



Sick Pay

A Guide for Temporary Workers

If you are a temporary worker working through an employment agency, the agency must give you terms stating whether you are self employed under a contract for services or whether you are employed under a contract of employment.

Most agencies engage their temporary workers under contracts for services. A contract for services is not an employment contract and you will not therefore be the agency's employee. However you are still entitled to certain statutory payments such as sick pay provided you meet the relevant criteria.

Temporary Workers Engaged Under Contracts for Services

If you are engaged by an agency under a contract for services you will only be entitled to claim Statutory Sick Pay in the following circumstances:

- You are actually engaged on an assignment when you become sick;
- Your average earnings in the 8 weeks immediately before you become sick are over the lower earnings limit for National Insurance;
- You are unable to work on the days on which you would normally work due to sickness for at least 4 days in a row including weekends. If you do not have a normal working pattern your contract may state that you must be unable to work for at least 4 consecutive Wednesdays;
- You can provide evidence of your sickness. Within the first 7 days of sickness this means providing self certification of your sickness and after 7 days you must provide a proper medical note from your doctor;
- You are employed in the UK or an EEC member state and are subject to the UK social security system;
- You have not claimed any incapacity benefit, maternity allowance, invalidity pension or severe disablement allowance within the last 57 days;
- You have not been participating in a trade dispute either during or immediately before your sickness;
- You are not within the Statutory Maternity Pay period (but under the revised SMP rules women can choose between SSP and SMP until the baby is born);
- You are not in legal custody.

Temporary workers employed under Contracts of Employment

If you are employed by an agency under a contract of employment and you become sick while you are employed by the agency you will be entitled to claim Statutory Sick Pay from the agency as soon as you start working for them provided that you satisfy the criteria in points 2 - 10 above.

Period of Entitlement

SSP is payable until one of the following occurs:

- your contract/assignment is terminated
- you return to work or are capable of working
- you have received 28 weeks SSP
- you have been incapable of working for periods which together amount to more than 3 years

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