

AWWR

Agency Workers Regulations

A quick Guide for Temporary Workers



MidasRecruitment

Agency Workers Regulations

The Agency Workers Regulations (AWR) came into force on 1st October 2011. Midas Recruitment has produced this guide to show the key entitlements that temporary workers have under the AWR.

WHO DOES THE AWR APPLY TO?

The AWR applies to temporary workers we supply to work on assignments for our Clients.

WHAT "RIGHTS" DO TEMPORARY WORKERS HAVE?

From day one on an assignment, a temporary worker we have supplied to a Client will have:

- A right to use the clients facilities and amenities; e.g., canteen, drinks machine, car park, gym, crèche and other similar facilities; and
- A right to be informed of relevant job vacancies that the client may have. Clients may publish vacancies on a notice board or on a company intranet and they should let the temporary worker know how and where they can view these vacancies and provide them with access.

After 12 weeks working on the same or a similar Assignment, a temporary worker we have supplied to a client will have the right to the same basic working and employment conditions as if the temporary worker had been directly recruited as the client's permanent employee. These basic working and employment conditions are:

- Annual leave;
- Rest periods, rest breaks, night work and the duration of working time;
- Pay (see table 1)

HOW WILL MIDAS RECRUITMENT ENSURE TEMPORARY WORKERS RECEIVE THEIR ENTITLEMENTS?

Midas Recruitment has introduced new processes that will enable us to ask clients to provide details of the basic working and employment conditions that fall within "table 1" during the first few weeks of an assignment. Also with the help of an industry specific database we will be able to monitor timescales and deadlines.

Temporary workers who are registered with other agencies and who have worked for our client previously via another agency must notify us of all the previous work details. This will enable us to ensure that any applicable previous period of work is included in the 12 week qualifying period.

By working closely with both our clients and temporary workers we can ensure that the temporary workers we supply can receive the appropriate levels of pay, holiday and other entitlements.



HOW IS THE 12 WEEK QUALIFYING PERIOD CALCULATED?

The 12 week qualifying period is triggered after a temporary worker we have supplied has worked for a client for 12 continuous calendar weeks on an assignment. Tracking the 12 week qualifying period is not easy (see table 2).

Please note that this AWR Quick Guide is not a comprehensive summary of the law and is not intended to be legal advice.

Table 1

What counts as pay?	What does not count as pay?
Basic salary / wages	Pension payments / retirement gratuity
Overtime	Notice periods / redundancy
Fees	Maternity, paternity or adoption payments
Commission	Compensation for loss of office
Personal element of bonus	Company element bonus
Vouchers having monetary value	Vouchers requiring salary sacrifice
Holiday Pay	Financial participation schemes offering shares / options
Statutory sick pay	Loans, expenses, time off for trade union duties
	Private health care / death in service benefits

Table 2

Type of absence affecting qualifying period	Effect on qualifying period
Agency worker begins a new assignment with you	Clock starts at zero / resets to zero
Agency worker remains with you but not in the same role	Clock resets to zero
Agency worker has a break of more than six weeks	Clock resets to zero
Agency worker has a break of less than six weeks	Pauses the clock
Sickness absence	Pauses the clock up to 28 weeks
Annual leave	Pauses the clock
Shut downs; e.g., factory closure, school holidays	Pauses the clock
Jury service / industrial action	Pauses the clock up to 28 weeks
Pregnancy / maternity / paternity / adoption absence and leave	Clock keeps ticking

