

A guide to the Agency Worker Regulations for temporary workers



The Agency Workers Regulations ensure that temporary workers in certain areas are entitled to 'equal treatment' to permanent staff in many aspects of their employment.

Internal placements based at the University

If your assignment is an internal role within the University then your role is exempt from this legislation and the following sections do not apply.

External placements with other companies

Your rights from the first day of employment

From the first day of employment you are entitled to equivalent access to facilities such as food and drink machines, car parking and common rooms. You are also entitled to the same access to job vacancies as a comparable permanent member of staff.

Qualifying for full rights

To qualify for full rights under the legislation you must first complete a 12 week qualifying period. These 12 weeks are calculated as any weeks that you have worked in the role, or in a similar role, for the same company provided that there are no breaks of more than 6 weeks. After a 6 week gap you lose the full AWR rights and must complete a new 12 week qualifying period.

Under the legislation there are certain types of breaks that can be longer than 6 weeks but do not cause your AWR status to reset. These include breaks due to:

- Sickness or injury (for up to 28 weeks)
- Jury service (for up to 28 weeks)
- Annual leave
- A workplace shutdown
- A strike, lock out or other industrial action
- Pregnancy, childbirth or maternity (these weeks will also count towards your 12 week qualifying period)

If a break in your assignment is due to one of these reasons you must notify your local Unitemps office and provide documentary proof.

Your rights after qualifying for full AWR status

Once you have qualified for full rights under the legislation you are entitled to be

treated the same as an equivalent member of staff in a number of ways including:

- Basic rate of pay.
- Any overtime or unsociable hours rates that apply to permanent staff.
- Rest breaks.
- Any bonus or commission payments paid to permanent staff that are directly attributable to the amount or quantity of work carried out.
- Annual leave (if your employer allows their permanent staff more annual leave than the statutory minimum then your holiday pay may be increased to match this).

Your responsibilities

To make sure that your AWR status is correct and any overtime you are due is identified, it is important to submit timesheets promptly by the Monday of the week following the work. If you are ill for a prolonged period or away on jury duty and so unable to work it is important to inform Unitemps so that your AWR status does not expire.

If you have any questions then please contact your local branch for further information.