

Sample 1: Review paper on Fire and rehire tactics

ABSTRACT

The 'fire and rehire' tactics has been creating a complex and changing environment for organisations, their human resource management department, and leaders in the bid to find solutions for the organisations remaining in business within a challenging environment. Firing and rehiring is used by employers to change terms of conditions by ending a contractual agreement to introduce a new contract through rehiring the employees on unfavourable terms.

This article is aimed at reviewing the practice within organisations in the UK labour market and to evaluate the different approaches deployed by these organisations. Firing and rehiring tactics have sometimes led to legal consequences because of changing contractual employment terms. Therefore, some light would be shown on past and current legal implications on employers and employees. Additionally, reports have found that these tactics have impacted employee engagement in different ways which would be taken into consideration.

Central to the fire and rehire issue is the Human Resource (HR) Department in any organisation. This article will evaluate HR involvement and actions, with the contemplation of the effects of traditional models of Human Resource Management (HRM) on managing present-day employment relations.

Keywords: Fire and Rehire, Contractual Employment Terms, Employee Engagement, HR, Models.

1. INTRODUCTION

The practise of “fire and rehire” is becoming almost commonplace in organisations, as a move to change the employment terms of employees in favour of the employer or organisation. Fire and Rehire tactics have been gaining momentum since the global pandemic of Covid-19 which has had an adverse effect on most businesses and organisations. Most organisations are using this unpopular tactic to maintain their competitive position in the market thereby reviewing their working practices and reward strategies, leading to changing employee contractual terms. Research has shown that the decision to use this tactic by organisations is as a direct result of trying to manage employee cost.

In broad terms, ‘fire and rehire’ refers to ‘dismissal and re-engagement’ of employees by the employer. It is when an organisation ‘let-go’ of employees from employment and proffer new employment on new terms as described in a report by the House of Commons Library (Library, 2021). This new employment terms generally favours the employer by allowing them to change the contractual employment terms which invariably is dissadvantageous to the employee. The dissadvantage mostly comes in forms of loss of rewards employees were entitled or less pay. CIPD (2022) agrees with this explanation and adds that there are sometimes justification in employers using this tactics when there are real or legitimate reasons to changing employment terms hence firing and rehiring to save the business in the long run.

As a result of this growing trend, it is evident that there is the need for evaluating this approach in different organisations within the U.K. labour market. This could be achieved by exploring the issues and factors involved in managing a complex and diverse workforce for a successful and profitable organisation, and the wellbeing of their employees. Central to this issue of firing and rehiring tactics used by organisations is to change the contractual employment terms for their employees. Research has found that in most cases, negotiations with the employee Trade Union or employee representatives becomes protracted leading to disagreements or total breakdown. Fire and rehire tactics are arguable one of the most controversial, yet least researched and written about in the academic world. The effect of current global pandemic like Covid-19 and the U.K. leaving the European Union (EU) with Brexit, have seen a current trend towards firing and rehiring.

Therefore, this article will be reviewing the practice of fire and rehire tactics within the U.K. labour market with emphasis on British Gas involved in a long-drawn-out negotiation with their employees to change their contractual employment terms. In addition, other U.K. organisation fire and rehire tactics and the consequences will be explored. One of such consequences is the legal implications of changing the employee contractual terms which sometimes could be uncomplicated; or on the other hand as history has shown, could be controversial. Also, the impact of this tactics leading to changes in employee engagement and wellbeing in the workplace will also be examined. Equally important is the role of Human Resource (HR) department in organisations which is central to employee recruitment and wellbeing. This report will be looking at HR participation by critically evaluating the traditional models of Human Resource Management (HRM) as a tool for resolving, managing, and dealing with modern-day employment relations in organisations.

2. LITERATURE REVIEW

In today's competitive global business environment especially during the surge of Covid-19 pandemic, 'firing and rehiring' staff have been on the rise. There is a small academic literature that is concerned with 'fire and rehire' in the past decades. However, as this tactic is re-emerging, focus is beginning to accelerate in finding better solutions to the problem from both employer and employee's perspectives. Therefore, few academic literatures are beginning to emerge on the subject. Nolan (2021) defines fire and rehire as "the process by which an employer can legally dismiss and re-engage its workforce en masse if it can argue against a low threshold of proof that contractual changes to terms are necessary in order to avoid redundancies". Simply put, firing and hiring is used by employers without acquiring employee's consent to enforce employment contractual changes (Fisher & Sperling, 2021). Most times, the new replacement contractual terms are unfavourable to the employees as the changes have been made unilaterally.

2.1 Hiring in Organisations:

Some scholars and reserchers are of the opinion that hiring in organisations is seen as an operational process whereby money is traded for time in order to boost growth, especially in small fast-growing enterprises (Yoo, et al., 2016). These scholars further demonstrated in their article that to alleviate the constraints of 'bottleneck' of entrepreneur's time, hiring becomes necessary for the sustanance of organisational growth. Kuhnén & Oyer (2016) however views hiring from the perspective of coporate hiring and the uncertainty surrounding the pruductivity of potential employees, leading to these organisations valuing temporary employment positions with the opportunity for training, development and growth. To this effect, the general agreement which cuts across all industries regarding hiring can be seen in human capital being a critical asset for organisations.

2.2 Firing and Rehiring tactics in U.K. Organisations:

Weinbren (2021) points out that there is a common belief that fire and rehire tactics is an outrage and a dreadful practice that is morally bankrupt and legally wrong, and trade unions have challenged the practice for many years. As much as employees and their trade union find the tactic terrible, employers only need to display a valid business reason to be within not breaching the contract and acting within the law (Fisher & Sperling, 2021). Such was the case of British Gas and the nine-month long dispute with its boiler engineers, regarding changes made to the terms and conditions of employment which led to several strikes by the company engineers (Chance & Lau, 2021). This move was supported by the General, Municipal, Boilermakers (GMB) Trade Union. In the same way, The British Medical Association (BMA) brought this issue to their member's attention during their annual conference that the UK government contemplated firing and rehiring medical consultants in the bid to introduce new contract (Rimmer, 2016). Rimmer further explained that the proposed changes by the government at the time was to withdraw the clause in the consultant's contract which allows them to pull out of non-emergency out-of-hours work to be replaced with a different scheme of clinical excellence awards.

Fisher & Sperling (2021) sighted the case of British Airways (BA) which set in motion the process of reducing its employees by 12,000 from 42,000 as a result of Covid-19 pandemic, by offering them a choice of a redundancy package or new contractual employment terms if rehired. It could be argued that this step was taken due to most of BA's aircrafts being grounded because of the lockdown, causing loss of revenue which could signal a well founded business reason, well within non-contract breaching. However, financial analysis reports by the Observer claimed that about 70% of the companies using this fire and rehire tactics have been claiming government support funds during the pandemic and have also made profits for them to increase executive pay (Wall, 2021). Therefore, such reports appears to counteract the notion of loss in revenue which stands as explanations for companies using firing and rehiring tactics.

As reported by an independent global media platform, British Gas, BA, and Tower Hamlets Council use this tactics so that they can place their employees on longer working hours, lower salary and less benefits and rewards, which caused some of their employees stress, anxiety and sleepless nights (Davies, 2021). Hence resulting on British Gas engineers going on strike action. He also argued that despite the strike action, the managing director of British Gas (Matthew Bateman) demonstrated disrespect (from laughing dismissively on a leaked video) for the striking employees and GMB because the strike did not amass wide media coverage. This unpopular tactic remains legal and is being used continually even at the risk of strike action. Research also shows the same approach taken by other organisations in the UK. As can be seen in the case of 'Go North West' bus drivers (part of Go Ahead Group) had eight days to agree new contracts; cleaners and caterers working on the Ministry of Defence sites for ESS forced into accepting large cuts in working hours, and London-based Goodlord employees (a software and reference checks company) made to take a pay cut or become unemployed (Wall, 2021).

An article by Broadbent & Martin (2021) demonstrated how in implementing changes to contractual terms of employment (in the UK), firing and rehiring has become more controversial because despite numerous strike actions, legislation for making it illegal for employers to use this tactics was blocked by the government. To this effect, the UK government alternatively deployed the Advisory, Conciliation, and Arbitration Service (ACAS) to investigate to a greater extent and advise employers on strategy in avoiding firing and rehiring employees on new contractual terms. Despite this action which seems to support employers in dismissing and re-engagement of employees, current issue with P&O Ferries dismissing about 800 employees without any offer of rehiring has led to an almost u-turn by the government. Race (2022) observed that the Business Minister (Paul Sully) has promised a new legislation which would prevent employers from using this tactics and force them to have meaningful consultations with their employees.

In the case of British Gas (owned by Centrica), Chance & Lau (2021) indicates that there are options open to employers before using firing and rehiring as the last resort, when new contractual terms have been rejected by employees. In other words, fair procedure, appropriate notice, proper consultation and opportunity to accept or reject the new contractual terms must be given to employees before they are dismissed for re-engagement, to avoid tribunal (MarketLine, 2021). In contrast, P&O Ferries (owned by Dubai based DP world) dismissed 800 employees through a video message without

any plan to rehire and were replaced by agency workers on the same day, claimed the business had become unviable because of covid-19 pandemic (Georgiadis, et al., 2022). It can be seen that the approach taken by P&O Ferries's is different and arguably more 'brutal' to their employees because of the absense of rehiring options even on different or unfavourable terms.

Moreover, Richard Woodman (head of employment law at Royds Withy King) in his interview with Douglas Blakey (RBI editor) argues that negotiating new working terms and conditions can sometimes be strenuous to carry out especially in a large organisation, and most times employers cannot afford the long time it takes to keep consultation going (MarketLine, 2021). Therefore, employers choose the certainty of firing and rehiring especially as their timeframe allows. Woodman cosequently agrees that though this tactics might seem to favour employers, it comes with big risks associated with firing employees resulting in unfair dismissal. He further stressed that employers that use this tactics should have a strong case to support their decision especially after all consultations have failed, moving forward. As can be seen in the British Gas case when the GMB union did a 'turn-around' on negotiated offers with British Gas employers after the grassroot members of the union rejected the offers presented (Nolan, 2021). This issue within the GMB union exhibits the sometimes disunity within unions that causes failure in consultation hence ensuing in employers firing and rehiring their employees.

Fire and rehire is on the rise in UK labour market (MarketLine, 2021)which has been exacibated as a result of Covid-19 and the effects of the pandemic on business growth across multiple industries which has made it a 'go-to' tactics for ruthless employers to force their employees into acceptance of new contractual agreement (Nolan, 2021). It is suggested that the operative word should be 'fairness' in reasoning and procedure and it is after failure to obtain an agreement should this tactic be deployed (MarketLine, 2021).

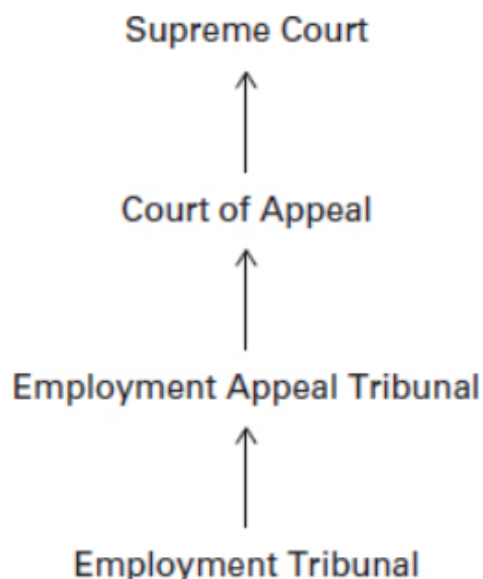
3. EMPLOYMENT LAW, CONTRACT AND LEGAL IMPLICATIONS OF CHANGING CONTRACTUAL TERMS

As mentioned in the literature review, very little was found in academic journals regarding the fire and rehire tactics, however, tied to this issue is the legal implications rising from employers changing employee's contractual terms. It is important to understand employment contracts, its purpose and practice, and the law or legislation with the court system, guiding its application to employment. According to CIPD (2022) employment law is the regulation and legal requirement of the association between employers and employees; from recruitment processes, terms and conditions of employment, hours of work, reward and remunerations, salary and holiday pay, health and safety, data protection, discrimination at work, whistleblowing, redundancy and firing of employees. Within these is also the issue of employers changing employee's contractual terms.

3.1 Employment Law:

In the UK, employment law emanated from the Parliament through the legislative process, as well as in courts through the judicial decisions (CIPD, 2022). The past fifty years have seen a constant increase in the introduction of legislation on employment law. The first year of coalition government formed by the Conservatives and Liberal Democrats, decided to review the employment law and the whole legislation because they felt the existing one was excessive and burdensome (Daniels, 2019). While the government's reason seems reasonable so that the country could begin to experience economic growth, thereby making the Employment Tribunal System to run smoothly, some have argued that it has given employers easier route to act unlawfully and without sanction.

Furthermore, employment law is there to govern employer's expectations of employees and employee's rights at work, controlled by civil law and some criminal laws (Daniels, 2019). Taylor (2013) in his report indicates that employment dispute cases ends up in criminal courts for different reasons like; failure in complying with health and safety rules or breaching immigration rules for example. Taylor also pointed out that the civil courts are operative under different rules and regulation compared with criminal courts and work in a hierachical system that allows for an appeal in a higher courts. Below (Fig 1) is an illustration of the process and journey an employment case could take starting from Employment Tribunal and in the purpose of an Appeal, it goes to Employment Appeal Tribunal (on a point of law), and with subsequent Appeals, moves to the Court of Appeal and lastly the Supreme Court.



(Fig 1) The Court system for employment-related claims. (Source: Introduction to employment laws: fundamentals for HR and business students)

3.2 Employment contract:

Foundational to the explanation of the consequences of employers changing employee's contractual terms is to first understand and explore the definition and explanation of an employment contract. A contract in simple terms is "a legally binding agreement between an employer and an employee" (CIPD, 2021). A contract of employment sets out an offer, consideration of an offer, acceptance, and the aim to generate legal relationship. In addition, it also includes employment conditions, rights, responsibilities, and duties of the employee, which are regarded as 'terms' of the contract (GOV.UK, 2022). The 'terms' are the legally binding part of the contract and could be a written contract, agreed verbally, in form of a letter, in company's employee handbook and as a collective agreement between employees and their representatives or trade unions. Evidently, the content of an employment contract is in form of express terms, implied terms, and statutory terms. The express terms include job titles or job description, starting date and workplace, salary or pay rates and period of payment (weekly, 2-weekly, or monthly) and notice condition for employees and employers. The implied terms are indirect or inferred agreements needed for business effectiveness and efficacy (CIPD, 2021). Statutory terms identify the Equal Pay Act (1970), Equal Rights Act (2010) and Employment Rights Act (1996).

Legal implications of changing contractual terms:

Research shows that employment contract can be ended in some situations. Urban (2020) sighted situations where the contract is terminated by 'right', with the agreement of parties involved and by resignation or dismissal as long as the employer or employee come to a unilateral agreement. Recent literature have also specified the growth of the gig economy which utilises more of professional contractual workers who are a part of contingent workers (Roberts & Douglas, 2020). This is emphasised in the contemporary global business world, with employers and employees taking the most advantage of contractual work to complement lean operations.

Findings from the Department of Labour (DOL) further suggests that employers in the modern world favours contractual workers because of the implicit and explicit nature of the requirements of the job. In addition, Forde & Slater (2016) argues that researches done in the past found that organisations utilise agency workers as a measure to provide numerical flexibility in response to short-term specialist jobs or varying product demand. In the UK labour market, suppliers of temporary agency labour have promoted themselves as employers of people by providing training, holiday remunerations and various other benefits (Anon, 2017).

Research has found that there are 3 options associated with changing contractual terms which are:

1. Employee agreeing with the changes after consultation which sometimes comes with an incentive to influence agreement.
2. A change made unilaterally by the employer which could lead to breaching the contract of employment that normally results in a case of unfair dismissal or wrongful dismissal.

3. Fire and rehire tactics could be used by the employer for the purpose of offering a lesser benefit to the employee under SOSR. (Extracted from module).

There are implications to changing contractual terms or agreement especially regarding dismissal and re-engaging employees. The ACAS report in June 2021 proposed a couple of findings for legal reform in the practice such as:

- Toughening up the laws of unfair dismissal.
- Making the reasons for change in relevant cases.
- Increasing the condition and scope for so that employment tribunals can carefully examine reasons for change.
- In the case of impending firing, employer's obligation for consultation to be strengthened.
- Protection of the continuity of employment in the case of firing and rehiring.
- To offer improved guidance for employers.
- To utilise data regarding firing and rehiring so that decisions on access to government funding and public acquisition is informed (MarketLine, 2021).

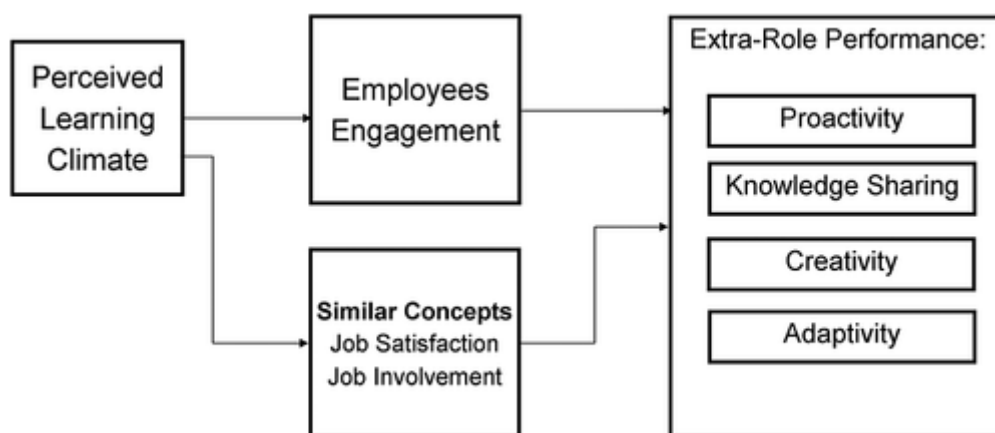
Furthermore, progress have been made to the law of unfair dismissal since 1979 after the case of 'Hollister versus The National Farmers' Union' by the Court of Appeal which allows employers to either dismiss or fire and rehire if there is 'some other substantial reason' (SOSR) for the organisation's advantage (Torrington, et al., 2014 p.184). As explained by these authors, SOSR have remained controversial because it allows employers to fire, or fire and rehire employees if an acceptable or reasonable business reason is given. Historically, most of the cases that claim SOSR have done so because the employer's objective of changing the terms and conditions of employee contract have been rejected with or without prolonged consultation, leading to firing and rehiring or outright dismissal. These kinds of dismissals are judged fair under the law. Collins (2021) agrees and further explained that the current economic downturn that is being experienced in the UK industries because of the Covid-19 pandemic, have provided employers using SOSR as reasons for dismissal, some credence. For this reason, Sir Kier Starmer QC (leader of the opposition) was reported to have condemned this business practices of firing and rehiring of employees under SOSR.

In addition, the government in the UK has advised that employers need to be in cognisance of the damage in reputation, high risks of legal claims and the negative affect firing and rehiring has on employee's health and wellbeing. (Department for Business, 2022). Broadbent & Martin (2021) pointed out that the list of guidance provided by ACAS is nonbinding and does not lead to a change in law; however, emphasis is laid on the significance of employer's engaging in consultation with their employees or the employee's union and representatives, before pushing on with changing terms and conditions of employment. This may lower the magnitude of the organisation's reputational risks linked with firing and rehiring despite not reaching an agreement. A University of Bristol Professor of law argued that the balance of power tilts advantageously towards the employer, thereby proposed a number of reforms to employment legislation that would provide more protection to employees when cases like fire and rehire escalates to the courts (Codd, 2021).

4. EMPLOYEE ENGAGEMENT

In recent years, the term ‘employee engagement’ is being extensively used by HRM practitioners because it combines the notion of employee satisfaction, motivation, and commitment (Torrington, et al., 2014 p.154). Despite this, research has shown that there has been a lack of agreed definition for the purpose of better understanding of how it can be measured or improved by leaders in organisations. Similarly, in the report by Gifford & Young (2021) the ‘MacLeod Review’ found that there were over 50 definitions on employee engagement; in which Khan (1990) focuses on people’s physical, cognitive and emotional expressions. Academic literature explains it as a psychological state that employees experience. Osborne & Hammoud (2017) agrees that employee engagement is pivotal to the growth and success in any organisation. The connection of the satisfaction of employee’s basic needs have been ascertained to directly connect to feeling valued by the employer thereby becoming dedicated and engaged at work. Some scholars believe that engaged employees possess emotional attachment to their job and / or organisation which disburses greater energy, ‘going the extra mile’, and beneficial to their employers and to themselves. In summary, employee engagement can be defined as “a positive, fulfilling work-related state of mind that is characterised by vigor, dedication and absorption” (Eldor & Harpaz, 2015).

Based on the ideas pointed out by Osborne & Hammoud (2017), corporate industries survival is dependent on the maximisation of their profits from the capabilities they have as well as regulating and being in cognicise of changes in the future. Organisational leaders must be effective in engaging their employees to bolster up profitability. However, these scholars also argue that when faced with change, leaders in organisations may struggle with adapting and responding to change if their focus moves from their existing products and processes. There must be an understanding of managing the balance between embracing innovation, augumenting short-term profits and employee relation and engagement to safeguard a feasible future for organisations (Osborne & Hammoud, 2017).



(Fig 2.1) A model of employee engagement. (Source: Journal of Organisational behaviour)

The above illustration in Figure 2.1 demonstrates one of the approaches to the study of employee engagement. Essentially, at the centre of the model is the presumption that employee engagement has an instant outcome on the 4 reaction and skills listed under 'Extra-Role Performance' which are proactivity, knowledge sharing, creativity and adaptivity (Eldor & Harpaz, 2015). It presents employee engagement, job satisfaction and job involvement as the go-between 'Perceived Learning Climate' and the 'Extra Role Behaviours'. Perhaps added to the 'Similar Concepts' in the model would be motivation.

4.1 Impact of changes on employee engagement:

Past research has proven that there is a link between organisational change and employee engagement. It is believed that employees who can adapt to changes in organisation are engaged at work. Many agree that organisations that are normally successful adapt to change better than the unsuccessful organisations and the main reason lies with their positive and engaged employees; with a link to a positive organisational culture (Parent & Lovelace, 2015). Osborne & Hammoud (2017) agrees and proposes that to improve employee engagement, employers must provide a psychological safe place for their employees as this stimulates a feeling of enthusiasm and satisfaction in work-related activities. It is also suggested that training programmes focusing on skills should be introduced and enhanced to influence employee performance and engagement.

As can be seen in the case of British Gas which became embroiled in the dispute about 'fire and rehire' tactics used by the company on their boiler engineers. This dispute was recorded as one of the biggest dispute during the Covid-19 pandemic in the UK. Also, it marked the largest dispute to hit the gas industry for many decades (Nolan, 2021). The imposition of changes to employment contracts including longer working hours without any additional pay leading to about 1000 engineers refusal to sign the new contract resulted in British Gas deploying the fire and rehire tactics (Chance & Lau, 2021). It can however be argued that Centrica (owns British Gas) explained that the changes to the engineer's contract was unavoidable and required so that the future of the company could be protected and to enable the company provide customers with good service hence the decision to cut down on staff and remunerations.

An example of the impact and effect the decision made by British Gas to fire and rehire its employees had an adverse and negative effects on a lot of the employees involved in the strike action that followed. For example, it was reported that Miles Hobson who worked as an engineer at British Gas for 38 years felt bullied by the company for being asked to work longer without increase in pay, and losing quality time with his family in the process (Espiner, 2021). Reports also showed that other British Gas employees felt used and betrayed, could no longer trust their employer despite the several years of experience they had with the company (Caie, 2021). In the same way, Andy Pendergast (national secretary of GMB) was reported to have said that Centrica's attitude towards its employees was detrimental to their morale thereby, these employees had become disengaged. In addition, research shows that employee engagement needs to be measured for better understanding of the impact of any changes in how employees are engaged at work.

A study by Robinson, et al. (2004) highlights a major benefit of employee engagement especially for organisations in the UK as enabling competitive advantage as long as they are ready to invest time, effort, and commitment. This study also proposes that employees who are engaged at work would display their trust and confidence in the organisation, show enthusiasm and interest in their job and the company they work, understand the organisational culture, purpose and vision. Additionally, engaged employees would be helpful and respect their colleagues, and be prepared to exceed expectations for the organisation. Presbitero (2017) suggested that reward management is one of the incentives that organisations could apply to gain employee commitment and engagement; although argued that the level of engagement may vary depending on the employee's perception of the reward or incentive received.

All employees want to feel valued by their employers which is fostered by the line-managers or leaders in organisations. Figure 2.2 below illustrates the powerful link between 'feeling valued and involved' and 'engagement' and all that is needed for the employer to provide for their employees to feel engaged.



(Fig. 2.2) IES Engagement Model. (Source: IES Survey Publication)

The relationship between the Leaders, Managers, HR department and the employees hired by them are the key factors which determines their employee's experiences at work (Taylor, et al., 2017). The 'Good Work' report by Taylor and his team to look at and recommend ambitious engagement processes by employers to their employees in the UK labour market; ensuring that all work in the UK economy is fair and decent to employees, came up with the following statement:

Good Work is shaped by working practices that benefit employees through good reward schemes and terms and conditions, having a secure position, better training and development, good communication and ways of working that support task discretion and involve employees in securing business improvements (Taylor, et al., 2017).

5. THE ROLE OF HUMAN RESOURCE DEPARTMENT IN FIRE AND REHIRE

Human Resource department play a crucial role in the fire and rehire tactics used by organisations and the effect it has on employee engagement. The global Covid-19 has disrupted lives, caused stress and mental health issues, job losses and economic recession, and caused a resurgence of firing and rehiring tactics in UK organisations (Bierema, 2020). Hence, HR departments and leaders in organisation must embrace the new normal, new policies, practices and politics involved. HR has historically struggled with identity, purpose and influence important business decisions without a people-centric approach and therefore recently moved into being known as 'People Profession, studies revealed (Peters, 2020). As suggested by Peters, the people profession now incorporates a multidisciplinary community which includes recruitment, learning and development, talent management, organisational development, organisational change, rewards, compensation and benefits and human resources management systems. Thus, enabling a more holistic role of HR when dealing with employees versus employers' issues.

Perhaps devolving some HR activities to line managers may help HR professionals to concentrate on strategic issues facing organisations. It is however argued that some line managers may not be effectively skilled, trained or have insufficient time to effectively implement these HR activities (Torrington, et al., 2014). Blumenfeld, et al. (2022) agrees with the new strategy option by pointing out that HR leaders need to encourage and facilitate more agile and fluid organisation by stepping away from being business partners to driving more employee experience and engagement. HR should therefore be more prominent in consultation with employees, facilitating more time to talk over issues between employers and employees before using SOSR as a reason to fire and rehire.

5.1. Traditional models of HRM in managing contemporary employment relations:

Historically, research has come up with models of HRM which helps to understand the role of human resources in organisations. The best-known traditional HR models are Ulrich model of HR, The Standard Casual Model, the Value Chain model, the Harvard Framework, the 8-box Model, The Guest Model of HRM, Patterson's Model, 5P's Model, the Warwick Model and the AMO Model. It is believed that not one model fits all therefore, HR professionals is advised to learn and apply some of the theories for the purpose of finding the ones that work best for the organisation.

The Ulrich Model was developed by Professor David Ulrich in 1997 and focuses on 4 key roles which are, HR being a strategic business partner, an agent of change, expert in administrative issues and being the employee supporter (Greenberg, 2021). Greenberg however argues that in relation to contemporary employment relations, some of the aspects of the Ulrich model might be outdated especially in championing the employee issues with the employer. For this reason, the AMO Model of Performance could be combined to the Ulrich model for a rounded solution. Research suggests that the AMO (Ability, Motivation and Opportunity) Model is often used in HRM performance research as it could influence employee's ability (as a result of the right selection, hiring and training), motivation (as a result of applying performance

related pay and opportunities), and opportunity (using suggestion or teams system) for effective organisational performance (Bos-Nehles, et al., 2013).

6. RECOMMENDATIONS AND CONCLUSION

The following recommendations would be advised:

- Government to take urgent steps in forcing employers to negotiate change in contracts with employees and their union.
- Government and its Ministers to work on changing the law and constitution to make fire and rehire tactics harder to deploy.
- Employers to undertake collective consultations with employees and union instead of taking unilateral decisions to fire and rehire.
- Employers to allow time for employees and their union to formulate a strong collective response.
- Employers to work with and not against employees.
- Employers and leaders should pay attention to the changing needs of their employees by understanding their priorities, work out strategies to attract talents back into their organisation, develop data-driven action plan and integrate addressing the unique needs of women, people in the minority and LGBTQ employees (McKinsey, 2022).

In conclusion, the complicated and changing world of business has had its effect on human resources departments and employees. Scholars have tried through research to find solutions to the fire and rehire tactics which has been gaining momentum as the preferred action taken by some employers who want to cut costs to keep their business in profit or to survive, since the global Covid-19 pandemic. Most of these organisations use SOSR as their reason to fire and rehire. Employers have felt the legal consequences of changing employee contractual agreement from the employees themselves, their union and the general public because of the negative impact these tactics have on employee engagement at the workplace. Subsequently, it is believed that the application of traditional HRM Models as a framework for managing contemporary employment, sighting some recommendations for managing employer and employee relations may be effective in organisations retaining their competitive positions in the business world.

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