



This Guidance Note is not a complete statement of the law. It is intended for general information only and is not a substitute for seeking specialist advice in particular circumstances. No responsibility for loss occasioned as a result of a person acting or refraining from acting in reliance on it, is accepted by the authors or by NYFVO.

Temporary Contracts

A temporary contract is one where it is made clear that the work is not intended to be permanent, but no fixed ending date is given. A common use of temporary contracts is for maternity or sick leave cover. Employees on temporary contracts have exactly the same rights as employees on permanent contracts, provided they have the appropriate length of service.

Where an employee is recruited on a temporary basis to cover a woman on maternity leave or adoption leave and the employee concerned returns to work, the dismissal of the employee will be potentially fair (under the heading of "Some Other Substantial Reason"). For this to be a fair dismissal it is essential that the temporary employee is informed **at the outset**, in writing, that the employment will be terminated when the absent employee returns to work.

If you employ someone on a temporary or casual basis and his/her wages are not being paid by an agency you must keep a record of:

- his/her name and address
- his/her NI number
- dates the employment started
- the wage/salary

A deductions working sheet (P11) must be completed for temporary or casual employees in any of the following circumstances:

- the employee gives you a P46
- the employee earns more than the lower earnings limit (£82 per week in 2005)
- the employee works for you for more than one week
- the employee is taken on for one week or less but will be working for you again

If casual workers have more than one job, complete a P46 when they start and use the basic tax rate until you are told the correct amount to deduct.

Anyone employed on a temporary or fixed term contract (of whatever length) must be given understandable information on any special qualifications or

skills required to carry out work safely and any necessary health surveillance before they begin work. The same information must be provided to agency staff.

[NYFVO/EA/September 2005].