



AGENCY WORKERS REGULATIONS YOUR QUESTIONS ANSWERED

What are the Agency Workers Regulations (AWR)?

AWR are rules that came into effect on October 1, 2011, based on the European Agency Workers Directive. They grant temporary agency workers the right to the same pay and working conditions they would have if directly employed by the hirer for the same role.

Who do the regulations apply to?

The regulations apply to all temporary agency workers, including those employed through umbrella limited companies. Self-employed individuals, like single-person personal service companies, are not covered.

What is meant by equal treatment?

Equal treatment involves two types of rights: day 1 rights, which start from the beginning of an assignment, and week 12 rights, which kick in after 12 weeks in the same role with the same hirer. Day 1 rights include access to facilities and information about internal vacancies. Liability for ensuring these rights lies with the hirer. Week 12 rights grant equal pay and working conditions, with liability primarily on the agency but may shift to the hirer if provided with incorrect information by the hirer.

What are my rights from day one of my assignment as an agency worker?

From day one, you're entitled to equal access to the hirer's facilities and information about internal vacancies. The hirer is responsible for these rights.

What if there is no comparable direct employee at the hirer?

In such cases, the agency and hirer will consider pay and working conditions based on factors like company pay scales or market rates.

When does the qualifying period start for me?

For those in a temporary agency role when AWR started, the qualifying period began on October 1, 2011. For new assignments after that date, it starts on the first day of the assignment, with certain circumstances pausing the qualifying period.

In what circumstances would I have to start the qualifying period again?

The qualifying period may restart after a break between assignments longer than 6 weeks or if moving to a substantially different role.

How much holiday will I be entitled to?

After 12 weeks, you're entitled to the same paid holiday as a direct recruit for the assignment, including any contractual paid holiday.

Can I be asked or made to opt out of the regulations?

No.

When will I see a difference in pay?



The rate may increase after completing the 12-week qualifying period if not already AWR compliant.

What will I be entitled to after 12 weeks?

Please see the two lists below.

YES	NO
Basic pay	Company profit sharing schemes
Local bonus schemes / commission structures based on quality or quantity of work done	Occupational pension schemes
Overtime payment rates (provided qualifying criteria are met)	Occupational maternity / paternity pay / adoption
Shift allowances	Redundancy pay (statutory and contractual)
Monetary vouchers of fixed value	Benefits in kind
Paid holiday entitlement	Occupational sick pay
Rest breaks / periods	Notice pay (contractual & linked to loss of employment)
Paid time off for antenatal appointments	Payment for time off for trade union duties
	Any payments that require eligibility of service

Will I be entitled to incremental increases in pay rates and holiday?

Yes, after the 12-week qualifying period, BUT ONLY if your booking does not already meet the AWR and subject to meeting any qualifying criteria set by the hirer.

If I am pregnant, how will AWR affect me?

Pregnant workers need to notify the agency, and the hirer will conduct a risk assessment. After 12 weeks, paid time off for antenatal appointments is allowed.

Do the regulations impact paternity rights?

No, paternity rights are not affected.

If the hirer moves me from one role to another, what should I do?

Notify Ashendon Recruitment promptly about the role change and provide information about previous temporary roles.

If my assignment ends with one hirer and I accept a new assignment with another hirer, will I still be eligible for equal treatment?

No, unless returning to the same hirer in the same role within 6 weeks, the qualifying period starts again with a new hirer.