination of employment. That said, if you do receive a holiday request from a fixed term employee you should treat it in the same way you would if it had

come from an employee on a permanent contract.

Paid holiday for zero-hours workers can cause headaches for employers, after all they have no normal working hours so how do you know how much holiday they have accrued and how much holiday pay they are entitled to?

The good news is there are simple and accurate ways of working this out. If you require help with this or any other employment issue, please contact Lloyds.

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