
STATUTORY INSTRUMENTS

2010 No. 93

TERMS AND CONDITIONS OF EMPLOYMENT

The Agency Workers Regulations 2010

Made - - - - *20th January 2010*
Laid before Parliament *21st January 2010*
Coming into force *1st October 2011*

THE AGENCY WORKERS REGULATIONS 2010

PART 1

1. Citation, commencement and extent
2. Interpretation
3. The meaning of agency worker
4. The meaning of temporary work agency

PART 2

5. Rights of agency workers in relation to the basic working and employment conditions
6. Relevant terms and conditions
7. Qualifying period
8. Completion of the qualifying period and continuation of the regulation 5 rights
9. Structure of assignments
10. Permanent contracts providing for pay between assignments
11. Calculating the minimum amount of pay
12. Rights of agency workers in relation to access to collective facilities and amenities
13. Rights of agency workers in relation to access to employment

PART 3

14. Liability of temporary work agency and hirer
15. Restrictions on contracting out
16. Right to receive information
17. Unfair dismissal and the right not to be subjected to detriment

Status: This is the original version (as it was originally made).

18. Complaints to employment tribunals etc
19. Calculating a week's pay
20. Liability of employers and principals

PART 4

21. Crown employment and service as a member of the armed forces
22. House of Lords staff
23. House of Commons staff
24. Police service

PART 5

25. Amendments to legislation
Signature

SCHEDULE 1 — PROVISIONS EXTENDING TO ENGLAND AND WALES,
SCOTLAND AND NORTHERN IRELAND

1. The following provisions of Schedule 2 to these Regulations extend...
2. Paragraphs 28 and 29, relating to the Transfer of Undertakings...
3. Paragraphs 30 to 38, relating to the European Cooperative Society...
4. Paragraphs 39 to 46, relating to the Companies (Cross-Border Mergers)...

SCHEDULE 2 — CONSEQUENTIAL AMENDMENTS

PART 1 — PRIMARY LEGISLATION

1. The Trade Union and Labour Relations (Consolidation) Act 1992
2. In section 70B (collective bargaining: training)— (a) after subsection (4)...
3. In section 181(2) (general duty of employers to disclose information...
4. (1) Section 188(4), (disclosure for the purposes of consultation) is...
5. In section 298 (minor definitions: general), after the entry relating...
6. In section 299 (index of defined expressions), insert in the...
7. (1) Schedule A1 is amended as follows.
8. The Employment Tribunals Act 1996
9. The Employment Rights Act 1996
10. In section 27(1) (protection of wages; sums included in “wages”),...
11. After section 57 insert— Ante-natal care: agency workers Right to...
12. After section 68 insert— Ending the supply of an agency...
13. After section 69 insert— Calculation of remuneration (agency workers)
(1)The amount of remuneration payable by a temporary work agency...
14. After section 70 insert— Complaints to employment tribunals: agency
workers...
15. In section 105 (redundancy as unfair dismissal) in subsection (1)(c)...
16. In section 108 (exclusion of right: qualifying period of employment)...

PART 2 — OTHER LEGISLATION

17. The Management of Health and Safety at Work Regulations 1999
18. After regulation 17 insert— Certificate from registered medical practitioner
in...
19. After regulation 18 insert— Notification by new or expectant mothers...
20. In regulation 20(1)(a) for “regulations 16-18”, substitute,
“regulations 16-18AB”.
21. The Information and Consultation of Employees Regulations 2004

22. In regulation 2 (interpretation) after the definition of—
23. After regulation 3 insert— Agency Workers (1) Paragraphs (2) and (3) apply to an agency worker...
24. After regulation 8 insert— Pre-existing agreements: agency workers Where information about the employment situation is to be provided...
25. In regulation 16(1), omit the “and” at the end of...
26. In regulation 16(1), after sub-paragraph (f) add— and
27. In regulation 20, paragraph (1), sub-paragraph (b), after “the situation,...
28. The Transfer of Undertakings (Protection of Employment) Regulations 2006
29. In regulation 13, after paragraph (2) insert— Where information is to be supplied under paragraph (2) by...
30. The European Cooperative Society (Involvement of Employees) Regulations 2006
31. In regulation 3 (interpretation) after the definition in paragraph (1)...
32. After regulation 6 insert— Agency Workers (1) Paragraph (2) applies to an agency worker whose contract...
33. In regulation 7, paragraph 2— (a) omit the “and” at...
34. After regulation 17, paragraph (5) insert— (6) Where under the...
35. After regulation 21, paragraph (3) insert— (3A) For the purposes...
36. In Schedule 1, paragraph 1— (a) omit the “and” at...
37. After Schedule 1, paragraph 11, sub-paragraph (4) add—
38. After Schedule 2, paragraph 6, sub-paragraph (3) insert— Where under sub-paragraphs (2) and (3) the competent organ of...
39. The Companies (Cross-Border Mergers) Regulations 2007
40. In regulation 3 (interpretation) after the definition in paragraph (1)...
41. After regulation 8, paragraph (2) insert— (2A) Where information to...
42. After regulation 22, paragraph (1) insert— (1A) For the purposes...
43. After regulation 23(3) add— (4) Where under the provisions of...
44. After regulation 29(2) insert— (2A) Where under the employee participation...
45. After regulation 37, paragraph (2) insert— (2A) For the purposes...
46. After regulation 38(4) add— (5) Where under the standard rules...
47. The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009
48. In regulation 3 (interpretation) after the definition in paragraph (1)—...
49. In regulation 5, paragraph (2)— (a) omit the “and” at...
50. After regulation 15, paragraph (3) insert— (3A) Where under the...
51. After regulation 19, paragraph (3) insert— (3A) This paragraph applies...
52. In the Schedule, Part 2, after paragraph 8 insert— Where under the provisions of this Part, the competent organ...

Explanatory Note