

AWR – WHAT IS IT?

Introduction

The aim of this guidance is to help both hirers of agency workers understand the Agency Workers Regulations (AWR) and the implications and responsibilities for both hirers and temporary work agencies.

When the law changes

The legislation came into force on 1 October 2011, giving agency workers the entitlement to the same basic employment and working conditions as if they had been recruited directly, if and when they complete a qualifying period of 12 weeks in the same job.

Agency workers will also be entitled to access to facilities and information on job vacancies from Day 1 of their assignment.

Key changes and new responsibilities

New entitlements

Day 1 rights for all agency workers: If you hire agency workers, you must ensure that they can access your facilities (such as canteen, childcare facilities etc.) and you can access information on your job vacancies from the first day of their assignment.

After 12 weeks in the same job: The equal treatment entitlements relate to pay and other basic working conditions (annual leave, rest breaks etc) and come into effect after an agency worker completes a 12 week qualifying period in the same job with the same hirer. After completing the qualifying period, pregnant agency workers will now be allowed to take paid time off for ante-natal appointments during an assignment. If the employee's position changes to a different type of job before the 12 week qualifying period, then the AWR clock will start again from week 1.

What this means for you

If you are a hirer of agency workers: If you are an employer and hire temporary agency workers through a temporary work agency, you should provide your agency with up to date information on your terms and conditions so that they can ensure that an agency worker receives the correct equal treatment, as if they had been recruited directly, after 12 weeks in the same job. You are responsible for ensuring that all agency workers can access your facilities and are able to view information on your job vacancies from the first day of their assignment with you.

Pay

We will negotiate rates of pay with the school. If you have qualified for equal treatment we will ensure that sufficient information is given to us by the school to work out what equal treatment (including pay) you would be entitled to from the school if it employed you directly. We rely on this information to determine what terms you are entitled to be supplied on. Your equal treatment pay rates may vary from school to school, depending on the arrangements the school has in place for its own staff.