



AGENCY WORKERS REGULATIONS EXPLAINED



Agency Workers Regulations (AWR)

On 1st October 2011 Agency Workers Regulations (AWR) came into force. Agency Workers are now entitled to the same rights and conditions as your permanent staff after a 12 week qualifying period. In addition Agency Workers are entitled to certain rights from day 1 of the assignment.

DAY 1 RIGHTS

From Day 1 Agency Workers may have access to the “collective facilities” provided by the Employer to their other staff, such as the canteen, staffroom, car parking or crèche. However, the Agency Worker must also follow the rules applied to permanent staff, i.e. if permanent staff are required to join a waiting list for crèche facilities the same rule will apply to the Agency Worker. Day 1 rights do not extend to offsite facilities, negotiated on behalf of your staff i.e. discounted gym membership. The Agency Worker must also have access to view and apply for any permanent opportunities available within the organisation.

BASIC RIGHTS

DAY 1:

Collective facilities

AFTER 12 WEEKS:

Pay parity
Annual holiday entitlement
Overtime and/or night working
Breaktime and/ or rest periods
Duration of working time

12 WEEK RIGHTS

After 12 weeks Agency Workers are entitled to the same basic rights as permanent staff within the organisation. Terms apply: The 12 week Qualifying Period (QP) applies to an Agency Worker doing the same role within the same organisation with a break of no more than 6 weeks to qualify. Once a break of more than 6 weeks occurs the Qualifying Period starts again at week 1. Should the Agency Worker remain within the organisation but change roles significantly in the Qualifying Period the Qualifying Period also starts again. The Agency Worker Regulations do not change the status of the Agency Worker i.e. they do not become an employee after the QP.

DOES NOT COVER

- Sick pay
- Loyalty schemes such as profit sharing
- Maternity or paternity pay
- Redundancy

TYPE OF ABSENCE

RESULT

WORKER STARTS WITH NEW EMPLOYER

RESET QP

WORKER CHANGES ROLE WITHIN ORGANISATION

RESET QP

TAKING A BREAK DURING THE ASSIGNMENT:

OF MORE THAN 6 WEEKS

RESET QP

OF LESS THAN 6 WEEKS

PAUSE QP

SICK LEAVE

PAUSE QP (for up to 28 weeks)

HOLIDAY

PAUSE QP

MATERNITY LEAVE

QP continues as normal

Once the 12 week qualifying period is reached the Agency Worker will be entitled to receive the same daily rate as a permanent member of staff in a comparable role. This usually involves an uplift on the daily charge rate for the rest of the assignment, unless the worker was employed from day 1 at parity.

Lawrence Dean Recruitment work in partnership with our clients to help them understand and be compliant with the Agency Workers Regulations. Should you require any additional information or assistance please do not hesitate to contact one of our knowledgeable team on **01438 310131**.