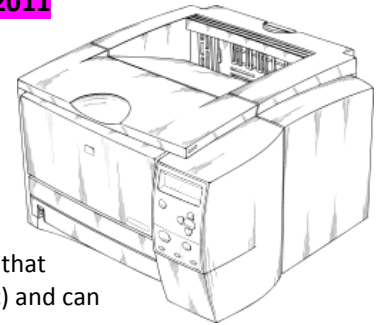


## ARE YOU READY FOR THIS ?

### Changes to Duties for Employers with Agency Workers : From October 2011



[CLICK HERE FOR GUIDANCE](#)



#### New entitlements

**Day 1 rights for all agency workers:** If you hire agency workers, you must ensure that they have they can access your facilities (such as canteen, childcare facilities, etc) and 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.

It is not retrospective and for those agency workers already on assignment, the 12 week qualifying period will start from 1 October 2011.

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.

**If you are a 'temp' agency worker:** From 1 October 2011, after you have worked in the same job for 12 weeks, you will qualify for equal treatment in respect of pay and basic working conditions. You can accumulate these weeks even if you only work a few hours a week. Your temporary work agency is likely to ask for details of your work history to help establish when you are entitled to equal treatment (separate guidance is available for agency workers on direct.gov website).

**If you are a temporary work agency:** If you are involved in the supply of temporary agency workers, you need to ask the hirer for information about pay and basic working conditions (when it is clear that the agency worker will be in the same job with the same hirer for more than 12 weeks) so that they are treated as if they had been directly recruited to the job.

#### How will the changes impact a 'hirer's' Corporate Employee Benefits?

- Group Income Protection Scheme cover will not have to be offered due to occupational sick pay being excluded and is 'out of scope'.
- Benefits in kind are out of scope, these include Group Critical Illness as well as benefits such as private medical insurance or the private use of a company car.
- Pensions are out of scope until NEST arrives. The responsibility for this will depend on who pays the agency worker.
- According to latest interpretation it is not yet clear if the hirer has to provide Group Life cover for agency workers, if they provide Group Life cover for their employees. If the employer uses a minimum service period for this cover, then that would apply to both employees and agency workers. Employers will need to seek legal advice on their arrangements.



Financial Services Division

**A note on Part-time, Temporary & Fixed Term Contract workers**

It is worth remembering that there are distinct regulations that affect temporary, part-time and fixed term contract workers. These individuals will have a contract of employment with the employer, so are employees, and have the same employment rights as comparable permanent employees.

**Contact us now to arrange a consultation**

The information provided is based on our current understanding of the relevant legislation and regulations and may be subject to alteration as a result of changes in legislation or practice.