

Agency Workers Regulations



The Balanced People Approach
Our Best Practice approach.....

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Search and selection solutions

General Questions for Clients

Day 1 Rights



- Are the facilities on site the same for temporary and permanent staff?
- How are vacancies advertised internally?
- What procedure do you have in place to inform temporary candidates about internal vacancies?

Agency questions for Clients

- What is the expected end date of the assignment?
- Is comparator pay proposed after 12 weeks?
- How will the temporary employee be paid?
- Who will control and direct the temporary employee?
- Are there any other companies or trading names within your legal entity?

Agency Workers Regulations Comparator data requirements

- Annual salary
- Standard hours & days per week
- Overtime rates (if applicable)
- Other payments*

**Guaranteed overtime, shift allowances and any bonuses or vouchers*

- Annual leave (excluding Bank Holidays) days

It is the hirer's responsibility to provide the correct information.

Agency questions for candidates

- Has the candidate ever worked at the client organisation via a different agency?
- Full 3 month work history at interview

Candidates must have:

- A full 6 week break between assignments; or
- Starts a different role with a different manager with the same company.

Agencies should:

- Inform both clients and candidates of their rights and obligations under the Agency Workers Regulations;
- Record qualifying work periods;
- Record all break and pause periods; and
- Notify Clients in advance of the 12 week qualifying period.

AWR Status Reports

Report dated 28th November 2011

Client	Candidate	Role	Start date	Expiry date	Break	Qualification Date	Time to go
Virgin	Ruth Black	FC	20.06.11	16.03.12	0	26.12.11	4 weeks
WPP	Sam Book	FM	10.10.11	21.10.12	0	02.01.12	10 weeks
S&S	Tom Tye	FD	17.10.11	11.11.11	0	09.01.12	8 weeks
D&D	Sam Book	FM*	07.11.11	11.11.11	1	30.01.12	11 weeks
S&S	Tom Tye	GM**	28.11.11	16.12.11	1	20.02.12	9 weeks
WPP	Sam Book	FM***	21.11.11	16.12.11	0	30.01.12	6 weeks

* Different employer so the clock restarts

* Different role hence break in qualifying period

* Same role and company and pause was for less than 6 weeks so not a break in qualifying period

Recording information

IT Updates

- Legal entities
- The recording of information requests from Clients and Candidates
- The tracking of Job roles for comparative purposes
- The recording of breaks and pause periods
- The calculation and tracking of qualifying periods

Week 13 onwards

The Agency must re-book the candidate on new permanent equivalent pay rates including:

- Overtime;
- Bonuses;
- Holiday allowances; and
- Contracted hours

Failure to re-book the candidate on new pay rates will result in non compliance

Week 13 onwards

Agency workers are not entitled to;

- Occupational pension schemes or Share schemes
- Enhanced Occupational Sick Pay
- Redundancy Pay
- Company performance Bonuses
- Non Cash awards, Salary advances or Loans
- Additional discretionary or non contractual payments

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Helping clients succeed

Today's candidate is tomorrow's client...