

Agency Workers Regulations - the basics

Detailed below are the basics which are covered by the legislation.

If you have any queries or just want to know how it may affect you please contact Jenny Nugent – Business Development Manager on 07825 411139 or email jenny@max20.com

The full guidance has now been published by the Department for Innovation and Skills and can be found at:- <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance.pdf>

AWR – What is it?

- European Legislation - became law 5.12.2008
- Comes into Effect 1.10.2011

What does it cover?

- The Regulations will give agency workers the right to the same basic working and employment conditions they would receive if they were engaged directly by an end user client to do the same job; this is limited to conditions that relate to pay and working time, if and when the worker completes a “**Qualifying Period**” of 12 weeks in a particular job.
- Day 1 rights – access to on site facilities and to be advised of vacancies

Who does it apply to?

In Scope:

Temporary Work Agencies
Umbrella Companies
Master/Neutral Vendors
Hirers
Agency Workers

Out of Scope:

Those genuinely in business on their own account
Managed Service contract staff
Secondments

In-house staffing banks – where a company employs its own temporary workers directly and they are only supplied to work for that same business or service.

Pay – What does it cover?

What is included in “pay”	What this means	Does not mean
<u>Basic Pay</u>	‘Pay for work done’; annual salary usually converted in hourly/daily rate. NB to this may be added some or all of the other contractual elements below	Occupational pension contributions, redundancy/severance, expenses
<u>Overtime pay</u>	Extra pay for additional overtime hours as if recruited directly	An automatic entitlement for extra pay as an agency worker will still need to qualify for overtime as if recruited directly (where such criteria apply to the latter)
<u>Bonus or incentive payment linked to personal performance</u>	Pay for work done’ and directly attributable to the individual	Bonuses based solely on company performance, discretionary bonuses
<u>Holiday pay</u>	Above the statutory minimum, can be given as leave or paid in lieu as part of the hourly/daily rate	Other contractual and statutory paid leave, (e.g. compassionate leave, paid time off for union duties or jury service) NB unless employed by the TWA, who would be responsible for any such provision due
<u>Vouchers or stamps</u>	Of monetary value and in place of salary so another form of “pay” ,such as luncheon vouchers	Other benefits in kind, Financial Participation Schemes, Phantom Share Schemes
<u>Paid time off for ante-natal appointments</u>	Paid at full hourly rate for the duration of the appointment	Occupational maternity, paternity, adoption pay NB unless employed by the TWA, who would be responsible for any such provision due

Day 1 entitlements – hirers’ responsibility

- Equal access to collective facilities and amenities e.g. –
 - ✓ Canteen or similar facilities
 - ✓ Crèche
 - ✓ Transport Services – local pick up /drop off, transport between sites – not company car allowances, season ticket loans.
 - ✓ Toilet/Shower facilities
 - ✓ Staff common room
 - ✓ Waiting room
 - ✓ Mother and baby room
 - ✓ Prayer room
 - ✓ Food and drinks machines
 - ✓ Car parking

