

AGENCY WORKERS REGULATIONS 1ST October 2011

An agency worker is someone who provides work or services to an organisation, but is contracted via an agency rather than the organisation itself.

Over recent years, agency workers have been able to benefit from the national minimum wage, paid holiday and the right not to work more than 48 hours a week on average.

The Agency Workers Regulations are a further significant step in enhancing agency workers' rights.

The right to equal treatment does not apply until the agency worker has completed the necessary qualifying period of 12 continuous calendar weeks"

This means that after 12 weeks, basic working and employment conditions for temporary agency workers are no less favourable than if they had been recruited direct by the hirer.

Also, from day one, they have equal access to facilities and permanent employment opportunities.

The regulations do not confer employee status on agency workers, and they will not therefore have the right to claim, for example, unfair dismissal, minimum notice or redundancy pay.

Employers need to take note that the regulations envisage that equal treatment can be measured against comparable employees in terms of pay, the duration of working time, night work, rest period and breaks, annual leave, pay for bank and public holidays, shift allowances, overtime rates and unsociable hour's premiums.

Specific provision is made in the regulations for pregnant agency workers to have paid time off for antenatal appointments, and for alternative work, or pay, to be provided where they are unable to continue with an assignment for health and safety reasons.

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