



Agency Workers Regulations FAQ

 **the works**
recruitment.com



When did the Agency Worker Regulations (AWR) come into force?

- The Regulations come into force on 1 October 2011. Only time spent on assignments with a hirer after 1 October 2011 will count towards the 12 week qualifying period.

What does AWR mean?

- It means if you are a 'temp' agency worker from the 1st October 2011 after you have worked in the same job for 12 weeks, you will qualify for equal treatment in respect of pay and basic working conditions. You can accumulate these weeks even if you only work for a few hours a week.





Do the regulations affect my employment status?

- No, the Regulations do not affect your employment status as a temporary agency worker (i.e. you will not become an employee once you reach the 12 week qualifying period)



Day one rights for all agency workers?

- As a temporary agency worker you will be entitled to certain "day one" benefits, these may include:
 - a canteen or other similar facility
 - a workplace crèche
 - transport services
 - toilets/shower facilities
 - staff common room
 - mother and baby room
 - prayer
- This is not intended to extend to all benefits which a hirer might provide to their employees. It applies to collective facilities provided by the hirer either to workers or employees as a whole or particular group of workers.

A vertical illustration on the left side of the slide. It shows a woman with long dark hair wearing a headset with a microphone, positioned above a man wearing a hard hat. The man is looking at a smartphone held in his hand. There are curved lines indicating a signal or communication between the woman and the man.

What should I do if I believe that I am not receiving day one benefits that I am entitled to?

- We suggest that you raise this with the hirer directly. Should you feel that your query is not being addressed by the hirer then you should contact your consultant

What benefits am I entitled to once I reach the 12 week qualifying period?

- The regulations give you the right to equal treatment in terms of basic working and employment conditions, i.e. the same as if you had been employed directly by the hirer to do the same job role.
- The benefits that you are entitled to include:
 - Basic rates of pay
 - Overtime or anti-social uplifts (evenings, Saturdays, Sundays, bank holidays, etc.)
 - Bonus and incentive schemes
 - Holiday pay
 - Day one benefits (as outlined)



What benefits am I not entitled to under the new regulations?

- Certain benefits only apply to permanent employees and equal treatment under the new regulations does not extend to:
 - Sick pay
 - Pensions
 - Maternity/paternity leave
 - Redundancy






How does the 12 week qualifying period work?

- The Regulations require that you work for 12 continuous weeks at the same hirer in the same or substantively similar job role. Any time worked in a calendar week, even just a few hours, counts towards the qualifying weeks. The Regulations also provide for a number of circumstances in which breaks in weeks worked do not prevent you from losing the qualifying weeks that you have already accrued.
- It is easiest to think of the 12 week qualifying period as a clock that runs from 0 to 12. Certain breaks between assignments will "reset" the clock to 0 and you will resume from qualifying week 1 when you return to work with the hirer. Other breaks will "pause" the clock and the clock will then continue to tick when you return to work with the hirer. There are also some breaks where the clock will "continue" to tick even if you are not working at the hirer.





What happens if I am paid more than a comparable employee, will my pay be reduced after 12 weeks?

- No, the Regulations only apply to agency workers who are being paid less than the comparable employee. The Regulations will have no effect on you if you are being paid more.



The Regulations refer to hirer, who is the hirer?

- The hirer is the end user who requests agency workers through The Works, the employment agency. The hirer can be an individual person, company, partnership, sole trader or public body and is responsible for supervising and directing you while you perform your shift.




What is a comparable employee?

- Under the new Regulations equal treatment will be viewed in terms of a comparable employee. A comparable employee will be a worker who is employed directly by the hirer and who performs work that is broadly similar to the work that you perform on assignment for the hirer. It needs to be remembered that differences in pay can be justified by taking account of the skills, qualifications and experience of the comparable employee.




What do I do if I work for the same hirer through multiple agencies?

- You will need to inform us if we place you at a hirer where you have previously worked through a third party agency (an agency other than The Works). This should be done by emailing the full details to your consultant. You will need to be clear and state the name of the hirer, the nature of the work you have performed and the dates that you worked for this hirer through another third party agency.



Should I inform you of all work that I perform for other agencies other than The Works?

- No, we only need information on hirers where we have supplied you as a temporary agency worker. If you only work for a hirer through a third party agency (i.e. we never place you at the hirer) then you will not need to inform us.



What should I do if I have a valid break period for sick or annual leave?


- You will need to inform us of breaks such as annual leave paid by a third party agency or sick leave. This can be done by emailing the details of your annual or sick leave to your consultant. We will require proof of annual leave or sickness so you should attach your payslip, signed leave form, doctor's note, etc. to the email.



What should I do if I have other breaks that I believe should be taken into account?

- You will need to inform us of these breaks by emailing the full details of the break to your consultant. This should include the type of break, the exact dates of the break and the hirer that the break related to if applicable.





What should I do if I have any other query relating to the AWR?

- If you have any other query that is not specifically dealt with above, contact your consultant.



Where can I find further guidance on the new regulations?

- www.acas.org.uk
- www.cipd.co.uk
- www.gov.uk
- www.rec.uk.com



If you need any
further help or advice email
itsworking@theworksrecruitment.com

 **the works**
recruitment.com