

AGENCY WORKER RIGHTS

Two types of equal treatment rights:-

Rights from day 1 of assignment

Agency workers will be entitled from day 1 of assignment to equal treatment with regard to:

- Information on relevant vacant posts in the hirer's organisation to enable the agency worker the same opportunity as a comparable permanent employee to find permanent employment with the hirer; and
- Access to collective employment facilities e.g. canteen, transport, childcare facilities unless inequality can be objectively justified. Agency workers are not entitled to more favourable treatment in relation to waiting lists for e.g. use of childcare facilities due to potential short nature of assignment, they are simply entitled to access.

Rights after 12 weeks in a particular assignment

Agency workers will be entitled, after completion of 12 weeks in an assignment, to equal treatment with regard to:

- Pay (agency workers must be paid the same as permanent employees doing the same or very similar work);
- Duration of working time, overtime, rest periods, breaks, night work, holidays and public holidays;
- Maternity protection.

What types of payments are included in the term "pay"?

"Pay" includes, for example:

- Basic pay;
- Overtime pay;
- Shift allowances;
- Unsocial hours premiums/bonuses;
- Payments for difficult or dangerous duties;
- Some commission payments;
- Bonuses/incentives directly attributable to the quality or quantity or quality of work done;
- Vouchers or stamps with monetary value i.e. luncheon vouchers;
- Paid holiday entitlement (Note: employers will be permitted to make payment in lieu for entitlement above the statutory minimum)

"Pay" does not include, for example:

- Profit share schemes;
- Occupational pension schemes;
- Occupational sick pay;
- Maternity/adoption/paternity pay;
- Redundancy pay;
- Pension;
- Allowance or gratuity in connection with the worker's retirement or as compensation for loss of office;
- Shares or share options;
- Statutory guarantee pay.

An agency worker will be entitled to take paid time off work in order to attend ante-natal classes.