



## **Agency Workers Regulations (AWR)**

**Definition of AWR:** These regulations derive from the European Agency Workers Directive, effective from October 1, 2011. They grant temporary agency workers the right to the same pay and working conditions as direct employees in the same role.

**Applicability:** AWR applies to all temporary agency workers, including those employed through umbrella limited companies. Genuinely self-employed individuals, such as those with single-person personal service companies, are excluded.

**Equal Treatment Rights:** AWR provides both day 1 rights and week 12 rights. Day 1 rights include equal access to the hirer's facilities and information about internal vacancies. Week 12 rights grant the same pay and working conditions as comparable direct employees after 12 weeks in the same role with the same hirer.

**Qualifying Period:** The 12-week qualifying period starts on October 1, 2011, for those already in temporary agency roles. For those starting assignments after this date, the period begins on the first day of the assignment. Various absences, such as certified sickness, annual leave, and jury service, may pause the qualifying period.

**Restarting Qualifying Period:** The qualifying period may restart after a break between assignments longer than 6 weeks or when moving to a substantively different temporary assignment.

**Holiday Entitlement:** After completing 12 weeks with the same hirer in the same role, agency workers are entitled to the same paid holiday as if directly recruited by the hirer.

**Impact on Pay:** The agency aims to pay AWR-compliant rates from the start, but adjustments may be made after completing the 12-week qualifying period if necessary.

**Opting Out:** Workers cannot be asked or made to opt out of AWR regulations.

**Pension Plan:** The hirer's pension plan is not included in AWR entitlements.

**Incremental Increases:** After the 12-week qualifying period, workers may be entitled to incremental increases in pay rates and holiday, subject to qualifying criteria set by the hirer.

**Pregnancy and Paternity Rights:** Pregnant workers should notify the agency, and the hirer will conduct a risk assessment. After the qualifying period, agency workers are entitled to paid time off for antenatal appointments. Paternity rights are not impacted.

**Change in Role:** Workers must promptly notify the agency of any change in role. Failure to do so may affect the counting of previous weeks toward the 12-week qualification period.

**New Assignment with a Different Hirer:** If an assignment ends, and a new one begins with a different hirer, the qualifying period starts again unless returning to the same hirer within 6 weeks.

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**Exclusion from Entitlements:** Individuals genuinely in business on their own account may be excluded. Certain contracts, like the Swedish Derogation, provide derogation from certain AWR entitlements.