

Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: United Kingdom

Contact person(s): Kate Shoemith (Head of Policy & Public Affairs) or Lewina Farrell
(Head of Professionals Services and Solicitor)

Email address kate.shoemith@rec.uk.com
lewina.farrell@rec.uk.com

Postal address Dorset House, 27-45 Stamford Street, London, SE1 9NT

Telephone number(s) +44 207 009 2107

Organisation name Recruitment & Employment Confederation

National Regulation and provisions applicable to posted temporary agency workers

1. Employment and Working Conditions for posted temporary agency workers coming into your country

If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.

<i>Element of national regulation</i>	<i>Qualitative information on your country</i>
Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector.	<i>The definition of an agency worker is the one used for the Agency Work Regulations 2010. The nationality of the individual worker is not relevant.</i>
Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.	<i>Yes, of 'employed' in this context means 'engaged' (as agency workers do not necessarily operate under contracts of employment).</i>
Relevant and applicable provisions on equal treatment & equal pay for temporary agency workers. Do these apply to posted temporary agency workers?	<i>Yes these provisions apply for all agency workers.</i>
Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?	<i>Yes night work is permitted. There is no difference in working time rules for agency workers or those posted.</i>
Minimum rest periods per day and per week for posted temporary agency workers.	<i>Same as other workers.</i>
Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?	<i>The UK does not generally operate via CLAs. The National Minimum Wage applies and is enforced by the Gangmasters Licensing Authority (for agencies in the industrial and shellfish sector), Her Majesty's Revenue & Customs (HMRC), and the</i>



	<p><i>Employment Agencies Standards Inspectorate in the Department for Business, Innovation & Skills. Workers who believe they have not been paid properly can call the Government's Pay & Work Rights Helpline.</i></p> <p>All agency workers working in the UK are entitled to equal pay (same rate of pay for the job as would have received if employed directly) after 12 weeks unless they are employed on a pay between assignment contract. The rate of pay will often be above the national minimum wage. Rights to equal pay are enforced via employment tribunals. The Gangmaster Licensing Authority also enforces equal pay rights, in the sense that failure to pay an agency worker properly can amount to a breach of licensing standards. The EASI (Employment agency standards inspectorate) should also enforce these rights under the Conduct Regulations which state that agency workers must be paid on time and in full the amount to which they are legally entitled.</p>
<p>Applicable wage supplements, sick pay, social security, overtime and night work rates & allowances for temporary agency workers.</p>	<p><i>The rules which apply for agency workers are those outlined by the Agency Worker Regulations 2010.</i></p> <p>Agency workers are entitled to equal treatment on all of the listed forms of supplementary pay – with the exception of sick pay. Agency workers are only entitled to statutory sick pay and not workplace sick pay arrangements.</p>
<p>Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?</p>	<p><i>Health and safety rules are enforced by the UK's Health & Safety Executive. The responsibility for health and safety depends on the assignment and nature of the regulation – for example clients/employers are responsible for safety onsite, but responsibility for training may be agreed on a case by case basis between the client and agency.</i></p>
<p>Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.</p>	<p><i>These entitlements apply to all workers.</i></p> <p>Under the Agency Worker Regulations all agency workers – including posted workers - are entitled to equal treatment on annual leave as compared with directly employed staff. This right is not limited to the minimum statutory holiday rights.</p>
<p>Main, general provisions of collective labour agreements concluded in the TAW sector that are relevant to posted temporary agency workers</p>	<p><i>CLAs are not generally used in the UK.</i></p> <p>The rates of pay and holiday entitlements for agency workers may be determined by collective agreements. These apply to agency workers as a result of equal treatment rights.</p>
<p>Specific provisions on posted temporary agency</p>	

workers in the collective labour agreements in the TAW sector	<i>Not applicable.</i>
---	------------------------

II. Conditions for temporary work agencies to post a temporary agency worker in your country

Element of national regulation	Qualitative information on your country
Requirement to obtain a license	<i>Licensing only applies in the industrial and shellfish processing sector, which is regulated by the Gangmasters Licensing Authority (GLA).</i>
Requirement to establish in the receiving country	<i>No – the GLA allows foreign agencies to register.</i>
Mandatory Declarations	<i>None</i>
Sectoral bans for temporary agency work activities	<i>None</i>
Applicable reasons for use of temporary agency work services	<i>Not applicable</i>
Applicable minimum and maximum length of temporary agency work assignments	<i>None</i>
Restrictions on labour contracts to be offered to posted temporary agency workers	<i>None</i>
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	<i>There is a general prohibition on charging jobseekers for work finding services.</i>

Additional Information – Useful public sources

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details.	<i>Unfortunately no data is currently available.</i>
Useful websites (Labour inspectorate, Ministry of Labour, Trade Union information etc...)	<i>Relevant websites include direct.gov (for individuals), Business Link (for companies), ACAS (the dispute resolution service) and the GLA.</i>
Contact people from the national social partner associations in the TAW sector	<i>General contact is the Trade Union Congress (TUC) as there are not specific unions for agency workers.</i>
Relevant publications	<i>N/A</i>

If you have any questions on this factsheet, please contact the European Sectoral Social Partners:

UNI Europa Secretariat Giedre Lelyte Giedre.Lelyte@uniglobalunion.org Tel. +41 22 365 21 49	Secretariat of the World Employment Confederation – Europe Michael Freytag michael.freytag@weceurope.org Tel. +32 2 421 1586
--	--

