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## AGENCY WORKER REGULATIONS 2010

### **The Agency Workers Regulations 2010**

The Agency Workers Regulations (AWR) give agency workers the right to the same basic working employment conditions they would receive if they were engaged directly by an end user client to do the same job, this is limited to conditions that relate to pay and working time.

### **Who is an agency worker?**

An Agency Worker is

- An individual;
- Who is supplied by a temporary work agency to work temporarily under the supervision and direction of a client; and who
- Has a contract of employment or any other type of contract under which they provide their services personally.

### **What is a temporary work agency?**

A temporary work agency is an undertaking which is in the business of 'supplying individuals to work temporarily for and under the supervision and direction of Hirers'.

### **Who is the Hirer?**

Essentially it is the end user client.

### **How does an agency worker qualify for equal treatment?**

The AWR states that an agency worker is not entitled to equal treatment until s/he has completed the qualifying period. An agency worker will complete the qualifying period by working 'in the same role with the same hirer for 12 continuous calendar weeks, during one or more assignments'.

### **What is the same role?**

The AWR states that the agency worker will be working in the same role unless s/he starts a new role in which the work or duties are 'substantively different'.

### **Working in the same role with different clients.**

If an agency worker works in the same role but for different clients s/he will have separate qualifying clocks running with each client.

### **Working for 12 continuous weeks.**

Any week in which the agency worker works for the hirer will count towards the 12 week qualifying period, even if it is just for one day in a week or even 1 hour that week. However

the agency worker does not have to work for 12 continuous weeks in order to reach the qualifying period. The AWR allows the agency worker to have certain breaks in assignment without having to start counting towards the 12 weeks from scratch.

### **The six week break**

If the agency worker takes a break from an assignment for any reason and the break is for six weeks or less, on returning to the same role, the weeks that the agency worker previously worked will be carried forward.

### **'Equal Treatment' includes as follows:**

- Pay – basic pay, overtime, shift allowance, bonuses, holiday, vouchers/stamps, car allowances
- The duration of working time
- Night work
- Rest periods
- Rest breaks
- Annual leave

**Should you require further information, more detail or wish to see the entire document on AWR, this can be downloaded by visiting:**

[www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance](http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance)

**OR**

[www.delni.gov.uk/awrniguidance](http://www.delni.gov.uk/awrniguidance)