

SMARTWORK AGENCY WORKER REGULATION INFORMATION

SMARTWORK

0800 434 6446 info@smartwork.com

INTRODUCTION

The Agency Workers Regulations requires an Umbrella Company to take reasonable steps to obtain comparator information for all employees. Enclosed is the AWR request for information for your contractor who is starting a new assignment with you. This request for information allows us to meet its obligation under the AWR and once the full comparator test has been undertaken gives protection to all “in scope” parties.

We request information on our standard comparator questionnaire but are happy to receive this data in a format of your choosing.

Our comparator questionnaire asks for information in the key areas covered in the regulation to ensure that we can undertake a full comparison. SmartWork request for you the Agency to promptly obtain from the End Client and provide the following information concerning the proposed assignment.

This information is required to enable us to ensure that the individual receives correct equal treatment as if he/she had been recruited directly as required by the AWR, and thus to properly comply with our own obligations. We may disclose your replies to the Individual. Your prompt provision of full and correct answers will reduce the risks and exposure to all parties.

SmartWork requests you the Agency to complete the information by week 12 of the assignment at the latest. We only require you to complete the “Client Permanent Equivalent Column” for the proposed assignment if you do not know this information you will need to obtain this from the End Client.

	CLIENT PERMANENT EQUIVALENT	SMARTWORK (office use only)
Job Title		
Basic Pay		
Overtime Rate		
Shift Allowance		
Standard Working Hours & Days Per Week		
Bonus or Commission		
Vouchers or Stamps		
Annual Leave		
Payment for Annual Leave		
Duration of Working Time		
Night Work		
Rest Periods		
Rest Breaks		

Please ensure the “Client Equivalent Column” is populated to the best of your knowledge. If there is no award in a particular category please enter n/a. **After completion, please forward to contracts@smartwork.com by end of Week 11 at the latest.**

If you have any questions please reply to this email and we will respond as soon as possible. Alternatively, if you would like to speak with a member of the team please give the office a call on 0800 434 6446, we would be more than happy to help. Our standard opening hours are 8 am to 8 pm Monday to Sunday.

DAY 1 RIGHTS

Access to collective facilities and amenities: Regulation 12

These may include a canteen or other similar facilities, a workplace crèche, transport services, toilets/shower facilities, staff common room, waiting room, mother and baby room, prayer room, food and drinks machines, car parking.

This is a non-exhaustive list and acts as an indication of which kind of facilities should be included. It applies to facilities provided by the hirer and therefore these facilities will usually be on-site.

Access to information on job vacancies Regulation 13

All agency workers will be entitled to be provided with information about any relevant job vacancies within the hirer that would be available to a comparable employee or worker.

12 WEEK RIGHTS REGULATION 6

After an agency worker completes a 12 week qualifying period with the same hirer, in the same role, they will be entitled to have the same basic terms and conditions of employment as if they had been employed directly by the hirer. They are key elements of pay, duration of working time e.g. if working is limited to a maximum of 48 hours, night work, rest periods, rest breaks, annual leave.

In addition, pregnant agency workers who have completed the 12 week qualifying period, will be entitled to paid time off for ante natal appointments.

PAY INCLUDES

Basic pay based on the annual salary an agency worker would have received if recruited directly (usually converted into hourly or daily rate, taking into account any pay increments)

Overtime payments, subject to any requirements regarding the number of qualifying hours

Payment for annual leave (any entitlement above the statutory minimum of 5.6 weeks can be added to the hourly or daily rate) – to avoid confusion this should be identified separately on the agency worker’s payslip.

Shift/unsocial hours allowances, risk payments for hazardous duties.

Bonus or commission payments directly attributable to the amount or quality of the work done by the individual. This can include commission linked to sales or production targets and payments related to quality of personal performance (see sections below on bonuses linked to personal performance and performance appraisal systems). This might also include non-contractual payments which have been paid with such regularity that they are a matter of custom and practice.

Vouchers or stamps which have monetary value and are not “salary sacrifice schemes” – e.g. luncheon vouchers, child care vouchers.