



## **Agency Workers Regulations**

### **What they mean to you as a temporary worker?**

Under the Agency Workers Regulations as an agency worker you will have two sets of entitlements as of 1<sup>st</sup> October 2011. One set from the start of your assignment (commonly referred to as Day 1 rights) and a second set after you have completed a qualifying period of 12 working weeks within the same role at the same client. This 12 week period does not need to be continuous but certain conditions apply.

A new qualifying period will begin if there is a break of more than 6 weeks between assignments within the same role at the same client.

The qualifying clock will be PAUSED rather than stopped if the worker takes either of the follow breaks in assignments within the same role at the same client:

- A break of less than 6 weeks
- Certified sick leave for no more than 28 weeks
- A break related to pregnancy childbirth or maternity AND the agency worker is within a 'protected period' (from the beginning of pregnancy to 26 weeks from childbirth)
- Statutory/contractual maternity, adoption or paternity leave OR
- Time off for public duties (inc jury service)

#### **Day 1:**

From the 1st October, as a temporary worker you will be given the same access to facilities and internal vacancies as a directly employed member of staff in the same job in any client. These are generally on site facilities, which can include but are not limited to the following:

#### **Access to internal vacancies**

**Crèche**

**Canteen**

**Common room**

**Car parking**

**Prayer room**

#### **Post 12 weeks qualifying:**

After working 12 weeks at the same client doing the same role from the 1st October you will be entitled to pay equal to a directly employed worker doing the same or broadly similar work. This 12 week period does not need to be continuous but certain conditions will apply. In many cases the rate you start on will encompass these entitlements from Day 1. Entitlements under "pay" may include but are not limited to the following:

**Hourly/daily rate**

**Payment for shift/overtime/night work**

**Bonus or commission payments related to individual performance**

**Annual leave entitlement**

**Working time**

**Paid time off for anti-natal appointments for pregnant workers**

**Rest breaks**

**Out of scope:**

Certain core contractual benefits are excluded from the AWR. These include:

**Pension**

**Redundancy pay**

**Company sick, maternity and paternity pay**

**Benefits in kind that are not related to pay e.g. reduced gym membership, private healthcare, discounted goods from a company shop**

**Bonus related to company performance**

**Vouchers that are part of a salary sacrifice scheme (e.g. childcare vouchers)**

You will find the details of your Day One entitlements on your assignment details sheet that will be issued to when you start an assignment. You will then be advised of your post 12 week AWR pay entitlements where applicable via revised assignment details issued once qualified.

- **Full details of the Agency Worker Regulations are available at <http://www.bis.gov.uk/policies/employment-matters/strategies/awd>**

