

AWR

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Target Audience	Agency Workers
Approved by	Inna Care Policy Team

The Agency Workers Regulations came into force on 1st October 2011 (in England, Scotland and Wales; from 1st December 2011 in Northern Ireland). The AWR applies to all 'agency workers' undertaking temporary work and gives them the same basic working and employment conditions they would have received if they had been employed directly by the end client in the same job (when compared to a 'comparable' permanent employee of the client. A 'comparable' worker is a directly employed member of staff who does similar, although not necessarily the same, type of work and generally at the same location. If there is no comparable worker there is no entitlement to equal treatment.

In brief the AWR says that:

- If you are an 'Agency Worker' you have a right, after 12 weeks service with a client/ end-hirer (these 12 weeks do not have to be continuous), to equal pay and equal working hours, rest breaks and holiday provisions and the right to paid time off for ante-natal appointments, that a 'comparable' permanent employee of your client receives.
- Agency Workers also have 'Day 1' rights – to be told of any relevant vacancies at the client's organisation during their assignment; the right to be treated no less favourably than a comparable worker in relation to collective facilities and amenities at the hirers workplace; and the right not to suffer any detriment or dismissal for asserting their rights under these Regulations.

Inna Care ensures that a robust AWR process is in place for our workers and clear flagging process is set out to notify 12 week qualifying period.

All agency workers are entitled to AWR Day 1 Rights, which include (but are not limited too);

- A canteen or other similar facilities
- A workplace crèche
- transport services (e.g. in this context, local pick up and drop offs, transport between sites – but not company car allowances or season ticket loans)
- toilets/shower facilities
- staff common room
- waiting room
- mother and baby room
- prayer room

This is not intended to extend to all benefits which a hirer might provide to directly recruited workers or employees; rather, it applies to collective facilities provided by the hirer either to workers or employees as a whole or to particular groups of workers or employees.

Information about Day 1 rights are provided to the worker within the Contract of Services. Workers will need to sign and date this item to confirm that they agree with the terms and conditions.

As almost all the times workers will get paid more per hour from Day 1 when compared to their peers at work place it may be practically not so relevant to put checks on this. However there remains a theoretical possibility and also in order to comply with AWR legislation necessary checks are in place to make sure Parity Pay is monitored.

Accrual of 12 week qualifying period

The qualifying period is not retrospective; an agency worker will only start to accrue the 12 weeks qualifying period after the Regulations come into force on 1 October 2011 even if the assignment started before 1 October 2011. An agency worker can qualify for equal treatment after 12 weeks in the same role with the same hirer, regardless of whether they have been supplied by more than one agency over the course of that period of time. This means that even if the agency worker has just joined a particular Inna Care, he or she may already have completed the qualifying period in relation to a particular role with a hirer, or at least have accrued a number of weeks towards completing it. In order to ensure that the agency worker receives their correct entitlement, Inna Care will ask the agency worker for their up to date work history - the aim being to ensure that they have the correct information.

Inna Care operates an AWR clock, which will monitor the agency workers AWR status and eligibility. The agency worker will be asked by the OC24 booking consultant, to confirm when was the last time that the worker worked at the relevant trust/organisation – the purpose of this will be to determine the agency workers status prior to the booking/placement at the organisation, to ensure compliance with the AWR regulations.

Inna Care will notify the agency worker once they reach the 12 week qualifying period.