



## Information for Employers & Candidates

There are a lot of myths and misconceptions regarding the AWR regulations, for example that they give agency workers employment rights or that they will make temp supply very expensive. However, this is not the case and the regulations can be effectively managed so that the impact does not have to be significant.

At 24-7 Staffing, we have a team of AWR experts to discuss the legislation with clients and the terms that are ordinarily applicable within your organisation. This allows us to establish the correct rates and terms to apply to the temporary workers we supply after they have completed 12 weeks on an assignment. If an assignment is for less than 12 weeks, we do not need to change anything.

When looking at these terms, it is very important that we make the correct comparison. We need to establish the role and type of engagement: whether the agency worker been engaged directly, whether the engagement, whether they engaged as an employee or worker, and what the applicable rates and terms were at the start of their assignment. This exercise may also provide an opportunity to set applicable starter rates or ensure that recruitment policies are accurate moving forward.

At 24-7 Staffing, we believe that the best way to address these issues is to meet with you to discuss and record this information. Alternatively, we can provide you with a questionnaire that you can complete, and we will be able to advise what the applicable rates and conditions will be after 12 weeks on assignment. In most cases we do not envisage a significant difference compared to what we currently offer our agency workers.

Once we have obtained information from you, 24-7 Staffing will apply the relevant rates and terms and deal with any administration regarding to contractual requirements with temporary workers, the monitoring of assignment periods and the application of rights to the individual agency workers. Our recruitment software has been re-written to ensure the tracking and monitoring is fully compliant with all new legislation.

We look forward to discussing the best way forward with our customers and to answer any questions that you may have regarding the AWR, our services and how we can best work together to achieve the same high standards as now currently offered, whilst minimising any potential liability, costs or administrative burdens.

In the meantime, if you would like to contact us to discuss this or any other aspect of our services, please call a member of our team who will be happy to discuss this with you.

## **The Agency Workers Overview**

The Agency Workers Regulations (2010) (<http://www.legislation.gov.uk/ukxi/2010/93/contents/made>) was fully implemented in England, Scotland and Wales from 1 October 2011, and further information can be found via the following link: [www.opsi.gov.uk/si/si2010/ukxi\\_20100093\\_en\\_1](http://www.opsi.gov.uk/si/si2010/ukxi_20100093_en_1). Final guidance has also been issued by BIS and is available at the following link; <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance.pdf>. Whilst the guidance issued is intended to clarify the Regulations, it is the actual Regulations which have legal force.

The regulations will give agency workers the right to equal treatment in terms of the same basic working and employment conditions as they would have been entitled to had they been directly employed by the hiring client to do the same or similar role. The regulations limit equal treatment to pay until after the agency worker has worked in the same or similar role for 12 weeks. In certain working conditions, they are entitled to equal treatment in from day one.

## **What does Equal Treatment Cover?**

- Pay - basic hourly rate, overtime and shift allowances
- Breaks and working hours
- Rest periods
- Annual leave
- Collective facilities
- Access to vacancy information
- New rights for pregnant agency workers

An agency worker has “day one” rights of access to vacancy information and facilities

**Vacancy Information:** The right to be provided with the vacancy information but no automatic right to be employed.

**Access to Facilities:** Same on-site facility access as direct employees, such as canteen, childcare, car parking and transport services. These can be withheld provided there is objective justification.

An agency worker has the right to equal pay after a 12-week qualifying period:

### Included

- Basic Pay
- Overtime
- Shift allowances
- Unsociable hours premiums
- Dangerous duties premiums
- Luncheon vouchers
- Bonus (attributable to individual performance)
- Annual leave

### Excluded

- Occupational sick pay (above statutory)
- Childcare vouchers (salary sacrifice arrangement)
- Any payment in respect of occupational maternity, paternity or adoption leave
- Redundancy pay and notice pay
- Any financial participation scheme e.g. shares and option schemes
- Health and life Insurance
- Loyalty bonus or any bonus not directly attributable to the amount or quality of work
- Pension contributions
- Subsidised gym membership and season ticket loans
- Discounts

Any week in which the agency worker works will count, even if it is just for one day. If there is a break of 6 weeks or more the 12-week qualifying period starts again.

In certain circumstances the clock will be suspended e.g. sick leave, pregnancy leave, maternity leave, jury service and client shutdowns

The agency worker's qualifying period can be accrued over a period which exceeds 12 weeks.

For more information on AWR or our employment services please get in touch with a member of our team by emailing [info@24-7staffing.co.uk](mailto:info@24-7staffing.co.uk) or call 0800 7830 247.

