

Shacklocks

Solicitors & Investment Advisors

PRESS RELEASE

Agency Staff's Rights to Equal those of Employees

Is your business affected?

Does your business use agency or temporary workers? If you do, are you aware of their rights, says local law firm Shacklocks Solicitors?

This Monday, 27th October 2008, new legislation comes in to effect which will mean all agency workers, also known as 'temps', are entitled to Statutory Sick Pay, regardless of how long they have worked in the business.

Before this date, agency workers only became entitled to Statutory Sick Pay after three months and Shacklocks Solicitors is advising local businesses that more changes are still to come, which will give agency workers equal rights to employees.

Clare McShane, a solicitor with Shacklocks, said:

"Many local businesses use agency staff or temps. They are often seen by businesses as the ideal solution to covering absence, filling the gap whilst recruiting or providing added people power during a busy period – a hassle free way of getting labour you need, when you need it, without having to worry about all those aspects of employment law that you usually have to contend with.

"But are you sure it really is that simple?"

When agency workers are used, there is usually a three-way relationship, between the business, the agency, and the agency worker. However, says Clare, businesses are often fooled in to thinking using an agency means that their obligations are only to the agency, and that there is isn't an employment relationship between them and the employee.

"In fact," says Clare, "In the past the Courts have, in some cases, found that an employment relationship has been established between an agency worker and the business, for example where there has been a long term placement, and where the agency worker has effectively been treated as an employee."

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Shacklocks says it is important for businesses to consider the possible impact of the law in this area. Under new legislation many businesses may end up with a high proportion of agency staff that they are obligated to treat as employees but who do not feel commitment or loyalty to them, or owe them the same legal obligations as their employees do.

Things to consider include whether agency workers are really the right solution to short term staffing problems or whether your business might be better served by self employed contractors or fixed term employees.

Clare concluded:

"If you decide that using agency workers suits your business requirements, then consider all the implications and whether you might need a policy which clearly sets out the relationship, and the rights and obligations of each of you during the period of service?"

For more information or help with agency workers rights or any other aspect of employment law, contact Clare McShane or Marion Vesey on 01623 423073 or email on clarem@shacklocks.co.uk.

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Notes for Editors:

Shacklocks is a business committed to valuing lifetime relationships with clients. The firm provides legal, financial and investment advice to businesses and private clients and was established over 150 years ago. Shacklocks holds the prestigious Lexcel accreditation, awarded by the Law Society only to firms demonstrating high levels of quality, client care and management. It currently has a staff of 70 people, including six partners. Shacklocks has been featured in the legal 500 annual survey of the top UK law firms for the last five years and has seven offices throughout the East Midlands.

The firm's Managing Partner is Martin Fallows who can be contacted at martinf@shacklocks.co.uk or on 07872 339718. If you would like an image to accompany this story or an interview with a lawyer experienced in business legal issues please contact Kim Peatfield. We are also happy to discuss feature ideas on other law related issues and provide specialists, comments, statistics and advice on forthcoming legislation.

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