

The Agency Workers Regulations

Hiring Company Due Diligence – Assessment Form

From 1st October 2011 the Agency Workers Regulations come in to effect. The main aim of the regulations is to provide the same rights for agency workers as comparable permanent workers in terms of basic working and employment conditions.

It is essential that the labour provider and hiring company work closely together to ensure compliance.

The hiring company must provide full details regarding payment structure, terms and conditions, and custom and practice relating to work conditions in order to ensure that the equivalent terms are adhered to at the relevant time.

| About the hiring company and general information | | |
|--|----------------|----|
| Hiring company. | | |
| Hiring managers' name and position. | | |
| Which legal entity is the Hirer that agency workers will be supplied to work for? | | |
| Is there a Group structure/other sites? Are they the same or separate legal entities? | | |
| Is there a recognised Trade Union for collective bargaining purposes? If Yes, who? | | |
| If no, how are pay and terms and conditions set? | | |
| When, annually are new pay and terms and conditions applied? | | |
| How will the agency be informed of any changes to relevant terms and conditions before they take effect? | | |
| Please supply, for relevant roles: | Date Supplied: | |
| • A copy of the employment contract. | | |
| • A copy of the Staff Handbook or similar. | | |
| • A copy of any Collective Agreements. | | |
| • A copy of any other relevant documents, notices, emails etc. that detail terms and conditions. | | |
| • A copy of the Induction Programme. | | |
| • A copy of the Job description and Person Specification. | | |
| • Details of any custom and practice not previously included. | | |
| How long on average is the length of an agency workers assignment? | Weeks | |
| Do you currently or intend to utilise a temp to perm facility? | YES | NO |

Pay and Benefits

For this section please use one questionnaire per role.

| | | | | | | | |
|--|--|--|-----|-----|--|--|--|
| In which role do you utilise agency workers? | | | | | | | |
| Is this role broadly similar to one that current direct employees “comparator” are engaged in? | | | YES | NO | | | |
| If NO, do you have a job description and rate of pay in your statute? | | | YES | NO | | | |
| If NO, Please explain the differences between current employees and agency workers roles: | | | | | | | |
| What is the shift pattern? | | | | | | | |
| What is the rate of pay for a comparative directly employed worker? | | | £ | Per | | | |
| What overtime allowances are applicable inclusive of the rules that apply? E.g. x1.5 after 40 hours. | | | | | | | |
| What are the rules that apply to any relevant overtime that will be paid to an agency worker? | | | | | | | |
| Does the direct employee have the ability to earn a bonus which is directly related to the amount or quality of work done by the worker? | | | YES | NO | | | |
| What is the average payment received? | | | £ | Per | | | |
| How is the bonus calculated? | | | | | | | |
| What are the rules that apply to any relevant bonus that will be paid to an agency worker? | | | | | | | |
| Does the direct employee have the ability to earn a shift allowance? | | | YES | NO | | | |
| What would the additional rate be for this? | | | £ | per | | | |
| How would this be calculated? | | | | | | | |
| Please give details of any vouchers with a monetary value that can be exchanged for goods or services or any non contractual payments or gratuities that have become custom and practice that are awarded to the relevant directly employed workers. | | | | | | | |
| Please give details of any other bonuses, payments or awards that are not mentioned above and will not be paid to an agency worker | | | | | | | |

Day One Rights – under the control of the hirer

Please be aware that day one rights are the ultimate responsibility of the hiring company however, the employment business must be made fully aware of the availability to a temporary worker and comparative direct employee

Please confirm the following collective facilities and whether they are available to the comparative direct employee:

| | | | | | | | |
|--------------------------------------|-----|----|-----|-------------------------------------|-----|----|-----|
| Canteen or vending facilities | YES | NO | N/A | Subsidised food and drink | YES | NO | N/A |
| Lockers | YES | NO | N/A | Clock in facilities | YES | NO | N/A |
| Washrooms | YES | NO | N/A | Break and/or smoking areas | YES | NO | N/A |
| Transport | YES | NO | N/A | Car parking | YES | NO | N/A |
| Child care/Crèche | YES | NO | N/A | Memberships | YES | NO | N/A |
| Leisure facilities | YES | NO | N/A | Handbooks or collective information | YES | NO | N/A |
| First aid and/or occupational health | YES | NO | N/A | Other: | YES | NO | N/A |

Please give details of any collective facilities or amenities that are not listed above:

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|---|--|--|-------------|
| If any of the collective facilities are not available to agency workers please provide information as to how this will be achieved or the justification if not. | | | |
| How are relevant permanent roles advertised? e.g. staff notice boards, Intranet etc | | | |
| When relevant permanent roles are advertised how will agency workers have access to view the vacancy? | | | |
| Working Time and leave | | | |
| How is holiday pay calculated for relevant directly employed workers? | | | |
| How is holiday pay calculated for bank/public holidays? | | | |
| What paid annual leave entitlement (inc stats) is the relevant direct employee entitled to upon commencing employment? | | | Days |
| What additional paid annual leave entitlement is given with length of service? | | | |
| Are there any current differences in the length, payment and any other terms & conditions for; the duration of working time, for shift rest breaks, daily rest periods between shifts, weekly rest days and/or night working, between agency workers and directly employed workers? | | | |
| What terms & conditions apply to relevant directly employed workers for public / bank holidays and for the booking and taking of paid annual leave? | | | |
| Please detail the breaks given and whether they are paid or not: | | | |
| Are there site/department shutdowns when directly employed workers must take paid or unpaid leave? | | | YES NO |
| If yes please supply dates of closedowns. | | | |
| Are workers allowed to carry forward any entitlement into the following leave year? | | | YES NO |
| What terms & conditions apply to relevant directly employed workers for the booking and taking of unpaid leave? | | | |
| Are there any other terms and conditions relating to working time, rest periods or annual leave not otherwise detailed above? | | | |
| Pregnancy and Maternity | | | |
| Please confirm arrangements for paid time off for ante natal care? | | | |
| Please confirm arrangements for risk assessment for pregnant workers and new mothers. | | | |
| Please confirm arrangements for provision of suitable alternative work for pregnant workers. | | | |
| Additional relevant information | | | |
| Enter any other information you consider relevant to the regulations: | | | |
| | | | |

Confirmation

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|--|--|
| On behalf of the hirer, completed by: | |
| Position in company: | |
| Date: | |
| Signed: | |
| On behalf of essential, received by: | |
| Date: | |
| Signed: | |

The hirer confirms that the information detailed in this document is correct and commits to inform HR Essentials T/A Essential Recruitment of any changes that may effect compliance with the Agency Workers Regulation 2010.

Please note this document is not exhaustive and should not be used as a substitute to legal advice.

The regulations can be downloaded from

www.legislation.gov.uk/uksi/2010/93/contents/made

The BIS guidance can be downloaded from

www.bis.gov.uk/policies/employment-matters/strategies/awd