
STATUTORY INSTRUMENTS

2010 No. 93

The Agency Workers Regulations 2010

PART 3

Liability, Protections and Remedies

Calculating a week's pay

- 19.—**(1) For the purposes of regulation 18(12)—
- (a) a week's pay shall be the higher of—
 - (i) the average weekly pay received by the agency worker, in relation to the assignment to which the claim relates, in the relevant period; and
 - (ii) the average weekly pay the agency worker should have been receiving by virtue of regulation 5, in relation to the assignment to which the claim relates, in the relevant period; and
 - (b) for the purposes of this paragraph, only payments in respect of basic pay whether by way of annual salary, payments for actual time worked or by reference to output or otherwise shall be taken into account.
- (2) The relevant period is —
- (a) where the assignment has ended on or before the date the complaint was presented to the tribunal under regulation 18(2), the four week period (or in a case where the assignment was shorter than four weeks, that period) ending with the last day of the assignment to which the claim relates; or
 - (b) where the assignment has not so ended the four week period (or in the case where that assignment was shorter than four weeks, that period) ending with the date of the complaint.