

## AGENCY WORKERS RIGHTS

### IN LINE WITH THE BERR

(DEPARTMENT FOR BUSINESS ENTERPRISE & REGULATORY REFORM)

#### The conduct regulations – what you should know What agencies can and cannot do by law

##### An agency must...

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...give you written terms of employment before providing any work finding services, or direct you to where you can view the working terms.

...pay you for work you have done, even if they haven't been paid by the hiring company

...give you full written details of a job when they offer you a position with a hirer, including the identity of the hirer, start date, likely duration of the work, type of work, location, hours, any risks to health and safety and steps the hirer has taken to control such risks, experience, training and qualifications needed for the role, any expenses payable and the actual rate of pay.

##### An Agency can't charge you for...

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...agencies cannot charge fees for finding or seeking to find you work.

...can not make you use fee-paying services as a requirement for finding you work.

##### What an agency can not do...

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...cannot withhold payment of wages to you because of your failure to produce a signed timesheet (but an employment business does have the opportunity to satisfy itself that you have actually worked) \* please note that Solutions Engineering Recruitment Limited acts as both an employment agency and an employment business.

...if they employ you under a contract for service you cannot be penalised for ending an assignment.

...can not stop you from taking a permanent job with a company where you temped, they can however charge a fee to the company for this in limited circumstances, usually known as a "temp to perm" recruitment fee.

...can not stop you from registering with any other agency

##### Private and Personal data issues...

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...an agency can not disclose information about you to third parties (other than for the purpose of finding work for legal proceedings or to any professional body of which you are a member) or to a current employer, without your consent.

...before introducing you to a hirer your agency must confirm your identity and you will be asked to provide documentation for this purpose, ie birth certificate, passport, national Insurance number, visa documentation etc

## If you have your own company - limited

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If you are an incorporated work seeker you are automatically covered by the regulations but you can choose to give notice to your agency to opt out before being introduced to a hirer. This must be done before any information about a potential work placement is discussed with the agency.

## Your rights as an agency worker - other laws

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Agency workers are usually considered to be “workers” and not “employees”. As a worker you are entitled to employment rights including;

- Paid holiday
- Limited on work time
- No unlawful deductions from wages
- The national minimum from wages
- Not to be discriminated against under any of the equality legislation

However “workers” as distinct from employees are not generally entitled to redundancy pay or to make a claim for unfair dismissal.