

Hiring Christmas temps - what are the rules?

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For many businesses, Christmas is often the busiest time of the year. As a result, employers welcome extra support from temporary staff known as 'Christmas temps'.

Casual workers enjoy certain rights which employers cannot overlook. Therefore, you must know the rules inside and out to keep you and your business on the right side of employment law.

The basics – pay

In the UK, there are [minimum wages](#) that all workers, regardless of their employment status, must receive. You cannot offer a lower wage than this because they are temporary workers. The National Minimum Wage depends on the individual's age and usually increases each April when the government increases the rates. At the time of writing, the minimum wage for each age group is:

- £9.50 for those aged 23 years old and over;
- £9.18 for those aged 21-22 years of age;
- £6.83 for those aged 18-20 years of age; and
- £4.81 for those aged 16-17 years of age.

It is a legal requirement that all workers receive this pay rate or above.

National Living Wage

The National Living Wage is a legal requirement for all people aged 23 years and over. It is not a requirement to pay staff outside this age bracket £9.50. However, as an employer, if you want to grow your business's reputation, it may be beneficial to consider this, as it is seen as good corporate social responsibility.

Employee and workers' rights

Under employment law, there are certain rights that all staff have, and you, as an employer, have to ensure they receive them. Rights include:

Maximum working week (48 hours in a period of seven days) and rest breaks for all staff (no less than 20 minutes on a six-hour shift, unless the individual is a young worker, and then it must be 30 minutes);

Receipt of an itemised payslip detailing how much they have received in wages, their National Insurance (NI) reductions, and their tax information;

Holiday pay (a minimum of four weeks annual leave in each leave year, calculated on a pro-rata basis);

Protection under the [Equality Act 2010](#), all staff have a right not to be discriminated against on the grounds of what are [protected characteristics](#) under the legislation; and

Protection whistle-blowers (those who make a protected disclosure).

Fixed-term contracts

All Christmas temps should receive an employment contract. It is a legal requirement that they, at a minimum, at least receive a written statement of terms no later than the start of the employment. When hiring for a period like Christmas, the contract offered is likely to be for a fixed term. You can end this earlier, but only if the contract allows you to do so and you follow the notice period outlined in the contract. Following these protocols will help to protect both you and your business.

Zero-hours contracts

The alternative may be a zero-hours contract. With zero-hours contracts, the business does not have to provide a minimum amount of work.

It is best practice to consider the legal rights available to zero-hours workers and employees and the practical issues with engaging them before hiring on this basis.

Contact employment partner Karen Cole today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

