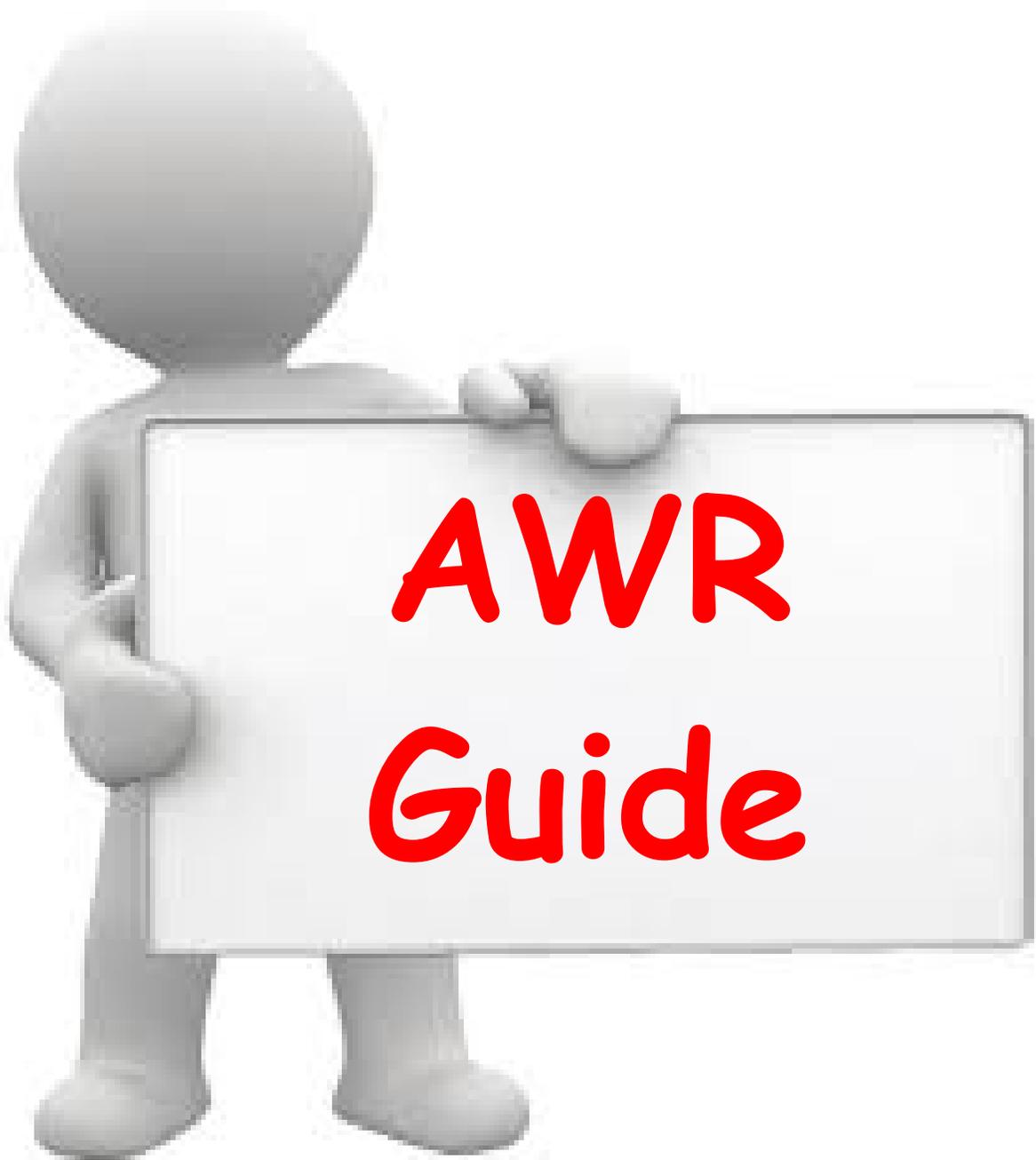


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Introduction

Often, companies need to hire temporary agency workers to help fulfil client/customer demand where necessary, in order to maintain high levels of service.

This guide will help to clarify the benefits of using Jobwise agency workers in your business, how they are looked after and paid, and also the rights of agency workers from Day 1 in the role and your responsibilities throughout the assignment.

We will explain Agency Workers Rights (AWR) and simplify the “qualifying period” and the agency worker’s entitlements at both Day 1 and once the 12-week qualifying period has been completed.

Typical reasons to use temporary agency workers

- To cover short term increases in demand for products or services
- To provide sufficient workers to cover ad hoc jobs
- To provide cover for employees that are absent from the workplace due to sickness
- For sufficient cover to be available to meet demand in expected short term peak periods
- To cover employee absences due to holiday, maternity, paternity and other family leave periods
- To trial a candidate before offering them a permanent position

Agency workers and employment status

When using Jobwise to provide temporary cover, the temporary worker is not the employee of the client, rather they work for Jobwise under contract of services to the end user.

Jobwise will be responsible for any issues arising in relation to that worker. We are also responsible for the worker’s pay and holiday pay and any queries in relation to pay.

Agency worker pay

Jobwise is responsible for paying the agency worker on a weekly basis.

Timesheets will be completed by the agency worker and should then be authorised by the line manager each Friday. The agency worker will forward these to the Jobwise and we will then calculate the payment due and make this payment direct to the agency worker.

Agency Worker Rights (AWR)

These are split into two sets of rights. The first set of rights is applicable from Day-1 of an assignment and the second set of rights is applicable for those agency workers who complete the qualifying period. The qualifying period is 12 weeks which is accrued according to distinct rules.

Day 1 Rights

From day one of an assignment, all temporary agency workers are entitled to have the same access to general benefits and common facilities/amenities as well as access to information about any relevant job vacancies in the company in order to allow them to apply.

These are known as “collective benefits” and are in place to ensure that a temporary worker is not treated less favourably than a permanent employee doing a similar role in the company.

Access to facilities

All agency workers have the same access to a company’s collective facilities and amenities as any other employee. This generally includes, but is not limited to, the following:

- Canteens and vending machines
- Staff areas and lockers
- Uniform
- Car parking or provision of transport services i.e. works bus
- Toilets/shower room facilities, on site gym
- Mother and baby room and childcare facilities
- Prayer room
- Access to all job vacancies that are relevant to the agency worker

Job vacancies

Agency workers should be informed during their orientation of where and how company job vacancies are posted.

Job roles that the company advertises must be made available and applications should be open from agency workers as well as existing employees.

Qualifying period (also referred to as the “AWR Clock”)

Agency workers who have worked in the same or similar role for the Company for 12 continuous calendar weeks are deemed to have completed their qualifying period. The number of hours worked in each week doesn't affect this; so someone working 1 day during a week and someone working 5 days during a week would both be considered having completed one of the twelve calendar weeks.

The qualifying period is not affected by:

- Absence due to pregnancy, childbirth or maternity which occurs during the pregnancy and up to 26 weeks after the birth
- Maternity leave, paternity leave, adoption leave or shared parental leave.

In any of the above instances, the “clock” would continue to tick and so the agency worker would continue to accrue calendar weeks as part of the qualifying period during their absence.

Accrual of the qualifying period will pause in the event of the following:

- Any reason where the break is less than six calendar weeks
- Absence because of sickness or injury for up to 28 weeks
- A period of jury service of up to 28 weeks
- Annual leave
- A regular or planned workplace shutdown
- Industrial action

Accrual of the qualifying period will reset in the event of:

- Breaks in excess of six weeks which are not covered elsewhere above
- The agency worker moving to a different role which is substantially different

Information supplied to Jobwise

If an assignment, or “booking”, is expected to run for longer than 12 weeks, or if the 12-week period is approaching, your Jobwise consultant will be in touch to gain further information from you in order to ensure they are fulfilling their legal obligations towards the temporary worker. This is explained further below.

Rights acquired upon completion of the qualifying period

Once the temporary worker has completed their qualifying period, Jobwise is obliged to ensure equal rights and treatment. In essence, the temporary worker will now be entitled to

the rights they would have had for doing the same job had they been recruited by the client directly on a permanent basis.

These rights cover pay, duration of working time, night work, rest periods and rest breaks, and annual leave.

Pay

Jobwise are responsible for ensuring qualifying agency workers are given the same basic pay and benefits as if they had been directly recruited into the same job role.

Equal entitlement can include all of the below:

- Basic pay
- Overtime payments
- Commission payments
- Shift allowances
- Allowances for working unsocial hours
- Risk payments for hazardous work
- Holiday entitlements
- Vouchers or stamps with monetary value
- Bonus or commission payments relating to amount or quality of work done by the agency worker.

Note:

Qualifying agency workers are not entitled to participate in any Company bonus schemes or commission payments that relate to loyalty, or length of service.

Your Jobwise consultant will liaise with you in order to get details of the applicable aspects of the above relevant to the qualifying agency worker's position.

Some specific aspects of some of the above points are covered in the remainder of this section.

Holiday entitlements

Qualifying agency workers are entitled to receive the same level of holidays as permanent employees. Actual entitlements are calculated on a pro-rata basis and any additional holiday entitlement over and above the standard 20 days + 8 bank holidays (28 days) is

calculated as pay and included in the new hourly rate. The temporary worker will not actually accrue more holidays to “take” during the year.

Working Time Regulations

Qualifying agency workers who wish to work more than the maximum average 48 hour working week in their working week are requested to sign the Working Time Regulations opt- out agreement. Jobwise is responsible for making sure that this is completed should the agency worker wish to exceed those hours.

Pregnancy

A qualifying agency worker should notify both Jobwise and the Client of her pregnancy in writing as soon as possible.

Qualifying agency workers are then entitled to the same arrangements for pregnancy and maternity leave as employees including risk assessments. Where, during a risk assessment, it is identified that the pregnant agency worker cannot work without risk to her or her baby; you should notify Jobwise straight away.

Ante-natal appointments

Qualifying agency workers are entitled to paid time off during working hours to attend ante-natal appointments. The agency worker should notify their Manager of the date/time of the appointments, so any necessary arrangements can be made.

Agency worker requests for information

Any requests by agency workers for information about their rights, agency workers should contact Jobwise.