



# THE UNIVERSITY *of* EDINBURGH

## Guidance - Casual Workers

### 1. Introduction

This document sets out parameters to support managers in identifying when it is appropriate to engage an individual on a casual contract as “a worker” rather than on a contract of employment as “an employee”. It also provides examples of some of the most common casual working arrangements within the University.

Casual workers are not employees. Certain policies, benefits and employment legislation are only applicable to employees. Managers must ensure that treatment of casual workers is appropriate to their employment status. The key difference between a “worker” and an “employee” is employment status. To be considered as an employee there must be a (verbal or written) contract between an individual and the University with mutuality of obligation that the work required will be undertaken as notified. A casual worker relationship can be explained by the fact that there is no obligation to offer work and the individual is under no obligation to accept it, with no adverse consequences for refusing it.

It should be noted that irrespective of contract type offered, it is essential that appropriate right to work checks are carried out prior to the work being undertaken by the selected individual.

### 2. Parameters for Considering Engagement on a Casual Contract

All of these parameters should be met if a manager wishes to offer engagement on a casual contract (See Section 3 for exceptions):

- i) The work is irregular/unpredictable.
- ii) The engagement of the individual is for a period of less than 8 consecutive weeks.

- iii) The work is subject to management direction on a day-to-day basis with the individual having little or no discretion over the work to be done/how the work is done.
- iv) There is no expectation that the individual will necessarily be available to work when the need arises.
- v) The individual can refuse work offered to them, even if they have previously agreed to do it.

### **3. Exceptions to the Parameters**

It should be noted that, exceptionally, External Examiners and “Subject Experts” who deliver a single lecture or short series of specialist lectures, either as a one-off or annually, may continue to be engaged on a casual basis.

Where a casual worker is to be engaged for a period exceeding 8 weeks, or is to be re-engaged within 6 months from the end of their previous assignment, then the reasons for the continued or re-engagement must be assessed against the criteria in Sections 1 and 2. If an employee/employer relationship has developed, then an employment contract must be offered instead, where required, subject to necessary approval.

### **4. Examples**

The following are examples of casual contract arrangements within the University. The list is provided for guidance and should not be considered to be exhaustive:

- Engagement for 2 to 3 days to provide assistance with an office move
- Assistance at Open Days, Recruitment Events, Post Application Visit Days etc.
- One-off demonstrating sessions in the lab
- Examination scribing

### **5. Further Guidance for Managers**

**Prior to each engagement:**

- The [Adhoc Payment \(Form 100\)](#) must be completed in full.

- Right to Work in the UK [checks](#) must be carried out and the checklist within the form signed and approved **before the work is undertaken**
- The casual worker must read and accept the Summary of Conditions of Service for Casual Workers before their engagement starts.

If a casual worker is off work due to sickness or injury they should let their line manager know they are unable to attend work. Casual workers are entitled to statutory sick pay (SSP) and there is a section on the Ad Hoc Payment (Form 100) to note any work days not attended due to sickness or injury. Payroll will then process the days accordingly and SSP will be paid to the individual for those days.

The Adhoc Payment (Form 100) form should be submitted through People and Money, by the 3rd of the month for payment at the end of that month. Batch submissions near to the 3rd of the month deadline should be avoided, where possible, since this causes difficulties for HR and Payroll in processing payments so close to the pay run date.

Unless considered a “Subject Specialist” or equivalent as explained in Section 3, the rate of pay must reflect the [University pay scale](#). For more information or advice on the application of this guidance, please contact your local HR Team.

## **6. History & Review**

This guidance takes effect from 20 March 2015. It is subject to ongoing review and is expected to be revised or expanded in response to queries and feedback or legislative change.