

APSCo Frequently Asked Questions on AWR



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Agency Workers Regulations (AWR) FAQs for Candidates

Do I have to wait for 12 weeks before I am entitled to use the permanent staff's car park?

No, if the car park is available to comparable permanent employees of the end-user client, then you are entitled to use this car park from the first day of your assignment.

I only work one day per week on assignment, how many days do I have to work on assignment to reach my qualifying period?

You have to work 12 days. Your one day a week is considered a whole week's work for the purposes of the qualifying period.

I work for the same company, doing the same job via a number of different recruitment companies, do I have a different qualifying period with each recruitment company?

No, you only have one qualifying period for each different role at each end-user client. So, all the assignments through the different recruitment companies will all add towards the same qualifying period, as long as you continue to do the same role.

Do I have to keep track of my qualifying period?

No, the recruitment company will keep track of your qualifying period for each different role you do. However, it will help the recruitment company calculate your qualifying period correctly if you give them the full information about your working history whenever they ask for it.

Will I become an employee of the recruitment company and / or the client once I receive equal pay?

No, you will remain a temporary worker, working via a recruitment company. The AWR has created an employment status of "Agency Worker."

I currently earn more than the permanent employees around me, will my pay be reduced to their level once I have completed the qualifying period?

No, there is no obligation to reduce pay under the AWR.

The permanent employees where I work get an annual pay increase, will I also be entitled to this?

Yes, the AWR requires equal treatment in terms of pay after the qualifying period has been completed. So, if the comparable permanent employees get a pay rise, then this must be reflected in your pay as well.

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If I don't get equal pay after 12 weeks, who should I complain to?

Speak to your recruitment company, it is probably a calculation error in the qualifying period.

Do I have to take paid annual leave to attend ante-natal appointments?

No, once you have completed your qualifying period you are entitled to paid time off work to attend ante-natal appointments.

Can the recruitment company force me to arrange my ante-natal appointments outside of my normal working hours?

The recruitment company can request that you try wherever possible to limit the disruption to the end-user client, by arranging appointments for the beginning or the end of the day. However, once you have completed your qualifying period you have a right to paid time off for ante-natal appointments (not including the first appointment of your pregnancy).

If I am off sick during an assignment, will my qualifying period reset to zero when I return to the assignment?

As long as you return to the same, or similar role, your qualifying period will continue as if you had not been away. Therefore, any weeks worked before the absence will be carried forward.

If I return to the same assignment after a break of 5 weeks and 6 days, will my qualifying period reset to zero?

No, to reset your qualifying period the break between the assignments have to be more than six weeks (or 42 days).

How are the qualifying period weeks calculated – are they based on calendar weeks?

The Government's [guidance](#) suggests that for the purposes of calculating the qualifying period a calendar week is a seven day period starting on the first day of the assignment. Therefore, if your assignment starts on a Tuesday, your qualifying period week will end on the following Monday.

The end-user client where I am on assignment provides its permanent staff with subsidised gym membership. This has not been provided to me as a day one right, is this correct?

Yes, where the gym is not funded or staffed by the client subsidised gym membership would not normally be considered a day one right. The facilities included within the scope of the Regulations include facilities such as the canteen, childcare, transport services, which are usually on site and funded or provided directly by the client.

If you have any queries, please contact the legal helpdesk at legalhelpdesk@apsco.org.