

CASUAL STAFF POLICY



1. Policy Statement

The Electoral Office for Northern Ireland (EONI) recognises the need to employ casual workers to meet specific business needs, particularly during peak periods. The employment of casual workers will be regularly reviewed by the Management Board to ensure that it continues to be the most appropriate form of employment for short-term intermittent periods of work.

EONI will ensure that appropriate reasonable adjustments are made to ensure equality of opportunity in the application of this policy and the employment of casual workers.

2. Scope of Policy

This policy applies to the use of office based casual staff by all Area Offices throughout Northern Ireland, and Headquarters. It does not include short-term appointments for election staff which are offered on a fixed term basis or temporary contracts.

3. Definition of a casual worker

Casual workers are not employed on a 'contract of employment' which is also known as a 'contract of service' rather they are employed on a 'contract for service'. This means that they are not employees of EONI and are not covered by the various conditions of service that apply to core employees eg, NICS occupational sick pay , pension scheme and contractual maternity arrangements etc. There is no clear legal definition of a casual worker. It is for the tribunals to decide whether or not an individual is a worker for the purposes of any piece of employment legislation. One of the components of a casual employment

relationship is that EONI is not under an obligation to provide work and equally, the casual is under no obligation to accept any work offered.

4. Employment rights of casual workers

Casual workers, however, have the following key rights:

- not to be discriminated against on the grounds of race, religion, age, sex, gender reassignment, sexual orientation, disability or part-time status;
- to benefit from the limit on the maximum working week, rest breaks and the right to paid holiday under the Working Time Regulations 1998;
- to receive the national minimum wage;
- not to suffer a detriment for making a protected disclosure under the Public Interest Disclosure Act 1998;
- to work in a healthy and safe environment;
- to be paid wages free from any deductions not properly authorised;
- to be accompanied at a disciplinary, appeal or grievance hearing and not to suffer any detriment or dismissal for exercising that right or acting as a representative;
- not to suffer a detriment for supporting or not supporting trade union recognition or derecognition;
- to receive equal pay.

5. Recruitment of casual staff

Casual workers are recruited through external open competition and are subject to the same recruitment and selection procedures, pre-employment checks as employees, for example medical clearance and criminal checks (where appropriate) as core employees.

6. Appointment of casual staff

Following recruitment, an appointment letter is issued to casuals by the HR Section which clearly sets out the terms of the contract for services, including:

- Hours of Work (Variable - determined based on the amount of work available).
- Rate of Pay
- Annual Leave (paid an additional % of normal hourly rate of pay in lieu of entitlement to statutory annual leave)
- Sickness (Paid for work actually carried out; not entitled to any payment should casual be unable to work any agreed hours due to sickness or for any other reason)
- When a period of work ends, EONI has no obligation to offer any work in the future.

There is also a specific clause within the contract clearly stating that EONI is not required to provide work nor is the casual worker required to accept any work offered. Allocation of work is entirely at EONI's discretion and services may be required across various functions and area offices. EONI will aim to give as much notice as possible when work is available.

Authorised managers/budget holders should contact casual staff directly when work is available.

7. Casual staff rates of pay

It is usual practice that the rate paid for a casual work will be at the lowest spinal point of the grade for the job. All casual staff are paid at the minimum point of the Administrative Officer grade.

This set rate is increased annually by the cost of living award/revalorisation of salary scales, but is not subject to incremental progression, bonus payments or the staff appraisal scheme.

8. Appropriate use of casual staff

It is appropriate to use casuals when the need for the work is genuinely casual and short term. A list of staff who have been appointed to work on a casual basis is available on TRIM Ref: 2007/013964 [current Electoral Assistants] detailing their preferred Area Electoral Office. Area Offices are required to work through the list alphabetically, based on preferred office, until someone accepts the work.

Although casuals should be used on a rotational basis, it is accepted that in particular circumstances, the skills and abilities of particular casuals, may take precedence when determining allocation of short-term work.

It is not appropriate to use casuals when the work is ongoing and does not fluctuate to the extent that staff are only required to cover it on an as and when basis. In such cases, the work could be viewed as core to service provision and it would be more effective to enter into an employee rather than casual worker relationship. A case for an additional permanent post should be submitted by Area Officers to the Board through the ACEO responsible for their office.

A situation could arise where a casual is approached repeatedly to work and, over time, may be able to demonstrate that they are an employee of EONI and therefore entitled to contractual employee benefits. For example, if casuals are used on a regular or lengthy arrangement they may accrue particular employment rights afforded to core 'employees' due to continuity of employment. For example, staff who work continuously for one month are entitled to notice, accrue the right to claim unfair dismissal after one year's service and redundancy after two years' service.

People appointed to cover election duties, or long term cover should normally be appointed on a temporary or fixed term contract.

9. Processing casual staff payments

It is usual practice for casual workers to use a timesheet to record hours worked, which is then authorised by the budget holder/manager and sent to the Finance Section for processing. All casual staff will be paid one week in arrears by BACS.

10. Monitoring

If casual workers undertake work on a regular basis, continuity could result or mutuality of obligation could be implied, leading to an employment relationship. In order to help ensure that the staff member remains casual and not an employee, line managers and ACEOs must monitor casual staff usage to ensure the following is adhered to:

- No clear patterns of work develop for any casual ie regular days/hours.
- Casual does not receive any staff fringe benefits.
- There is no obligation to offer work to anyone in particular.
- Assignments to any particular casual are short and intermittent, maximum of 4 weeks, unless exceptional circumstances.

Managers must regularly review their use of casual staff to ensure they remain appropriate and contact Human Resources if they have any concerns. Only those staff listed on TRIM Ref: 2007/013964 may be used for casual staffing purposes.

Should the casual worker decline an offer to work they should not be penalised in any way by non-selection at another time. However, casuals who are continuously unavailable may be removed from the list by the Human Resources Officer - managers are required to ensure that details of contact/attempted contact with the casual concerned is recorded at TRIM Ref: 2007/013964.

Managers are required to advise HR in writing when a casual has been unavailable for 3 continuous periods of time and HR will write to the casual concerned, which may result in their name being removed from the list.

This policy has been agreed with NIPSA and will be regularly reviewed.

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Chief Electoral Officer for NI***

***Robin McClelland
on behalf of NIPSA***

12th May 2009

11th May 2009