



AWR

Agency Workers Regulations

For Temporary Employees

AGENCY WORKERS REGULATIONS

The Agency Workers Regulations (AWR) came into force on 1 October 2011.

Westlakes Recruit has produced this guide to show the key entitlements our temporary workers may have under the AWR.

Whom do the AWR apply to?

The AWR apply to the temporary workers we supply to work on assignments for you.

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 client’s facilities and amenities; e.g., canteen, drinks vending machine, car park, gym, crèche and other similar facilities; and
- a right to be informed of relevant job vacancies the client may have. Clients may publish vacancies on notice boards 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

How will Westlakes Recruit ensure temporary workers receive their entitlements?

Westlakes Recruit 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.

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

Please note that this AWR quick guide for clients is not a comprehensive summary of the law and is not intended to be legal advice. Copyright © Westlakes Recruit Ltd

How do I determine what counts as pay?

What Counts?	What doesn't?
Basic salary	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 of bonus
Vouchers having a monetary value	Vouchers requiring salary sacrifice
Holiday pay	Financial participation schemes offering shares/options
Statutory sick pay	Contractual (company) sick pay
	Loans, expenses, time off for trade union duties
	Private health care/death in service benefits

How is the 12-week qualifying period calculated?

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