



BIS | Department for Business
Innovation & Skills

**A GUIDE TO
AGENCY WORKERS' RIGHTS**

If you are an agency worker, you are entitled to a number of rights at work. This leaflet provides you with information on what rights you are entitled to.

Where you do not receive these rights, then you can contact a powerful friend - the **Pay and Work Rights Helpline** on **0800 917 2368** or textphone 0800 121 4042.

The helpline will provide you with help and guidance. You can also make a confidential complaint if these rights have been breached, which we can take forward on your behalf.

The helpline also provides information and advice on the minimum wage, working hour limits and gangmasters.

Information is also available on **direct.gov.uk/payandworkrights**

You are entitled to:

- Written terms and conditions setting out your expected rate of pay, the type of work they will try to find you, length of notice and other relevant details
- Pay for any work you have undertaken, even if your agency hasn't been paid by the hiring company¹. An agency cannot withhold payment of wages to you because of your failure to produce a signed timesheet (although the agency does have the right to satisfy itself that you have actually worked)
- Written details of the job when you are offered a position, including who you will work for, the first day of work, how long they may want you to work and the amount of money that you will earn

- End an assignment without penalty
- Take a permanent job with a company where you temped if the hirer wants to take you on permanently. A fee may be payable by the hirer to the agency in limited circumstances (sometimes called 'temp to perm' or 'transfer fees') or an extended period of hire may be agreed. You should not be charged a fee for this or suffer any form of penalty
- Register with other agencies
- Paid holiday, rest breaks and limits on working time
- Receive at least the national minimum wage²
- Not be discriminated against on grounds of age, gender, religion, race, sexual orientation or disability
- Protection under health and safety laws

However, 'workers' (who are usually agency workers, short-term casual workers, some freelancers) as distinct from 'employees' are not generally entitled to redundancy pay or to make a claim for unfair dismissal. More information is available on **direct.gov.uk/payandworkrights**. For further information on these and other employment rights, contact Acas whose details are shown at the end of this leaflet.

¹ There are a few exceptions including agencies operating in the entertainment and modelling sectors.

² Further information on the national minimum wage can be obtained from the Pay and Work Rights Helpline or website.

Unfair deductions

Agencies cannot:

- Charge fees for finding or seeking to find you work¹
- Make you use fee-paying services (e.g. CV writing) as a requirement for finding you work
- Deduct money for protective equipment or clothing unless you have agreed to this in writing

Allowable deductions and cancellation periods

Agencies may charge you for certain services such as obtaining a Criminal Records Bureau check. If they do so, you must be given full written details of the service(s) which will include information on your rights to cancel or withdraw, together with the length of the notice period you must give.

An agency can charge you for accommodation, transport or training. However, you can cancel or withdraw from the service at any time without suffering any penalty, providing you give 10 working days written notice to the agency to cancel your accommodation and 5 working days notice for all other services.

How do I know if I am employed by an employment agency?

'Employment agency' or 'agency' is a general term used to cover two specific types of work-finding activity:

An 'employment agency' finds work for work-seekers who are employed and paid by employers. This is often referred to as 'permanent employment' as once the worker has been taken on they are an employee of the company they are working for.

An 'employment business' employs or engages a work-seeker under a contract and then places you under the direct control and supervision of a hirer. This is known as 'temporary agency work' or 'temping'. The workers under these arrangements will be paid by the agency (or through an umbrella company or payroll service), rather than by the hirer they are supplied to.

Confidentiality

An agency can't disclose information about you to anyone, without your consent, except:

- If the purpose is finding you work
- For legal proceedings
- To any professional body of which you are a member
- To the Employment Agency Standards Inspectorate during the course of an inspection of the agency's records

Before introducing you to a hirer your agency must confirm your identity and you will be asked to provide documentation, such as your birth certificate or passport, for this purpose.

Useful contacts



Textphone 0800 121 4042

Calls from some mobile phones will be free and others may vary.
Check with your mobile phone provider for more information.

Acas

A public body promoting good workplace relations, providing free advice on employment rights and contractual matters.

Call the helpline on **08457 474747**

or visit **www.acas.org.uk**

Citizens Advice Bureau

CABs offer free and confidential advice on a range of issues. For your nearest office look under 'C' in your phone book or visit **www.citizensadvice.org.uk**

Trades Union Congress

Call the 'Know Your Rights' Line on **0870 600 4882**

or visit **www.worksmart.org.uk**

In Northern Ireland

Department for Employment and Learning (NI)

Employment Relations Policy and Legislation Branch

Call **028 9025 7493** or visit **www.delni.gov.uk**

Labour Relations Agency (LRA) Northern Ireland

Call **028 9032 1442** or visit **www.lra.org.uk**

The Pay and Work Rights Helpline in Northern Ireland deals with the national minimum wage and GLA (Gangmaster Licensing Authority) only. Call **0800 917 2368**

Northern Ireland Committee of the Irish Congress of Trade Unions

Call **028 902 47940** or visit **www.ictuni.org**

