

Temporary Worker FAQs

Agency Workers Regulations 2010

Spring Raise Ltd | Updated October 2026

Important: This guide is a general summary for temporary agency workers in England, Scotland and Wales. It does not replace individual legal advice or the terms of an assignment, contract or applicable collective agreement.

1. What are the Agency Workers Regulations (AWR)?

The Agency Workers Regulations 2010 came into force on 1 October 2011. They give qualifying agency workers rights to equal treatment in specified basic working and employment conditions. Some rights apply from the first day of an assignment; other rights apply after a 12-week qualifying period in the same role with the same hirer.

2. Who do the Regulations apply to?

They generally apply where an individual is supplied by a temporary work agency to work temporarily for and under the supervision and direction of a hirer and has a contract with the agency (or another person) to perform work or services personally. The rules can also apply where an umbrella company is involved. A person who is genuinely self-employed and in business on their own account, with the hirer or agency as a client or customer, may fall outside the Regulations. Employment status depends on the reality of the working arrangement, not simply the label used in a contract.

3. What is meant by equal treatment?

There are two main categories. From day one, agency workers have rights relating to access to collective facilities and amenities and information about relevant vacancies. After completing the 12-week qualifying period, an agency worker is entitled to the same basic working and employment conditions as they would have received if recruited directly by the hirer to do the same job. These conditions include relevant pay, working time, night work, rest periods, rest breaks and annual leave.

4. What rights apply from day one?

From the first day of an assignment, an agency worker must be given access to collective facilities and amenities provided by the hirer, such as a canteen, childcare facilities or transport services, on terms no less favourable than those applying to comparable workers, unless different treatment can be objectively justified. Agency workers also have a right to be informed of relevant vacancies with the hirer so they have the same opportunity as comparable workers to find permanent employment.

5. What if there is no comparable direct employee?

A named comparator is not always required. The question is what basic working and employment conditions the agency worker would have received if the hirer had recruited them directly to the same job. Relevant evidence can include the hirer's pay scales, collective agreements, staff handbooks, contractual terms, established practices and the terms applying to employees doing the same or broadly similar work.

6. When does the 12-week qualifying period start and how is it calculated?

The qualifying period normally begins on the first day the agency worker starts the relevant assignment. A calendar week counts whenever the worker performs work in that role during the relevant seven-day period, regardless of the number of hours worked. Certain breaks pause the qualifying clock, while certain pregnancy, childbirth and family-related absences can allow the clock to continue. Because the detailed rules depend on the type and length of absence, Spring Raise should be notified promptly of any break in an assignment.

7. When can the qualifying period restart?

The qualifying period can restart where the worker begins an assignment with a different hirer, starts a substantively different role, or has a sufficiently long break that is not covered by one of the statutory pause or continuity rules. A break of six calendar weeks or less will generally pause rather than reset the clock. Anti-avoidance rules also prevent assignment structures deliberately designed to deprive workers of AWR rights.

8. Does part-time work count towards the 12 weeks?

Yes. A qualifying week can count even if only a small number of hours are worked during that week. The 12-week test is based on calendar weeks in the same role with the same hirer, subject to the statutory rules on breaks and absences.

9. What am I entitled to after 12 weeks?

After the qualifying period, the relevant terms include basic pay and other qualifying payments directly attributable to the amount or quality of work, overtime rates where the relevant criteria are met, shift or unsocial-hours allowances, working-time limits, night-work provisions, rest periods, rest breaks and annual leave. Certain benefits remain outside AWR pay, including occupational pension benefits, occupational sick pay, redundancy payments, notice pay, most benefits in kind and certain payments linked principally to long service, loyalty or status.

10. How does annual leave and holiday pay work?

Agency workers are entitled to the statutory minimum paid annual leave under the Working Time Regulations 1998. After 12 qualifying weeks, AWR may also require equal treatment where the hirer's directly recruited workers receive a more favourable annual-leave entitlement for the same role. For leave years beginning on or after 1 April 2024, rolled-up holiday pay is permitted for workers who meet the statutory definition of an irregular-hours worker or part-year worker. Where used, statutory rolled-up holiday pay is normally calculated at 12.07% of total pay for the pay period, paid in addition to normal pay and shown separately on the payslip. It should also be reflected in the agency worker's Key Information Document. Rolled-up holiday pay should not be used for workers who do not fall within the permitted categories.

11. When might my pay change under AWR?

A worker may already be receiving AWR-compliant pay from the start of an assignment. If not, once the worker completes the 12-week qualifying period, Spring Raise and the hirer must ensure that the relevant pay and basic working conditions are no less favourable than those that would have applied if the worker had been recruited directly by the hirer to the same job.

12. Can I opt out of AWR equal-treatment rights?

No. A worker cannot simply agree to waive statutory AWR rights. In particular, the former 'Swedish derogation' or pay-between-assignments exemption from equal pay was repealed with effect from 6 April 2020. A permanent contract providing pay between assignments no longer removes the worker's right to equal pay after the qualifying period.

13. Will I be entitled to incremental increases in pay or holiday?

Potentially, yes. Where a relevant pay or annual-leave entitlement increases because of a service-related criterion that would apply to a directly recruited worker, an agency worker who has qualified for equal treatment may also become entitled to that increase when the equivalent service criterion is met. For AWR purposes, the relevant service period is calculated in accordance with the Regulations and applicable government guidance.

14. Is the hirer's occupational pension scheme included in AWR equal treatment?

Occupational pension benefits are excluded from the AWR definition of pay. Separate workplace pension automatic-enrolment duties may nevertheless apply depending on the worker's circumstances and who is the employer for pension purposes.

15. What happens if I am pregnant?

Tell Spring Raise in writing as soon as reasonably practicable so appropriate health and safety arrangements can be considered. Once the agency has been notified in writing, the hirer should assess workplace risks and make appropriate adjustments where required. If a qualifying pregnant agency worker cannot continue the assignment safely and the hirer cannot make suitable adjustments, the agency must consider suitable alternative work. If suitable alternative work cannot be found, statutory payment protections may apply for the expected remaining duration of the assignment. After completing the 12-week qualifying period, a pregnant agency worker is entitled to paid time off for antenatal appointments during assignment hours, including qualifying travel time. Evidence may be requested except for the first appointment.

16. Do AWR create maternity, paternity or adoption leave rights?

AWR do not themselves create a general entitlement to maternity, paternity or adoption leave. An agency worker's entitlement to statutory family-related pay or leave depends on their employment status and whether the separate statutory eligibility conditions are met. Pregnancy and maternity discrimination protections also apply independently of AWR.

17. What should I do if the hirer changes my role?

Notify Spring Raise promptly if your duties, job title, work location or reporting arrangements materially change. Spring Raise needs accurate information to determine whether the role is substantively different and whether the existing qualifying period continues. You should also tell Spring Raise about previous assignments with the same hirer that may be relevant to the 12-week calculation.

18. What if I move to a different hirer?

A new assignment with a different hirer will normally start a new AWR qualifying period for that hirer. If you later return to a previous hirer and role, previous weeks may still count depending on the length and reason for the break and the statutory continuity rules.

19. Can genuinely self-employed contractors be outside AWR?

Yes, but only where the individual is genuinely carrying on a profession or business undertaking on their own account and the agency or hirer is genuinely a client or customer of that business. Operating through a personal service company does not automatically exclude someone from AWR. The actual contractual and working relationship must be considered.

20. Are there new agency-worker rights under the Employment Rights Act 2025?

The Employment Rights Act 2025 contains provisions intended to extend guaranteed-hours and shift-notice/payment rights to qualifying agency workers. As at October 2026, the substantive agency-worker guaranteed-hours and shift rights are not yet generally in force; commencement provisions have so far brought relevant powers and consultation machinery into force for specified purposes. Spring Raise will update this guidance when the operative rules and commencement dates are confirmed.

Further information

- Agency Workers Regulations 2010 (as amended).
- Department for Business and Trade / Employment Agency Standards Inspectorate: Agency Workers Regulations 2010 guidance (updated March 2026).
- Working Time Regulations 1998 and government guidance on holiday entitlement and rolled-up holiday pay.
- Employment Rights Act 2025 and applicable commencement regulations.

Document control: Reviewed and updated October 2026. Spring Raise Ltd should review this FAQ whenever relevant legislation or statutory guidance changes.