



Guide to Agency Workers Regulations (AWR)

The Agency Workers regulations (AWR) – Lily Staffing Solutions have produced this quick guide to show the key entitlements our temporary workers may have under AWR

When you're an agency worker

You're an agency worker if you have a contract with an agency but you work temporarily for a hirer. Agencies can include recruitment agencies, for example 'temp agencies.'

What your agency must give you

Your agency must give you information about the work they're trying to find you.

Before you're offered a job

Before looking for work for you, your agency must give you:

- a key information document
- written terms of engagement - often known as a workers agreement

Key information document

The key information document is a short explanation of how you'll be paid and what deductions will be applied.

It must include:

- the minimum rate of pay you can expect
- a sample payslip giving an estimate of your take home pay after things like National Insurance, Income Tax or private healthcare
- who is paying you.
- if you have any fees to pay
- if you're entitled to any benefits

Your agency does not have to give you a key information document if you've already agreed terms of engagement with them before 6 April 2020.

Terms of engagement

The written terms of engagement should include:

- whether you're employed under a contract for services or a contract of employment
- your notice period
- your pay
- your holiday entitlement

An agency cannot change your terms and conditions without telling you. If you agree to changes, you must be given a new document with the full details of the changes and the date they changed.

An agency cannot give information about you to any third parties (including current employers or hirers) without your permission, you will have been asked to agree to GDPR

When you're offered a job

- The agency must give you a written statement that tells you:
- your start date
- how long the contract is likely to last
- the type of work
- about any expenses you may have to pay
- the location
- your hours
- about any health and safety risks
- about any experience, training or qualifications needed for the role

Equal treatment

From the day you start work you have a worker's employment rights.

You also have the same rights as your permanent colleagues to use any shared facilities and services provided by your employer, for example:

- a canteen or food and drinks machines
- a workplace creche or mother and baby room
- car parking or transport services, like a local pick-up service or transport between sites

Rights after 12 weeks

After 12 weeks in the job, you qualify for the same rights as someone employed directly. This is known as 'equal treatment'.

Your rights include:

- 'Equal pay' - the same pay as a permanent colleague doing the same job
- automatic pension enrolment
- paid annual leave

How to count your 12-week period

Start counting your 12-week qualifying period from your first day at work. You do not have to be at work for 12 weeks in a row - some types of leave count and there can be breaks.

Do not count days on sick leave or a break The qualifying period will pause for sick leave or breaks. Do not count the days when:

- you take a break of 6 weeks or less
- you're on leave due to sickness or injury for up to 28 weeks
- you take annual leave you're entitled to
- the workplace closes, for example for Christmas or industrial action
- you're on jury service for up to 28 weeks

Start from zero for a new job or role Your 12 weeks will start again if you:

- get a new job at a different workplace

- have a break of more than 6 weeks between jobs at the same workplace
- stay at your workplace but take a new role that's 'substantively different'

A substantively different role is one that's completely new, different work. It could be a combination of different

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- skills, or requiring new training
- pay rate
- location
- working hours

Pay

You're entitled to the National Minimum Wage for all the hours you work, even if you have not recorded them on a timesheet. If your agency do not receive your completed time sheet by Monday at mid day you may be paid the following week.

After 12 weeks you're entitled to be paid the same as a permanent employee doing the same job.

If your agency withholds your pay

- Your agency can delay paying you while they get proof of the hours you worked, but only for a reasonable period of time.
- Your agency cannot refuse to pay you because your hirer's unhappy with your work - this is a contractual issue between your agency and the hirer.
- You can make a claim to an employment tribunal if your agency is refusing to pay you.
- If you've opted out of the right to equal pay

Your agency should contact you to explain that after 12 weeks you're entitled to the same pay as a permanent employee doing the same job.

