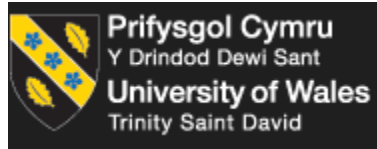


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FIRE AND REHIRE

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1 Abstract

In this report, we are going to discuss in detail about the fire and rehire. Why the fire and rehire implemented in the British gas and British airways and some other organization? Problems related to the fire and rehiring and how the employees were affected by the fire and rehire. The fire and rehire is analyzed using PESTLE, employee engagement, Employee relation, soft HRM and Hard HRM and we found some issues about fire and rehire in terms of the contractual employment terms. The fire and rehire comes under the implied terms, because in implied terms the employer doesn't need to accept from the employee, they can be directly implemented into organization. While in Employee Engagement the employees were affected by emotionally, because some of the employees are working for a long time via sudden change in their pay and flexibility of the working hours is affected and the employee were not given time to think about the new terms and condition, because of that some employees were fired this caused the employees disappointed so much by emotionally and findings found that this fire and rehire is not illegal its legal system in the United Kingdom and government introduced this fire and rehire during the Brexit time because they the economy were down so that in order to recover from the loss the government implemented this fire and rehire but in the present, the cost of the living is increased and if the employer is reducing the pay and flexibility, the employees were affected. Another findings found that using Hard HRM and soft HRM, the fire and rehire comes under the hard HRM approach because the employee was not considered as the part of the team, The choice given by the employer is either accept that updated terms and condition if not the employee is fired. After all this incident we found some recommendations using AMO theory, instead of firing the employee, the employer gives different options like temporary employment which will give the time to think about that, and the fire and rehire is legal, the government can make the "fire and rehire" as the temporary act for some period of time if the fire and rehire exists for a long period of the time then the employees are affected severally and the performance to the organization will also be affected, the employee will not be engaged fully in their work and this affects the growth of the employer and organization. At last fire and rehire is legal but in order to increase the performance of the employee they can add some benefits to employee which will makes them to work as normally.

2 Introduction

This paper, is about the fire and rehire tactics which are followed by the company and explains the impact faced by the employee and why the employer has implemented this kind of tactics. As the name implements the fire and rehire, means firing from the current position where the employee is rehired to their previous role with a new set of terms and conditions. This fire and rehire are considered tactics for the employers but for the employee, it is like an unfair proposal which is implemented which may cause the employee mental disturbance which the employer also may be affected. This paper also explains the soft HRM and hard HRM and some analysis based on the traditional model of the HRM

3 Fire and rehire

As the name implements the fire and rehire is the firing of the employee and hiring the employee with the updated terms and conditions if they accept that updated terms and conditions as the fire and rehire is legal in the employment law where no one can oppose it non-legal terms and conditions.

Mostly the employer performs this strategy to secure the employee at poor terms and conditions and retain the profit.

3.1 Literature review

According to the author, in pandemic time and post-pandemic, the organization has found a way to improve their profit by firing an employee and hiring another employee or the same employee for different terms and conditions, where the unions are helping them the way of protest in order to create the awareness and diverting the government towards them in order to get a proper answer. This kind of act was called industrial blackmail, it seems to have a success rate in the medium and Lastly, the author said that if the country has poor legislation (rules and acts)and people are madly believing and have hope that government will help to overcome from the trouble (J., 2022)

For the author point, the British gas agency is an old industry it was a very precious gem in the 1970 but in the during the covid times 2020 and 2021 during the winter season there was an issue raised towards the employee as a result ten thousand employees were at strike for the implication of the fire and rehire, according to the research the British gas agency were worth of billion and never faced loss since 1970 like now, this was the result after the private organization has taken over the charge and in 2016 in old bury British gas announced closure of the call center at that time the 680 employee were in the state of jobless and at sane time they faced their salary cut off and the employer made a move to compensation through the pension but this time they have changed the terms and conditions if the employee accept the that they are in the job and if they don't they might no longer the employee of the British gas agency and for the employer the fire and rehire, its legal according to the industrial point of view (H., 2021)

In 2015, the cabinet minister government called the “conservatives to be warriors at the disposal” and after winning the general election, and in the next year 2016 the Brexit referendum was implemented it has a very great impact on the economy and at that time UK faced more impact than any year and the unemployment rate was also increased and they could not able find the skilled worker in order to overcome the impact at that time they have introduced the “fire and rehire policy” to rehire the same employees to poorest terms and conditions because at that time they don't have the choice to make the good economy and they don't have the choice but to implement the new policy to reduce the impact. (S., 2021)

According to the author, the strike held in 2022 is greater than in the past years. These strikes are conducted and supported by the trade unions, who are supporting the employees and people to regain their position or status, from the author's point of view these strikes are conducted for the low wages and some changes in the employment terms and conditions were their freedom is completely disturbed. government also introducing some method to prevent the strikes and putting regulations to minimize the strike rate. In 2022 the strike went at a very peak and the reason for their strike due to low wages like in 1970 this was the impact where the public sector has been converted to the private sector. (Shackleton, 2022)

According to the author, the trade unions are rising in the private and public sectors and their membership are increased than late seventy's. trade unions are the employee by supporting them and protesting against employers and government to regain the justice for the employee and people. The women are organized the strike in Glasgow for 85 days by go-ahead bus drivers during the pandemic period for the equal pay and to reject the fire and rehire policy. (Martin, 2021)

The British ferry company suddenly dismissed their 800 employees and it caused more trouble in the United Kingdom and the British government has noticed this and involved in this issue to solve this problem but the employer said, we never dismissed the people we just offered them new terms and condition with low pay as rehire and those who are not accepted are only dismissed and the organization had no choice but to that in order to reduce the financial loss to them (Lawrence, 2022)

4 PESTLE

Pestle is a tool which is used to analyze, whether the external factor is affected by the changes or studying the external factor to improve or come up with innovative ideas to overcome that factor. It includes Political, Environmental, Social, technological, Law, Economics.

4.1 PESTLE ANALYSIS ON FIRE AND REHIRE

This analysis may be useful for upcoming research, from the pestle point of view this fire and rehire was also implemented during Brexit time by British government at that time but in this time (2021-2022) it is different. Like the political leaders were may this pass or accept the employer's proposal because the employers might face the loss to compensate that loss, they are forced to implement this kind of act to their employees. This fire and rehire is not affected the environment as so far like it doesn't caused the environmental damage or pollution to the environment. Social factor may include the health, this fire and rehire absolutely affected the employees and people related to the employees because this sudden implementation and they were given short time to think, which caused mental disturbance which may also affect the diversity at the work place and they can't have work satisfaction. More over the people accepted that terms and conditions without no choice and this will also lead to the health disorder. The employee working for the long time in that organization they given unfair terms and conditions with no choice and time for decision making which will make the employee sick. After firing the employee, the employee might face economical problems because he might have a commitment towards to family or some financial commitment this fire and rehire will affect the employee's economic factors and by the law, the employer might have more advantage to that because the United Kingdom it is legal to implement this kind of law

5 EMPLOYMENT LAW

Employment law is to protect employees from the unfair result like unfair dismissal, updated terms and condition and low salary and inequality at workplace and partiality to employee etc.,

5.1 Literature review:

Even employment law struggle to point out the areas in the labor market as after that rights and duties are attached. The law struggles because of more employment and taxonomy (tax + economy) is increased like self-employment and employees of the organization because they don't have clarity for employment and need to clarify different law for the each of the sector based on the type of the sector. During 2016 the employment rate is gone to peak at rate 74.6 percent and as labor market is increased, they need to organize the employee and the growth has been increased from the since 2008. Self-employment has increased to 40 percent this also leads to increase the problem like public finance because of the different tax code and traditional employment law (Adams A, 2018)

The employment law in the United Kingdom developed in many ways either in dynamic or contradictor or commonly assumed by the assumption theories, the first job security was able to provide the

flexibility in the working and mobility and union powers, it was introduced by the conservative government to offering the organized labor. But the author also said that they were in the books and law but in the implementation in practical ways it has nothing to do with that because the employment law was meant to be provide support to employees. But in the present, it was providing the advantage and disadvantage to the employee and employer. (M., 2021)

In the present day, people must have jobs in order to survive in this world, but hiring an employee is slightly difficult because they need to analyze the person's skill level but now it has been made to artificial intelligence to select the employee it also needs to follow the employment law like it involves in the protection of the employee data and fair way of selecting the people, this kind of artificial intelligence hiring system is followed by the united states and now it has been followed by the united kingdom because to select the employees at fair and clear, and to avoid inequality to the employee. (Sánchez-Monedero, 2020)

6 IMPACT OF CHANGES IN EMPLOYMENT LAW

The change in the employment law or employment practices is may or may not be accepted by the employees because some may able easily adaptable to changes or some may be forced to take part in the work and some others, they will take the decision to not take part in the work

The fire and rehire is a change in employment law, after implementing this kind of act in the British gas and British airways and some other organizations were. Some organization not had major conflict and some other's had major conflict that are British gas and British airways. Because of the fire and rehire most of the employee were driven into disappointment, after that incident many of the employees were forced to sign this contract and have not given time to think about. but some of the employees where accepted because they don't have the choice because most of the employers have the commitment and family issues and some benefits, are also and the employer is using this kind of situation to make a move to accepting the terms and conditions.

The company made some changes like introducing zero hours contract where there is no minimum working hours the employees should work according to the employers' allotted hours, this supported by some of the employee but mostly the employees were not accepted because they got same salary per but need to more hours. If the employee pay is calculated by the hours then it will have the advantage to the employee but the employee working for the monthly salary it would be a great disadvantage and the government has put a ban on "zero contract" and still some other ways it's still in operating. (CIPD , 2022)

7 LEGAL IMPLICATIONS OF CONTRACTUAL EMPLOYMENT

This may include the legal terms and conditions before joining the organization, in which the PayScale and working role, and other legal terms are explained

7.1 Literature review:

According to Cui C, John K, Pang J, Wu H ,if the company is maintaining the cash flow or cash holdings high it might be very protected to the employee it gives protection to the employees because in the case whether the organization may end up with some bearable loss then they use that cash holding to give salary to their employees for the short amount of times and if the loss is very high and the company is having only the fixed asset they might end up with selling the company or tie with other company to

overcome to the loss. In China, the company are having the cash asset other than the fixed asset to provide a secure feeling to the employees (C, et al., 2018)

Joyce S, Stuart M, Forde C, has done major research on the labor unrest and trade unionism they have done at two different ways like paid work under capitalism and second is introducing the social structure in the union parties. To develop argument, author implemented two well-known sources: Beverly Silver and Sidney and Beatrice Webb to get clear idea about the importance of the platform work the author conclude that the platform labor unrest and union are dominant in 19th century rather than 20th century (S, et al., 2022)

According to Caldwell C, Peters R, organization recruiting the new employee with contract, the organization always should inform the term and condition and contractual terms. After recruiting the employee the organization must provide basic training and maintaining diversity at work place and the employee must feel that he is one of the part of the team and organization but mostly the employer are not taking easily like busy company but the company are achieving the successfully by taking the employee in to consideration and taking care of the employee apart from the contractual terms. (C & R., 2018)

Adams Prassl A, Boneva T, Golin M, Rauh C, conducted a survey during the covid, the people working in the organization were fired 8 percentage of the employee and they were not given a proper salary for 57 percentage of the employee and other 35 percent were not know whether they are going to get pay r they going to be fired. During the pandemic time, the employer faced many difficulties but firing an employee without any reason is the crucial act and they rehired young people with low. The employer doing wrong things like, giving low salaries and firing people and not considering the employment law. (A, et al., 2020)

7.2 EXPRESS TERMS

In this contract is fully explained and accepted by both employee and employer. In that contract pay scale, working hours and holidays are clearly mentioned.

An express terms are written format or verbally. contract of employment only exists if there is an employee relation, in the express terms there must be mutual agreement between the employee and employer. As an employer, they must show their trust towards the employee and it must not be broken provide a safe work environment and minimum wage and notice period, and equality at work place and some of the employees are not well known of the express terms in their contract and the employees should aware of the types of contract (CPID, 2022)

In express terms the terms and conditions are explained clearly but, in the fire, and rehire they are revoking the terms and condition already exists but the problem in the fire and rehire is the working hours and wages are not fair because the new wages are less than previous wage and it is less than the minimum wages. The minimum wage will be change according to cost of life in year. This fire and rehire are not fully covered under express terms.

7.3 IMPLIED TERMS

These implied terms are may not accepted by the both the employee and employer, but it will be in the applied in the organization. In these terms the employee may not accept but it will be implemented by the employer, and they don't need to ask their employee conformation to Implement this act.

In the British Gas, they implemented the fire and rehire without the employee's consultation so this fire and rehire comes under the implied terms. The British gas offered the employee to accept the fire and rehire if they will be fired from the organization. But there is one important thing is this fire and rehire is legal law in United Kingdom employment law because they are not only firing the employee but also rehiring the employee who accepts the updated terms conditions.

7.3.1 Advantage and disadvantage of the implied terms in the view of fire and rehire

Advantage:

- employer only gets benefitted
- They don't need to consult with the employee
- Fire and rehire is legal in the UK

Disadvantage

- Pay, working hours, holidays, employee flexibility is not mentioned in the implied terms
- Employee is consulted and employee is not agreed with the updated terms and conditions

7.4 STATUTORY TERMS

In these statutory terms, these are under influence of the law. The employer can pay the employee below the national minimum wage. If the employer paying the employee below the minimum wage, then it will cause serious issue for the employer. Mostly this kind of terms used in retail shops and etc.

In fire and rehire they are paying the employee less salary on comparing to recent salary, and while investigating at the point of the statutory terms, the British gas is following this term and paying their employee according to the national minimum wage. The employee of the organization is not agreeing because they are getting the salary low while comparing to the previous pay at present the living cost also increased so the minimum wage is not sufficient for the employee to balance their life

8 EMPLOYEE ENGAGEMENT

The employee engagement is defined as the employee's involvement towards the work it can be improved by the increasing the benefits to the employee or creating the strong relation between the employee and employer, Employee engagement is classified in to three types that are physical engagement, emotional engagement and cognitive engagement.

According to Abdul Khaliq Alvi, Arif Jawaid, Parveen Kaur, Umar Safdar, Rao Bakht Yawar, they have done research on the employee engagement, and found that there is positive response if the employee and employer relation is stronger (Alvi, 2020)

9 IMPACT OF CHANGES IN THE EMPLOYEE ENGAGEMENT

If there is a change in employees routine work, it will cause either disturbance or it will make improvement in their carrier. In terms of fire and rehire it caused some disturbance to them which will also affect their performance of the work and performance of the organization

9.1 EMOTIONAL ENGAGEMENT

The emotional engagement mostly gives the improvement in performance if the employee and employer relation is strong, if the employee and employer relation is break, sometimes it will cause or

affect the employee either in physically or emotionally, physically it's rare and it is against employment law but emotionally it can occur.

According to Abdul Khaliq Alvi, Arif Jawaidd, Parveen Kaur, Umar Safdar, Rao Bakht Yawar, they found that, some benefits like employee compensation it will improve employee relation and it have positive effect on emotional engagement it will make the employee more actively participate in the work and improve the performance of the organization (Alvi, 2020)

The employee compensation is just a another method to improve the performance, but if the employee and employer relation is strong the performance will be increased automatically before that they need to build the trust between the employee and employer, in the case of the fire and rehire in the British gas and British airways, the trust which is maintained for the long time is broken may be the performance may affected for period of time and they will eventually adapt to that environment.

10 HRM involvement towards fire and rehire

10.1 soft HRM and hard HRM

while analyzing the fire and rehire using the soft HRM, in soft HRM the employee was taken into consideration and in soft HRM the employee and employer will have better relationship and understanding but in the terms of hard HRM the employees' thought were not taken into consideration and they needed to the employer's rule whether they accept or not

10.1.1 LITERATURE REVIEW:

In the world traditional method, adapting to technology, providing flexibility and some other improvements which are helpful to employee, as HR finding a solution or updating or adapting to current environment is good idea, (CPID, 2015)

10.1.2 Difference between SOFT HRM and HARD HRM views on fire rehire

Soft HRM	Hard HRM
the employee and employer relation are much stronger	absence of the employer and employee relationship
the employee is considered as part of the organization, and they are respected equally, and diversity is maintained	in this employee considered as the material, which is used to get profit for the organization
before implementation of the new rules or any changes in the organization is consulted with employee	the employee not considered, and they employer will doing the which makes them profitable
employee will be given work flexibility and freedom	absence in flexibility of work, the employee should work according to the employer's schedule
this soft HRM profits both employee and employer	it profits for only employer
organizational performance is increased	organizational performance little low

opportunities to the employee will be high	opportunities are exceptionally low
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10.2 AMO

AMO is also motivational tool to analyze and improve the performance of the organization, there are the three stages in the AMO model, Ability, Motivation, Opportunities.

Ability	The employee has the knowledge and skills but due to implementation of the fire and rehire the ability of the employee is suppressed; it will result in the reduced performance
Motivation	As for the motivation part, the new policy “fire and rehire” is not motivated the employee, instead of that the fire and rehire demotivated the employee
Opportunities	The fire and rehire were not given the opportunities to employee. after the implementation the fire and rehire, the employees were given short time to think about the new policy and it resulted in losing of the job, the new policy not provided the opportunities but it taken away the opportunities.

From AMO analysis it's found that the fire and rehire is not accepted by the employee, but it was forced to the employee “either accept or loose the job” it caused more disappointment to the employee and the result is the performance of the organization will be reduced.

10.3 VROOM EXPECTANCY THEORY

Vrooms expectancy theory is based on making the correct decision by reducing the difficulty of the employee and making the employee the satisfied or motivating the employee by providing some freedom and benefits which results in the improvement of the performance of the organization

According to the vrooms expectancy theory Expectancy + Instrumentality + Valence = Motivation. When these three components are achieved it will automatically promote motivation to work and increase the employee involvement towards the work.

A performance analysis is particularly important in the work, and it revels the needs of the employee and lead to the improvement of work and increase the organizational commitment towards the work. Motivation will increase the organizational commitment but to achieve the motivation the vrooms expectancy theory will be helpful (S, et al., 2019.)

10.3.1 Vroom expectancy theory on fire and rehire.

Expectancy	The expectancy is broken by the Employer, the employee may be expected that in new terms and condition, there may be benefits but they
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	received is not benefits to employee but benefit to employer
Instrumentality	In this employee are considered as tool because they are responsible for their work, the work done by the employee must be appreciated or given feedback.
Valence	The employee performance must be appreciated, then only it will increase the performance of the organization but the reward the employee received is fire and rehire, because in fire and rehire the salary is reduced than previous salary and freedom is restricted

From the above analysis using the vrooms expectancy theory, the implementation of the fire and rehire reduced the motivation there by it will affect the performance of the organization.

10.4 Managing contemporary Employee relation

Employee relation is creating a good relationship in the working environment will tends to increase the employee commitment towards the organization.

If The organizational commitment increased by the employees eventually the performance of the organization will also increase, for increasing the organizational commitment the employee work done must be appreciated and given positive feedback about the work will increase the organizational commitment and it will result in the improvement of the performance. (J & J, 2021)

11 RECOMMENDATIONS

from the data collected so far, the fire and rehire is legal but they employer implemented this for the recovery of the organization from the loss that had been faced by the company for the past five years but the followed the procedure is not accepted by the employee because of that some of the employee who worked there for long time they had been fired from the organization. To reduce the impact of the fire and the rehire there are some recommendations which may the both the employer and employee maybe benefit from that, either implementing the fire and rehire the employer may implemented the fire and rehire as temporary act until the organization's growth is increased or meeting the employee and asking the way to improve the organization growth informing about the upcoming changes in the terms and conditions before implementation or after the implementation of the fire and rehire they can introduce some other benefits which are expected by the employee which will reduce the impact of the fire and rehire. Or providing the opportunity to improve the employee like introducing new training to the employee and some courses to the employee which will make the employee more skilled, and this will makes them more confidence even if they are fired from the job and another suggestion like either firing the employee they can demoted as the same role but in terms of temporary contact, this will gives them some time to think about that. These recommendations are according to the author's point of view which may be use fully to overcome the impact due to the fire and rehire.

12 CONCLUSION

The fire and rehire implemented by British gas and British airways are not accepted by their employees so that some of them was got fired from their position. Though the employees were got fired but most of the employee was rehired, but the rehired employee are not satisfied with the fire and rehire they accepted these new terms and conditions because they don't have a choice, while with the Employee Engagement and Employee Relation and HRM methods, this fire and rehire lost the trust of the employee who had been working there for long years, this trust can not be built once it is broken, as per the soft HRM if there is a trust between the employee and employer, even if the employer got some issues the employee will support the employer. But in this case, the unexpected implementation of the fire and rehire, which caused the employee affected by emotionally and physically. After the implementation of the fire and rehire, the performance shown by the employee in the previous year and performance after the fire and rehire, the result is the performance will be very low while comparing to the past years, it may increase if the employee is supporting the organization. We also think as an employer because the employer also doesn't want to lose their employees but the fact is the employer also doesn't have the choice in order to recover from the loss the employer implemented this fire and rehire, but for the employee point of the view the pay was reduced that was the main reason was the employees are not satisfied with the fire and rehire because in present, the cost of the living is increased the employee are also got their family and committed to other things. Whatever the act is passed by the employer if the employee and employer are at the same pace this fire and rehire is nothing to them, by working with the fullest satisfaction the employee and employer will be get benefited other any one of the will be affected this will reduce the performance of the organization.

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