

A guide to the Agency Workers Regulations (AWR)

Why?

The aim of the Regulations is to ensure that temporary workers have the same basic employment and working conditions as comparable employees who are directly employed by the Hirer. (Client)

How?

There are two elements to the AWR. The temporary worker will receive rights on Day 1 and after completing a 12 week qualifying period, regardless of whether they are full or part time.

Day 1 Rights

- Access to shared on-site facilities, including canteens, child-care facilities and transport services
- To be informed of job vacancies

12 week rights

Comparable employment terms and conditions as an equivalent directly recruited employee including:-

- Pay, including overtime and shift allowances.
- Bonuses that are attributable to the worker's individual performance.
- Holidays and holiday pay over and above statutory minimum.
- Working hours (including length of night work, rest periods and break periods)
- Protective rights when pregnant, including paid time off for antenatal appointments and workplace assessment.

12 Week period does not have to be continuous

- Most breaks between or during an assignment to the same job that are **less than six weeks** in length will simply pause the accrual of the 12-week qualifying period.
- Most breaks between or during an assignment to the same job that are **six weeks or more** will reset the 12-week qualifying period.
- The accrual of 12 weeks qualifying period can be paused by:
 - absences for sickness and jury service (for up to 28 weeks)
 - annual leave, shut downs (e.g. factory closures and school holidays) and industrial action (for the duration of the absence).
- Pregnancy and maternity-related absences, maternity leave, paternity leave and adoption leave **will not** pause the 12-week accrual at all.

In this case the 12-week accrual period will continue throughout the duration of the absence and include these weeks as those counting towards the 12-week total.

Who is not covered by AWR?

The regulations do not cover self-employed; individuals working through their own limited liability company; or individuals working on managed service contracts.

Pay does not include:-

- Bonuses (that relate to the hirer's corporate performance or are given to award long service).
- Expenses (although agency workers' pay for comparison purposes may include reimbursement for expenses if they work through an umbrella company).

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- Company Pension Schemes.
- Health or Life Insurance/Assurance schemes.
- Share Option Schemes.
- Occupational Sick Pay schemes (Agency Workers already have a right to receive Statutory Sick Pay)
- Occupational Maternity/Paternity/Adoption pay
- Redundancy Pay (statutory or contractual)
- Notice Pay (either statutory or contractual that is linked to the loss of employment)

Who?

- **The Temporary Worker** – who will have additional protection under the AWR.
- **The Hirer (Client)** – who hires temporary workers by entering into a contract with a Temporary Work Agency.
- **The Temporary Worker Agency** – this includes any Recruitment Agency or Umbrella Company that supplies or pays for temporary workers to work temporarily under the supervision and direction of the Hirer.

How Peter Knight Recruitment Ltd can help their Clients

- Review existing arrangements and identify affected elements for inclusion.
- How to identify who a comparable worker is.
- How to compare a temporary worker with existing employed worker.
- Placing temp workers within a scale or range.
- To build a bespoke checklist for each client.
- To identify variations to existing cost structure.
- Record keeping.
- Ensuring compliance, audits.
- Defending a claim.
- The preparation of a temp worker pack for each Temp Worker.
- General advice on AWR.

Do you know about other services provided by Peter Knight Consulting Group Ltd?

- Specialist Project HR consultancy service.
- Handling difficult and complex Employee Relations issues.
- Whole Team Recruitment / New site / Relocation of site / Uplift.
- Onsite Recruitment – Large Scale Temp Recruitment & Management.
- Senior and Middle Management - Recruitment and coaching.
- Vetting and Screening service.
- Career coaching / Outplacement services – let us look after your leaving employees.
- Recruitment benchmarking your current practices to best practice.