
STATUTORY INSTRUMENTS

2010 No. 93

The Agency Workers Regulations 2010

PART 2

Rights

Permanent contracts providing for pay between assignments

10.—(1) To the extent to which it relates to pay, regulation 5 does not have effect in relation to an agency worker who has a permanent contract of employment with a temporary work agency if—

- (a) the contract of employment was entered into before the beginning of the first assignment under that contract and includes terms and conditions in writing relating to—
 - (i) the minimum scale or rate of remuneration or the method of calculating remuneration,
 - (ii) the location or locations where the agency worker may be expected to work,
 - (iii) the expected hours of work during any assignment,
 - (iv) the maximum number of hours of work that the agency worker may be required to work each week during any assignment,
 - (v) the minimum hours of work per week that may be offered to the agency worker during any assignment provided that it is a minimum of at least one hour, and
 - (vi) the nature of the work that the agency worker may expect to be offered including any relevant requirements relating to qualifications or experience;
- (b) the contract of employment contains a statement that the effect of entering into it is that the employee does not, during the currency of the contract, have any entitlement to the rights conferred by regulation 5 insofar as they relate to pay;
- (c) during any period under the contract in which the agency worker is not working temporarily for and under the supervision and direction of a hirer but is available to do so—
 - (i) the temporary work agency takes reasonable steps to seek suitable work for the agency worker,
 - (ii) if suitable work is available, the temporary work agency offers the agency worker to be proposed to a hirer who is offering such work, and
 - (iii) the temporary work agency pays the agency worker a minimum amount of remuneration in respect of that period (“the minimum amount”); and
- (d) the temporary work agency does not terminate the contract of employment until it has complied with its obligations in sub-paragraph (c) for an aggregate of not less than four calendar weeks during the contract.

(2) For work to be suitable for the purposes of paragraph (1)(c) the nature of the work, and the terms and conditions applicable to the agency worker whilst performing the work, must not differ from the nature of the work and the terms and conditions included in the contract of employment under paragraph (1)(a).