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AGENCY WORKERS
Know Your Rights

WHAT RIGHTS DOES AN AGENCY WORKER HAVE?

This depends on your employment status, but all agency workers are entitled to the following:

- National Minimum Wage or National Living Wage
- Protection from unlawful deductions from wages
- Statutory Sick Pay
- Statutory Maternity and Paternity Pay,
- Shared Parental Pay and Adoption Pay
- Statutory holiday entitlement – 5.6 weeks paid holiday a year
- Minimum rest breaks
- Maximum working time - 48 average hours a week, or you can opt out of this if you choose
- To be automatically enrolled onto a pension if you meet the required criteria
- Protection from unlawful discrimination under the Equality Act 2010
- Protection for whistleblowing
- Health and safety protections
- Right not to be charged direct or indirect fees for finding a job
- Protections from being restricted from working elsewhere

WHAT IS MEANT BY 'AGENCY WORKER'?

There are three main employment statuses for employment rights:

employee **worker** **self-employed**

THE TERM 'AGENCY WORKER' IS NOT AN EMPLOYMENT STATUS.

An agency worker is someone who is engaged by an agency and supplied to work under the supervision and direction of another business. Agency workers can either have an employee or worker status.

As an agency worker you should make an informed choice. You should weigh up not being a permanent employee with one company against the rewards of temporary work such as greater flexibility and choice.

24%

of the British population has worked as a temporary agency worker at some point in their working life *

*Flex appeal: Why freelancers, contractors and agency workers choose to work this way (2014)

When you sign up with an agency or before they start to find you a job, you should be told about:

Type of contract
is it a contract of employment, or apprenticeship, or for services?

Pledge of payment
irrespective of whether the agency has been paid by their client.

Type of work you will be doing
and what is involved in the job

Notice period
Length of notice agency has to give you and vice versa

When an assignment has been offered, you should be told:

Start date

Length of assignment

Location of assignment

Hours you are expected to work

Any health and safety risks

Changes to your terms and conditions can only be made if you agree. You must then be given a new document with full details of the changes and the dates they changed.

FROM DAY 1 OF AN ASSIGNMENT YOU ARE ENTITLED TO:

Access to same facilities as an employee such as staff canteens, food and drinks machines, toilets, showers, childcare, workplace crèche, car parking, or transport services

To be informed about any job vacancies, although you may not always be eligible to apply for them

AFTER 12 WEEKS ON AN ASSIGNMENT YOU ARE ENTITLED TO:

Equal pay as a permanent employee doing the same job

Equal treatment with permanent employees in regard to rest breaks, holiday entitlement, and working time

Paid time off for an ante-natal appointments

Rights under the Agency Worker Regulations (2010)

If you have an 'employee' status you will also be entitled to full employment rights. It should be clear from your written terms and conditions if you are a 'worker' or 'employee'. Some agency workers will be on what is known as a pay between assignment contract (also known as a Swedish Derogation contract) which allows for agency workers to be paid when not on an assignment. As this is a contract of employment, you will be an employee, with full employment rights. However, those who work under this contract are not entitled to equal pay. The right to receive written terms and conditions before an agency helps you find a job is guaranteed by The Conduct of Employment Agencies and Employment Businesses Regulations (2003).