

The Agency Workers Regulations give temporary workers the same basic pay and employment conditions as they would have been entitled to had they been recruited by the hirer directly to do the same job. This right will commence after the agency worker has had 12 weeks' of service with the same hirer.

WHO DO THE REGULATIONS APPLY TO?

The Regulations apply to all temporary workers regardless of whether they are on a contract of employment or contract of services including those working via umbrella companies or other intermediaries.

WHAT DOES "EQUAL TREATMENT" COVER?

- Pay
- Duration of working time
- Night work
- Rest periods
- Rest breaks
- Annual leave

DEFINITION OF EQUAL PAY

Pay will include the basic hourly rate, overtime and shift allowances, unsociable hours premiums, payments for difficult or dangerous duties and lunch vouchers. However the definition of pay will exclude benefits such as occupational pension schemes, occupational maternity pay and redundancy pay which are seen to be provided in recognition of the long-term relationship between an employer and a permanent employee..

HOLIDAY ENTITLEMENT

Agency workers who qualify for equal treatment will be entitled to the same holiday entitlement, including any amount over and above statutory entitlement, which workers in the hirer's organisation receive.

ESTABLISHING EQUAL TREATMENT

The Regulations will require an agency worker to be treated as if he or she has been recruited directly to do the same job. Therefore pay scales, benefits outlined in company handbooks and collective agreements must be taken into account when establishing equal treatment.

THE 12 WEEK QUALIFYING PERIOD

Equal treatment provisions will apply after the worker has been engaged for 12 calendar weeks. A new qualifying period will begin only if a new assignment with the same hirer is substantially different, or if there is a break of more than six weeks between assignments in the same role. The 12 weeks qualifying period can be paused if the worker takes annual leave, takes certified sick leave or takes time off for public duties.

ACCESS TO VACANCIES AND COLLECTIVE FACILITIES

From day one of an assignment, Agency Workers must be made aware of vacancies that arise in their hirer's organisation. Agency workers will also be entitled to access a number of collective facilities including crèche and childcare facilities, canteen facilities and the provision of transport services. Amenities, e.g. gym membership, season ticket loans and childcare vouchers are out of scope as they are considered a reflection of the long term relationship between an employee and a hirer which would not be appropriate for agency workers.