

Appendix 4 - Agency Workers Policy and Procedure

In accordance with the Agency Workers Regulations (2010), this policy and procedure has been developed to ensure that Denbighshire County Council does not breach the regulations.

Any agency workers who are on assignment at the council will be given access to the same facilities and access to information on job vacancies on their first day, as would any new employee during their induction.

Once agency workers have completed 12 weeks in the same role at the council, they are entitled to the same basic working and employment conditions as if they had been recruited directly by the council. Any entitlements will be pro-rated to the length of the assignment and hours worked. This includes:

Basic pay

Annual increments (where applicable)

Overtime payments (on same basis/qualifying conditions as Denbighshire County Council employees)

Shift allowances (where applicable)

Duration of working time

Rest breaks/restrictions on night work

Annual leave

Agency workers are **not** entitled to:

Occupational sick pay

Occupational and statutory redundancy and notice pay

Occupational maternity/paternity/adoption pay

Pensions

Long service awards

An agency worker's continuity of qualifying service will be broken if there is a break of 6 weeks or more, or any change of role would have to be substantively different from the previous role. Continuity of qualifying service is preserved where an agency worker is absent due to a seasonal shutdown (for example, Christmas closure) or due to sickness, up to a maximum of 28 weeks. If an agency worker is absent due to a pregnancy-related illness or is on maternity leave, any qualifying service which has been accrued will be maintained and will be built upon when a return to work has taken place.

Information outlining the council's basic working and employment conditions is available from HR Direct and should be provided to the relevant Agency, if an agency worker approaches 12 weeks in the same role at the council. The processes that the council must follow in order to ensure compliance with the Regulations are outlined in the remainder of this procedure.

Agency Worker – Comments from Consultation

No comments