

UNIQUE

Employment Services Ltd

Candidate Briefing on the Agency Workers Regulations.

As you may be aware the new agency workers regulations will be in force from October 1st 2011.

Please read this handout carefully and feel free to contact Unique Employment on 01582 725544, should you have any questions, we would be happy to help.

Background

The purpose of the Agency Workers Regulations is to give temporary agency workers the same basic pay and employment conditions as they would have been entitled to had they been recruited by the hirer directly to do the same job. This right will commence after the agency worker has had 12 weeks of service with the same hirer, with day 1 of work counting from 1st October 2011.

Scope of who equal treatment applies to

The Regulations apply to all temporary agency workers regardless of whether they are on a contract of employment or contract for services.

Definition of equal pay

Pay will include basic pay and additional entitlements that are linked to the work done by the agency worker during an assignment. Pay will include the basic hourly rate, overtime and shift allowances as well as unsocial hour premiums. However, the definition of pay will exclude benefits such as occupational sick pay, occupational pension schemes, occupational maternity pay and redundancy pay which are seen to be provided in recognition of the long-term relationship between an employer and a permanent employee. Profit sharing schemes will be excluded, however bonuses which are directly attributable to the quality and quantity of work done by an agency worker will be included.

Holiday entitlement

Agency workers who qualify for equal treatment will be entitled to the same holiday entitlement, including any amount over and above statutory entitlement, which workers in the hirer's organisation receive.

As an agency worker you are already entitled to the statutory leave entitlement of 28 days (pro-rata'd). If you qualify for equal treatment you will also be entitled to any additional holiday entitlement the hirer provides to direct recruits. The additional entitlement may be rolled up and paid in lieu of taking the time of or we will pay the additional holidays as and when they are taken. I.e. if the client pays their own workers 33 days including bank holidays, rather than the statutory 28 days (5.6 weeks), then the agency will pay 33 days holiday per year. This will be discussed with you on a Client by Client basis.

Factsheet - we have produced a factsheet that is available for you all to have, please ask your Unique representative to provide you with one, or visit our website www.unique-employment.co.uk for more details.