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Unlimited Pay Support AWR Guide

A Guideline to the agency workers regulations



Unlimited Pay Support is committed to ensuring that all agency workers are treated fairly and in accordance with the Agency Workers Regulations (AWR). This document provides a comprehensive overview of your rights as an agency worker, the responsibilities of the agencies, and our approach to compliance.

Overview of the Agency Workers Directive

The Agency Workers Directive, which was implemented in the UK on 1 October 2011, aims to protect the rights of temporary workers. This regulation guarantees that agency workers receive equal treatment in terms of basic working and employment conditions, as if they were directly employed in the same role. Below are key points regarding these rights:

Immediate Rights (Day 1)

From the first day of your assignment, agency workers are entitled to access the same facilities (such as canteens and childcare) and receive information regarding job vacancies just like permanent staff members.

Rights After 12 Weeks

After working in the same role with the same client for 12 consecutive weeks, agency workers gain the right to equal pay and working conditions as permanent employees in the same position. This includes aspects like pay, annual leave, and rest breaks.

Unlimited Pay Support collaborates with clients and agencies to ensure compliance with these regulations, providing necessary documentation and support for effective management.

Required Documentation for AWR Compliance

To meet AWR compliance, the following documentation should be established to confirm both Day 1 rights and the entitlement of agency workers after 12 weeks:

Day 1 Rights

- **Day 1 Rights Checklist:** A checklist confirming that workers have access to essential facilities. This checklist should be completed by the hirer.
- **Agency Declaration Form:** A declaration confirming the hirer's compliance with Day 1 rights for agency workers.

Compliance for 12-Week Assignments

Once a worker exceeds 12 weeks in a particular role, they are entitled to equal pay. Agencies need to select between two compliance models:

- **Matching Permanent Pay (MPP):** This model requires comparison of pay rates with those of a permanent employee in the same role.
- **Pay Between Assignments (PBA):** A pay model that applies during gaps between assignments.

To facilitate compliance, we provide the following resources:

- **Comparator Role Declaration Form:** Used to confirm conditions when no comparable permanent role exists.
- **Week 12 Checklist:** This checklist is designed to ensure workers receive equal treatment once they have reached the 12-week mark.

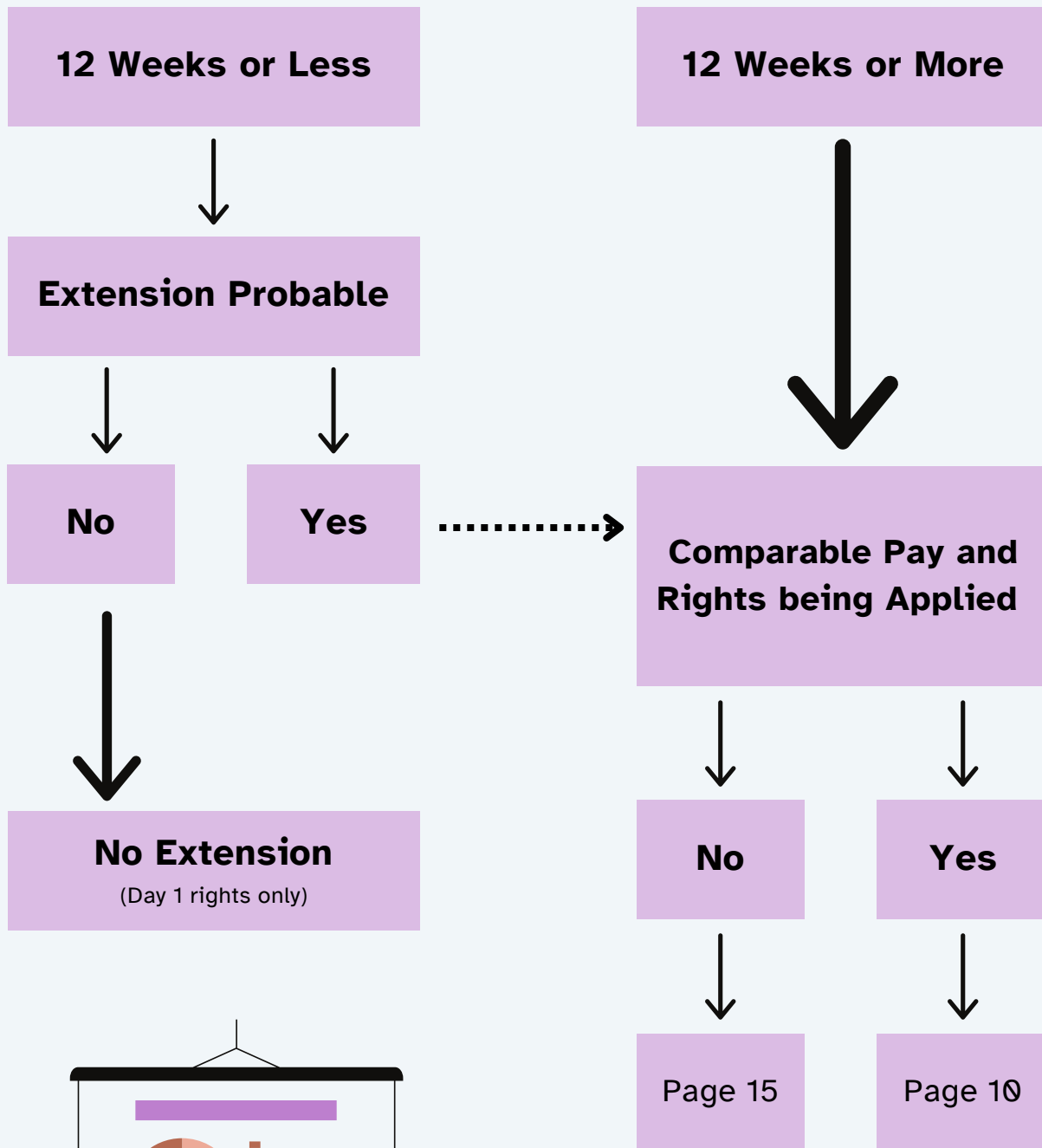
Fire Safety and Emergency Procedures

It is essential that all workers are familiar with fire safety procedures at the client's premises. In the event of a fire alarm:

- Immediately evacuate using the nearest safe exit.
- Proceed to the designated assembly point and report to your fire warden.
- Never obstruct fire exits and always adhere to the fire safety guidelines provided by the client.



AWR Flow Chart



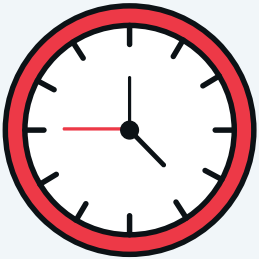
The Qualifying Clock

The clock resets if any of the following occur:



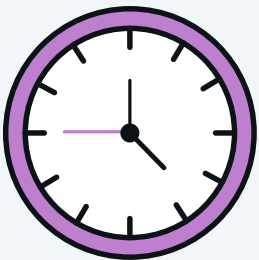
- The agency worker starts a new assignment with a different hirer
- The agency worker stays with the same hirer but moves to a different role and is informed of the change by the agency
- There is a break of 6 weeks or more between assignments (unless it's a break that pauses the clock)

The clock Pauses if any of the following occur:



- The clock pauses if any of the following apply:
- A break lasting less than 6 weeks for any reason
- Absence due to sickness
- Annual leave
- Temporary closures, such as factory shutdowns or school holidays
- Industrial action
- Jury service

The clock continues to run when:



- There is a pregnancy or maternity-related absence
- The worker is on statutory maternity, paternity, or adoption leave.
- The clock pauses for up to 28 weeks.
- The protected period for a pregnant agency worker starts at the beginning of pregnancy and ends 26 weeks after childbirth.
- Applies when the agency worker has a contract of employment with the agency and qualifies for this type of leave.





AWR Comparator Model



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This model aligns with the principles of AWR legislation and may involve using a comparable worker as a benchmark for determining the employment terms of temporary workers. The comparator is an employee of the hirer, working under its supervision and performing the same or similar tasks, with equivalent skills and qualifications as the temporary worker.

Successful implementation of this model requires collaboration from all parties in the employment chain. It also necessitates the agency's commitment to gathering and maintaining accurate, up-to-date information.

The key advantage of this model is that it fully complies with AWR regulations and offers the greatest benefit to our agency workers. It reinforces the shared responsibility between the hirer, agency, and umbrella company to ensure that the information collected from the hirer is correct.

To assist agencies and hirers in this process, we have developed a checklist for both parties to complete. This checklist serves as a record of all the necessary information from Day 1, or in cases where assignments exceed 12 weeks, the requirement for equal treatment concerning basic working and employment conditions. By gathering accurate information within the required timeframes, we at **Unlimited Pay Support** are confident this model is both compliant and practical.

Computer, Email and Internet Use

The use of company and client computers is strictly for business purposes. Personal use of the internet is only permitted during breaks and must comply with the Client's policies. Unauthorized use of computer systems, including accessing inappropriate websites, may lead to disciplinary action, including dismissal.



Only software that has been properly authorized and installed by Unlimited Pay Support or the Client may be used on business equipment. You are strictly prohibited from loading any unauthorized software onto company or client computers.

If you have been provided with a company or client email address, it is intended for responsible use related to company or client business only and should not be used for any other purpose. You must not mention Unlimited Pay Support, the Client, or their services on social media, nor represent yourself as acting on behalf of the company, without formal permission.

What is considered unacceptable use?

Unless required as part of your duties or with explicit permission from Unlimited Pay Support, the internet access provided by the Company, Client, or Employment Business may not be used for:

- Personal commercial activities;
- Sending unsolicited bulk emails (spam);
- Sharing confidential information belonging to Unlimited Pay Support, Clients, or Employment Businesses;
- Any illegal activities;
- Intentionally causing disruptions or interference with networks, services, or equipment;
- Sharing personal contact information of officers or employees of Unlimited Pay Support, Clients, or Employment Businesses without their consent;
- Intentionally exposing others to content that could lead to liability under equal opportunity or discrimination laws; or
- Downloading or requesting software, media files, or data streams that are likely to use excessive network bandwidth.



Comparator Declaration Form

TO BE COMPLETED WHEN THERE IS NO COMPARATOR

We, (Insert name of hirer) (“The Hirer”), confirm that in relation to the assignment with (Insert name of worker) (“The Worker”), the following applies:

In accordance with the Agency Workers Regulations 2011 (AWR), specifically Regulations 5-13 regarding Equal Treatment, the worker is engaged in an assignment where there is no comparable employee within our organisation. Additionally, there are no applicable pay scales, standard rates, or collective agreements concerning pay. Therefore, the worker is not entitled to the same basic terms and conditions of employment as outlined in Regulation 6 of the AWR. However, the worker is entitled to the usual Day 1 rights under Regulation 12 of the AWR.

Name of hirer

Dated

Signed

Position

Signed on behalf of

Position

Date

12 Weeks Rights Checklist

Once a worker has been in the same role with you for 12 consecutive calendar weeks (excluding any weeks worked before 1 October 2011), temporary agency workers must receive equal treatment regarding specific basic working and employment conditions.

To determine equal treatment, you should consider the working and employment conditions the agency worker would have received if they had been hired directly by your organization. The most effective way to do this is by reviewing the terms and conditions typically included in the contracts of your directly employed staff. However, only the terms and conditions listed in the following checklist must be matched.

WEEK 12 RIGHTS	RATE (HIRER)	ALLOWANCES	MONETARY VALUE
PAY WHICH INCLUDES BASIC PAY			
PAY FOR ANNUAL LEAVE (above the WT regs entitlement if that is what a comparable direct hire is contractually entitled to.			
OVERTIME PAYMENTS			
SHIFT/UNSOCIAL HOURS ALLOWANCES			
BONUSES directly attributable to the amount or quality of the work done by the agency worker			
VOUCHERS/STAMPS WITH A MONETARY VALUE			
ADDITIONAL DISCRETIONARY, NON CONTRACTUAL BONUSES as long as they are not one off payments			
IN ACCORDANCE WITH THE WORKING TIME REGULATIONS 1998 CONFIRMATION OF DURATION OF WORKING TIME AND RESTRICTIONS ON NIGHT WORK			
IN RELATION TO PREGNANT WORKERS THEIR ENTITLEMENTS e.g. paid time off for attending ante natal appointments			

This is a request for information that should be provided, if possible, before the assignment start date. For assignments lasting longer than 12 weeks, this information must be submitted beforehand. We agree not to disclose any information regarding your organisation's basic working terms and conditions, except as required by law to ensure compliance with the Agency Workers Regulations 2010.

Name of hirer

Dated

Signed

Position



Pay Rate Instruction Sheet

COMPARATOR INFORMATION

Comparator hourly rate	
Comparator annual holiday entitlement	
Working hours (per week)	

EMPLOYEE INFORMATION

Employee hourly rate	
Employee working hours	
Employee comparator rate inclusive of holiday	

OFFICE USE

Payroll Number	
Date Received	
Date Logged	
Merit	
Employee	

