

## AWR

<b>Policy Number</b>	06
<b>Version</b>	8
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<b>Date Issued</b>	17 <sup>th</sup> November 2016
<b>Reviewed</b>	06 <sup>th</sup> May 2026
<b>Next Review Date</b>	06 <sup>th</sup> May 2027
<b>Target Audience</b>	Agency Workers
<b>Approved by</b>	OneCall24 Policy Team

### 1. Introduction

The Agency Workers Regulations 2010 (“AWR”) came into force on 1 October 2011 in England, Scotland and Wales (and 1 December 2011 in Northern Ireland). The Regulations provide agency workers with the right to equal treatment in respect of basic working and employment conditions when compared with a directly recruited worker employed by the end-hirer to do the same or broadly similar work.

The Regulations apply to individuals supplied by a temporary work agency to work temporarily under the supervision and direction of a hirer. They do not change an individual’s employment status.

Where a comparable permanent worker does not exist, entitlement to equal treatment will be determined by reference to pay scales, collective agreements or terms that would ordinarily apply if the worker had been recruited directly.

### 2. Summary of AWR Rights

#### 2.1 Day-One Rights

From the first day of an assignment, all agency workers are entitled to:

- Information about relevant job vacancies within the hirer’s organisation
- Access to collective facilities and amenities provided by the hirer, including (where applicable):
  - Canteens or food facilities
  - Toilets and shower facilities
  - Staff common rooms or waiting areas
  - Workplace crèche or childcare facilities
  - Mother and baby rooms
  - Prayer or quiet rooms
  - Transport services between sites

These rights apply regardless of the expected length of the assignment. Access to facilities may be subject to the same objective criteria (such as waiting lists) as apply to direct employees.

## 2.2 Rights After the 12-Week Qualifying Period

Once an agency worker has completed 12 calendar weeks in the same role with the same hirer, they are entitled to equal treatment in respect of:

- Basic pay, including:
  - Overtime rates
  - Shift allowances
  - Unsocial hours premiums
  - Holiday pay
- Working time, including:
  - Rest periods
  - Rest breaks
  - Night work provisions
- Annual leave entitlement
- Paid time off for antenatal appointments

Equal pay entitlement arises only after the 12-week qualifying period, not from Day 1.

Information about agency workers' Day-One rights under the Agency Workers Regulations is provided through contractual documentation issued by OneCall24 at the outset of engagement. This ensures workers are informed of their entitlements and how these apply during assignments.

OneCall24 maintains controls to monitor compliance with pay parity requirements under the Agency Workers Regulations once the 12-week qualifying period is reached. This applies regardless of the worker's initial rate of pay and ensures that equal treatment obligations are met in all qualifying cases.

## 3. Accrual of 12 week qualifying period

An agency worker becomes entitled to equal treatment under the Agency Workers Regulations after completing 12 calendar weeks in the same role with the same hirer. The qualifying period does not need to be continuous and may be accrued over time, including where the worker has been supplied by more than one agency.

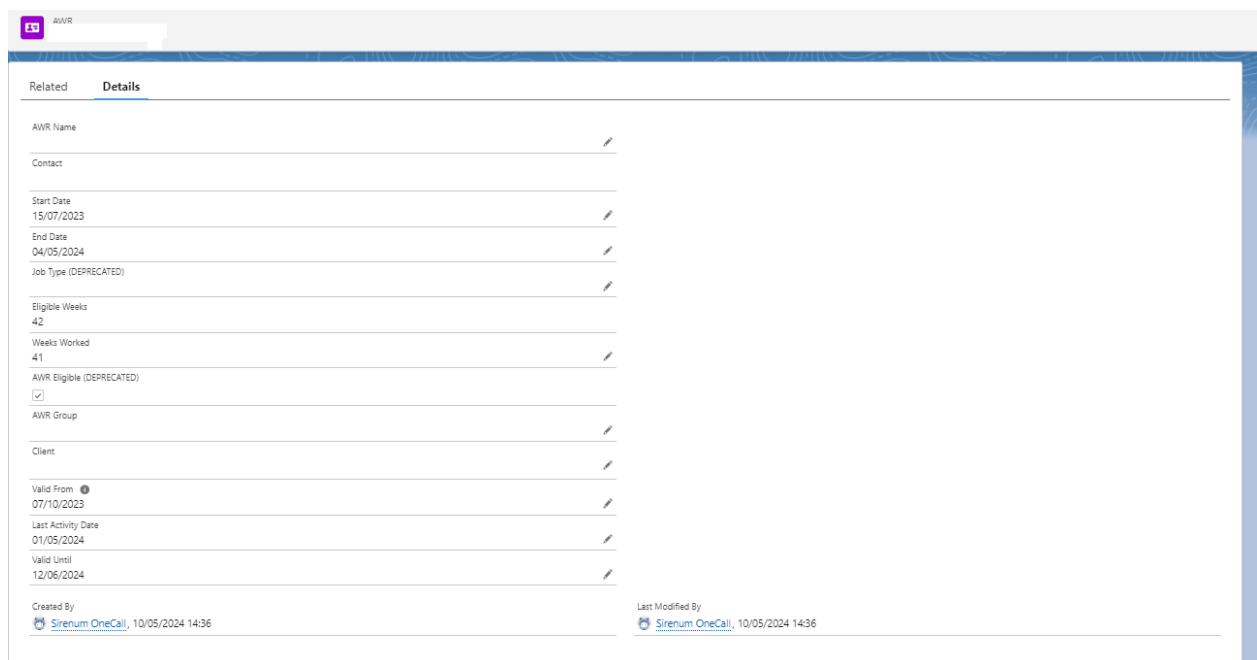
This means that, where an agency worker has previously worked in the same role for the same hirer, time worked prior to engagement with OneCall24 may count towards completion of the qualifying period.

In order to ensure that agency workers receive the correct entitlements, OneCall24 will request up-to-date work history information from agency workers at registration and at the point of booking. This information is used solely to assess AWR status and eligibility.

OneCall24 operates an AWR tracking system (“AWR Clock”) to monitor the qualifying period and entitlement status of agency workers. As part of the booking process, the OneCall24 Booking Consultant will ask the agency worker to confirm when they last worked at the relevant trust or organisation. This enables OneCall24 to determine the worker’s AWR status prior to placement and to ensure compliance with the Regulations.

OneCall24 will notify agency workers when they reach the 12-week qualifying period and ensure that appropriate equal treatment is applied from that point onwards.

#### 4. Example AWR Clock



The screenshot displays a web interface for an AWR Clock. At the top left, there is a purple icon with '24' and the text 'AWR'. Below this, the interface is divided into 'Related' and 'Details' tabs, with 'Details' being the active tab. The 'Details' section contains a list of fields, each with a pencil icon for editing:

- AWR Name
- Contact
- Start Date: 15/07/2023
- End Date: 04/05/2024
- Job Type (DEPRECATED)
- Eligible Weeks: 42
- Weeks Worked: 41
- AWR Eligible (DEPRECATED):
- AWR Group
- Client
- Valid From: 07/10/2023
- Last Activity Date: 01/05/2024
- Valid Until: 12/06/2024

At the bottom of the form, there are two fields: 'Created By' and 'Last Modified By', both showing 'Sirenum OneCall, 10/05/2024 14:36'.

#### 5. Interaction with Wider Day-One Employment Rights

The Agency Workers Regulations 2010 provide specific rights for agency workers from Day 1 of an assignment (access to collective facilities and information on vacancies) and additional parity rights after a 12-week qualifying period.

Agency workers and agency employees may also have separate rights arising under other employment legislation, including the Employment Rights Act 2025 and related reforms. These rights are not derived from the Agency Workers Regulations and may apply depending on the individual’s contractual status (worker or employee).

Such rights may include, where applicable:

- Statutory Sick Pay payable from the first day of sickness
- Day-one eligibility for paternity and unpaid parental leave (for employees)
- The right to request flexible working from day one
- Entitlement to statutory bereavement leave, subject to eligibility

OneCall24 will ensure that agency workers and agency employees are provided with appropriate information about their rights through their contractual documentation and payroll processes. These rights are managed separately from AWR entitlement.

#### **6. Review**

This policy statement will be reviewed annually as part of our commitment to upholding professional standards. It may be altered from time to time in the light of legislative changes, operational procedures or other prevailing circumstances.