

Agency Worker Directive and Regulations 2010

Parliamentary process

On 21 January 2010 the Agency Workers Regulations 2010 were laid before Parliament, and will come into force on 1 October 2011. This followed earlier consultations (May - July 2009) on proposals for implementing on the basis of the CBI/TUC agreement; which also invited views on when the Regulations should come into effect. This in turn was followed by a Consultation Paper (October – December 2009) on draft Regulations, and which also invited views on issues to be covered in Guidance.

Agency Worker Directive

The main purpose of the Agency Worker Directive (AWD) is to ensure the appropriate protection of temporary agency workers through the application of the principle of equal treatment and to address unnecessary restrictions and prohibitions on the use of agency work. The AWD follows similar directives on fixed-term and part-time work (which were based on European social partner agreements). Under the Directive 'equal treatment' relates only to basic working and employment conditions of temporary agency workers (eg pay, working time). The Directive does not affect the employment status of temporary workers.

The Directive allows the UK to implement the agreement reached on the 20 May 2008 between the CBI and the TUC, which means that after 12 weeks in a given job, an agency worker will be entitled to equal treatment (at least the basic working and employment conditions that would apply to the worker concerned if s/he had been recruited directly by that undertaking to occupy the same job).