



## Agency Worker Regulations 2010 Focused Employee Guide

### **Introduction**

The Agency Workers Regulations 2010 (AWR) came into force on 1st October 2011. The legislation aims to ensure that Temporary Workers receive the same working conditions and benefits as permanent employees. The legislation comprises of Day 1 Rights and Week 12 Rights.

#### **Day 1 Rights**

From day one in an assignment Temporary Workers will be given access to a Hirer's facilities, such as canteen, parking and childcare facilities. They will also need to be given access to all permanent job vacancies within the organisation.

#### **Week 12 Rights**

After 12 weeks in an assignment the Temporary Worker can expect equal treatment in relation to pay and basic working conditions (including holiday and rest breaks etc) as if they had been directly recruited for the job.

### **Focused's Responsibilities**

For the purposes of AWR Focused is classed as a Temporary Work Agency and our employees therefore are Temporary Workers. We fully embrace the spirit of the legislation and will work to achieve 100% AWR compliance on behalf of our temporary workforce.

If you are asked by an agency or end client, Focused have adopted the 'Matched Pay' approach to AWR, which means ensuring that all our employees receive equal pay and conditions to their permanent comparators.

We anticipate that employees will want to know what our processes are and how assignment rates have been calculated post week 12, among other things and therefore the following Frequently Asked Questions (FAQ) section will be updated from time to time to keep you fully informed.

### **AWR Employee FAQs**

#### **How is the AWR Compliant Rate calculated?**

The end client will provide the following details for the AWR Comparator Role:

- Annual salary
- Contractual Weekly Hours
- Holiday Entitlement
- Benefits / Vouchers

The total value of the annual package for the Comparator Role is then calculated as an hourly rate.



**Is the AWR Compliant Rate my new rate of pay?**

No, as per your employment contract with Focused you are paid an amount equal to National Minimum Wage (NMW) multiplied by the hours worked, on top of this you will receive holiday pay, expenses and a bonus. The total value of each of these items must be equal to or more than the AWR Compliant Rate after 12 weeks in an assignment.

**Is the AWR Comparator Role based on a real person at the end client?**

No, just because you sit next to someone doing a similar job it does not mean that the assignment rate will be exactly the same as their salary. The AWR Compliant Rate is based on the entry level of the Comparator Role. Other permanent employees in a similar role may be paid more than the AWR Compliant Rate if they have been with the organisation for many years or if their employment contract reflects additional responsibilities, skills or experience.

**What if I'm the only person doing my job at the end client?**

If this is the case the end client will provide annual salary details for a similar role in their geographic area / industry sector. The salary details of this Comparator Role along with the client's benefits for other permanent employees will be used in the calculation of the AWR Compliant Rate.

**Will Focused share comparator data with employees?**

No, it is a requirement that we collect AWR related data from agencies / end clients and that we use this data to ensure our workers have assignment rates compliant with the AWR Matched Pay model, however due to strict confidentiality rules and data protection we are restricted in what we can share with employees. Rest assured however that as a responsible and compliant employer we will be working with your best interests in mind at all times.

**Will I receive the same benefits as the end client's permanent staff?**

No, you won't receive the benefits themselves but you will receive the monetary value of these benefits. For example if an employee in the Comparator Role receives £500 of luncheon vouchers each year this will be expressed as an hourly value and included in the assignment rate.

**Will my holiday entitlement change after 12 weeks?**

No, your employment contract with Focused will continue to provide 28 days paid holiday per year. Should the end client offer its permanent staff more than this the value of the extra days holiday will be calculated and included in the assignment rate.

For example in an end client offering 33 days holiday the extra 5 days would be calculated based on the annual salary and weekly contractual hours. This would be added to the AWR Comparator Role's annual package value and then worked into the hourly assignment rate.



**I started the assignment before 1st October 2011 will my rights be backdated?**

No, the legislation is not retrospective and therefore only once a Temporary Worker has been in an assignment for more than 12 weeks post 1st October 2011 will the AWR rights kick in.

**What is Swedish Derogation?**

Swedish Derogation is a legitimate employment solution. Rather than operating an AWR matched pay model (as described above) the Temporary Worker operates under a 'Pay Between Assignments' employment contract. When paid via Swedish Derogation you lose the right to equal pay in line with the AWR legislation and will see a reduction in your weekly take home pay in order to fund the 'pay between assignments' pot.

Focused are only supplying services to end clients via the Matched Pay solution at present, which is fully AWR compliant. A Swedish Derogation model may be introduced in the future if we consider it to be of benefit to our workforce and lawful.

**Where can I find out more information about AWR?**

A document has been created by the Department of Business Innovation and Skills (BIS) called Agency Worker Regulations Guidance, May 2011. Focused have based our compliant solution on these notes, along with legal advice.

**Glossary**

AWR	Agency Workers Regulations 2010
AWR Comparator Role	The role that the AWR Compliant Rate is based on for purposes of working pay and condition.
AWR Compliant Rate	The annual package value of the AWR Comparator Role, expressed as an hourly rate.
Hirer	The end client for whom the Temporary Worker is in an assignment for
Temporary Work Agency	The organisation supplying the Temporary Worker (i.e Focused)
Temporary Worker	The individual undertaking an assignment (i.e Focused employees)

**Contact Us**

For more information on AWR or any other employment matters please speak to our Support Desk Team on 0845 4747 001.