

Agency Workers Regulations

The Agency Workers Regulations (AWR) are now live. The Regulations derive from European legislation designed to give temporary agency workers parity in pay and employment conditions as they would have been entitled to had they been recruited by the hirer to do the same job. This will impact all organisations that use agency workers. This legislation will entitle the majority of agency workers to the same treatment and pay as their directly employed equivalents, after a qualifying period. Hirers as well as agencies will be responsible for ensuring equal treatment; therefore you need to take action to ensure your organisation is compliant.

Whether you are a temporary worker currently working through an agency, or a client that uses temporary workers, please see below for an overview, we are here to help you every step of the way....

AWR for Clients

The Agency Workers Regulations (AWR) will impact all organisations that use agency workers. Hirers as well as agencies will be responsible for ensuring equal treatment; therefore you need to take action now to prepare your organisation.

How can Omega Resource Group help?

As a multi-award winning recruitment company with strong ties in the private sector and strong partners who have contributed to making this legislation – Omega Resource Group are your ideal partner to assist you with complying with this legislative change. We have been working for over 12 months now to interpret the regulations with the help of industry leading lawyers, management consultants and the Department for Business, Innovation and Skills (BIS).

We have a dedicated project team solely working with Client to ensure they are compliant. Now that the first 12 week period has passed on the 24th December 2011, Hirers are still uncertain of the legislation and what the impact of it is. We are here to help.

Hirers are advised to undertake a data gathering exercise (commonly referred to as an impact assessment) to ascertain the effect the Agency Workers Regulations will have on their business. Omega Resource Group has produced a guide to carrying out your own impact assessment, which is available free of charge. The guide explains the main points in the regulations, along with some of the more important questions to consider.

Get in touch now to get your free impact assessment guide by contacting andrea.popham@omegaresource.co.uk or call 01453 827333

AWR for Candidates

Under the Agency Workers Regulations, agency workers have two sets of entitlements: one set from the start of their assignment (commonly referred to as Day 1 rights); and a second set after they have completed a qualifying period of 12 working weeks.

Day 1:

From the 1st October, in any temporary work assignment where you are working through an agency for an end hirer, you will be given the same access to facilities and internal vacancies as a directly employed member of staff in the same job has. 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
- Local pick-up/drop-off

Your line manager will be able to advise you exactly which facilities apply, as this will vary from organisation to organisation.

Post 12 weeks:

After completing a 12 week qualifying period from the 1st October 2011, agency workers will be entitled to pay equal to a directly employed worker. 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 (e.g. an employee can work a maximum of 35 hours per week)
- Vouchers that have a monetary value (e.g. eye care, luncheon vouchers)
- Paid time off for ante-natal appointments for pregnant workers
- Rest breaks

These rights apply to all agency workers employed under PAYE and Ltd company contracts. The only exception is those workers who are genuinely in business on their own account. Entitlements will be assessed and communicated on a case by case basis.

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)