

## Agency Worker AWR regulation fact sheet – issued Feb 2015

### Why must I submit my timesheets on time?

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To ensure the enhanced leave can be gained it is important that your Time sheets are received on time. Time sheets not received do not accrue leave.

Any timesheet within 12 weeks of the shift date will not be accrued for the purpose of annual leave. It is important to send us timesheets weekly to ensure accurate calculations of accrued leave are maintained

### What does the acceptance of AWR do for me?

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The Agency Worker Regulations (AWR) means that if you, as a Flexible Worker, have achieved the 12 week qualifying period, you will be entitled to the same basic conditions of employment as if they had been directly employed by NHSP on day one of a placement, specifically:

Enhanced holiday leave accruals of up to 27 days plus 8 bank holidays - (standard leave is 20 days plus 8 bank holidays)

### What is a comparative employee?

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The regulations aim to ensure a Flexible Worker is engaged on the same relevant terms and conditions as a "comparable employee". In other words, "what terms and conditions would the Flexible Worker have received if they had been directly recruited into the role?"

### Does the 12-week qualifying period have to be continuous?

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No, most breaks between or during an assignment to the same job that are less than six weeks in length will simply pause the accrual of the 12-week qualifying period. However a break between or during a placement, where no shifts have been booked, that is more than six weeks will reset the 12-week qualifying period

### What rights will flexible workers have?

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From the effective date of the regulations October 2011 a flexible Worker on a placement will be entitled to:

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- The same access to facilities such as staff canteens, childcare and transport as a comparable employee of the hirer.

- Be informed about job vacancies.

**When the 12-week qualifying period has been achieved**, a flexible Worker will be entitled to the same basic conditions of employment as if they had been directly employed by the hirer on day one of the placement, specifically:

- Enhanced holiday leave accruals of up to 27 days plus 8 days bank holidays

(Standard leave is 20 days plus 8 days bank holidays).

### **What If I Am Not Treated As A PAYE Worker For Tax Purposes?**

If you operate through a limited company or through an umbrella company we will pay your gross pay (without deduction of tax) to the nominated limited company or umbrella company. In so far as we are able this gross pay will be paid at the same gross rate as any PAYE equivalent agency worker (which will of course be set so as to comply with the Regulations).

How this is then paid will be determined by the umbrella company/the limited company and as such represents something over which we have no control. **Please Note:** If you are self-employed then the Agency Worker Regulations do not apply to you.

### **What is The Agency Worker Regulations (AWR) 2010?**

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The main principle of the regulations directive, which came into force on the 1st October 2011, is to give equal treatment to someone who has been with the hirer for 12 continuous weeks in a given job.

The agency worker (for 4SW purposes a Flexible Worker) will be entitled to at least the basic working and employment conditions such as pay and working time which are equal to the hirer's own employees.

The regulations will give NHSP Flexible Workers an entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions, if and when they complete a qualifying period of 12 weeks in a particular placement.

**For further information please contact you consultant at your local branch**

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