

## **AWR (Agency Worker Regulations) Complaints Policy**

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The Agency Workers Regulations 2010 came into force in October 2011. It is legislation that aims to give agency workers, once a 12-week qualifying period has been completed with the same 'hirer', the entitlement to the same basic employment and working conditions as if they had been recruited directly.

### **Agency Worker Regulations and equal treatment**

- AWR is central to our business, and we want candidates to receive equal treatment from day 1.
- AWR is discussed at length during registration interviews including pay parity.

### **What is meant by 'Agency Worker'?**

An agency worker is someone who is engaged by an agency like Step Teachers and supplied to work under the supervision and direction of another business, including schools.

### **From Day 1 of an assignment, you are entitled to:**

- Access to same facilities as an employee such as staff canteens, food and drinks machines, toilets, showers, childcare, workplace creche, car parking or transport services.
- To be informed about any job vacancies, although you may not always be eligible to apply for them

### **After 12 weeks on an assignment, you are entitled to:**

- Equal pay as a permanent employee doing the same job.
- Equal treatment with permanent employees in regard to rest breaks, holiday entitlement and working time, paid time off for an ante-natal appointment,

### **Agency worker redress?**

If an agency worker felt that the school or agency had failed their obligations under AWR they would initially be invited to discuss the issue with the school and Step Teachers, who have 28 days to respond to the worker's request for information.

If we fail to reach an agreement, the agency worker can seek redress through an employment tribunal.

### **Who is liable?**

The school and Step Teachers could both be liable if they have been involved in the assignment of the agency worker and would have to demonstrate that they had taken 'reasonable step' to provide the information required from the hirer.

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### **Agency worker obligations**

The agency worker must provide details to the agency of where they have worked in the past, the days they worked and if they have or are about to meet the 12-week qualifying period for equal treatment at a specific school.

Whilst Step Teachers maintains records of all assignments through Step Teachers, we are unable to maintain records of assignments undertaken in schools through other agencies without the overt support of the agency worker.

### **What steps can an agency worker take before issuing a claim in the Employment Tribunal?**

#### **Request for information to the agency/client after 12 weeks**

If an agency worker believes that s/he has not received his/ her equal treatment rights, the Regulations allow the agency worker to request a written statement from Step Teachers requesting information about the treatment they have received. Please note that this process can only begin once the agency worker has completed the 12 week qualifying period.

To trigger this formal procedure, Step Teachers request that the agency worker must make the request in writing. The request should be addressed to Marios Georgiou, Step Teachers Ltd, 2 Mountview Court, 310 Friern Barnet Lane, London N20 0LD

Once Step Teachers has received this request, we will respond in writing within 28 days and include the following information:

- relevant information relating to the basic working and employment conditions of the client's workers;
- the factors the agency considered when determining the basic working and employment conditions which applied to the agency worker at the time s/he allegedly did not receive the equal treatment they claim they were entitled to receive;
- relevant information which explains the basis on which the client's comparable employee was identified and the relevant terms and conditions applicable to that employee.

If the agency does not comply with this request, the agency worker can instead request a written statement from the client as to the information about the relevant basic working and employment conditions that apply to the client's own workers, once 30 days from the date of the original request to the agency has passed.

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### **Request for information regarding Day 1 rights**

If an agency worker believes that the right to access the client's collective facilities and amenities, or to receive information about relevant client vacancies has been breached, the agency worker can request information directly from the client about the access facilities and vacancies which is offered to the client's own workers. The agency worker can go directly to the client in respect of these rights without contacting the agency in the first instance.

### **AWR Compliance:**

- Please keep a record of dates worked irrespective of which agency you were assigned through.
- Alert us in the 10<sup>th</sup> qualifying week if we have not already spoken to you about qualifying for equal treatment. We can provide you with a report detailing all Step Teachers assignments.
- Step Teachers track all assignments in our CRM and are fully AWR compliant, we believe in equal pay and treatment.

If you feel you have not been treated fairly regarding any aspect of AWR or equal treatment, please contact your dedicated consultant in the first instance by phone and following up email with specific details if you are still not satisfied.

**Policy Reviewed 09/2024**