

# Hiring Agency Workers Policy

## 1. Policy Statement

- 1.1 Amalga is committed to ensuring that it delivers professional support services at all times. The Company will, if necessary, use temporary agency workers to help to fulfil demands and maintain the highest standards of internal and external service.

## 2. Scope & Definitions

- 2.2 This policy applies to all individuals responsible for hiring and managing temporary Agency Workers and to all temporary agency staff while they are on assignment with the Amalga.

- 2.3 Definition of who is covered by this policy

- Temporary Work Agency ('agency') - Supplier of individuals to work temporarily for and under supervision of Amalga management
- Hirer - Amalga
- Agency Worker – An individual supplied by the agency to work temporarily for and under supervision of the hirer and has a contract of employment or services with the agency.

## 3. Responsibilities

- 3.1. The Agency is the employer of the Agency Worker and responsible for pay and benefits for their staff. They must ensure that their staff are treated fairly and in compliance with Agency Workers Regulations 2010, working in partnership with the hirer. In addition, they must ensure that all Agency Workers are eligible to work in the UK and can fulfil the hours of the role they are assigned within any visa restrictions. They are also responsible for any disclosure checks if applicable.
- 3.2. Directors & General Manager have overall responsibility for ensuring that Agency Workers are treated fairly and in compliance with Agency Workers Regulations 2010. However, it is the responsibility of all managers to ensure that this policy is implemented.
- 3.3. Directors are responsible for creation, monitoring and review of this policy and procedure to ensure compliance to legislation.

## 4. Agency Workers Regulations 2010

- 4.1 The Agency Workers Regulations 2010 came into force on the 1 October 2011. They aim to protect Agency Workers by giving them the right to the same basic working and employment conditions as if they had been directly employed by the hirer (subject to eligibility conditions).
- 4.2 There are two sets of entitlement, some after day one and others which the Agency Worker is eligible for after the 12 Week Qualifying Period.

## 5. Agency Workers' Entitlements

### 5.1 From day one of an assignment

- 5.1.1 Access to collective facilities

From the first day of employment Agency Workers are entitled to be treated no less

favourably than a comparable worker or employee in relation to access to collective facilities and amenities as well as information on external job vacancies. The agency will provide details to Agency Workers of the organisation's facilities prior to the first day of their assignment. Agency Workers will have access to collective facilities such as:

- Canteen or other similar facilities
- Workplace crèche
- Transport services
- Toilet/shower facilities
- Car parking

This does not mean that Agency Workers will be given 'enhanced' access rights.

#### 5.1.2 Information on relevant vacancies

All Agency Workers have the right to be provided with information about any relevant job vacancies that would be available to comparable employees. They should know where and how to access this information. This right does not apply where posts are ring fenced for redeployment purposes or internal moves. The hirer is responsible for providing equal treatment for day 1 entitlements and for any breach of this obligation. Relevant information will be made available to the temporary worker by the agency before starting work.

## 5.2 After 12 weeks of an assignment

### 5.2.1 Equal treatment

Following a qualifying period of 12 weeks the Agency Worker acquires further entitlements to terms that are at least as good as equivalent employees such as:

- Pay related to work undertaken on assignment
- Overtime/Unsocial premiums
- Annual increments (where they acquire the required service)
- Duration of working time
- Night work
- Rest periods
- Annual leave
- Paid time off for antenatal appointments and other adjustments for pregnancy
- Annual Review (Appraisal)

## 6. Agency Worker Information Requests

6.1 Where an Agency Worker has a concern that they are being treated less favourably in terms of their rights, they are entitled to raise their concerns in writing with both the agency and Amalga and ask for information and identify comparators where applicable. Amalga will respond to and justify any such concerns. If not satisfied, Agency Workers do have the right to raise discrimination claims and to take these through to employee tribunal.

6.2 Hiring managers should be aware that Agency Workers are protected from any form of detriment for asserting their rights under the Agency Workers Regulations 2010. A detriment could include terminating an assignment.

**Lucy Walker**  
**Director**  
**May 2015**

## **Appendix A:**

### **Information request Procedure**

#### Facilities and relevant vacancies

An Agency Worker who believes that he/she has not been provided with equal access to collective facilities or relevant vacancies may make a written request to their manager for information about such access.

Within 28 days of receiving such a request, the manager must provide the Agency Worker in writing with the:

- relevant information about access to collective facilities and/or access to vacancies; and
- reasons for the treatment of the Agency Worker in relation to access to collective facilities and/or access to vacancies.

Anyone who receives such a request should contact HR for advice.

#### Employment and Working Conditions

An Agency Worker who believes that they may not have been treated equally in respect of basic employment and working conditions (after 12 weeks in the same assignment) should, in the first instance, make a written request to their agency for further information. The agency is required to provide a written statement to the Agency Worker setting out the relevant information relating to the basic working and employment conditions of the organisation's employees and workers. The agency has to do this within 28 days of receiving the request.

If the Agency Worker has not been provided with a statement from his/her agency within 30 days of making the request, they can make a written request to their manager for a written statement setting out the relevant information relating to the basic working and employment conditions of Amalga employees and workers.

In these circumstances, HR, upon request from the hiring manager, will provide a written statement within 28 days of receiving the Agency Worker's request containing information relating to the relevant basic working and employment conditions of the organisation's workers.