

Agency Workers Regulations

AWR Explained 2026

A practical guide for agency workers, hirers and managers working with temporary staff in England, Scotland and Wales.

Current guidance checked:
24 September 2026

Based on:
GOV.UK AWR guidance updated 25 March 2026

This booklet is an Eclipse plain-English summary. It is not a substitute for the legislation or formal legal advice.

Practical. Clear. Compliant.

1. What the AWR do

The Agency Workers Regulations 2010 give qualifying temporary agency workers rights to equal treatment in specified basic working and employment conditions. The Regulations came into force on 1 October 2011.

In simple terms: some rights apply from the first day of an assignment. Further equal-treatment rights normally apply after the worker has completed 12 qualifying weeks in the same job with the same hirer.

Who is normally covered?

- A worker who has a contract with a temporary work agency and is supplied temporarily to a hirer.
- The worker performs the assignment under the supervision and direction of the hirer.
- The temporary work agency, hirer and agency worker each have responsibilities within the arrangement.

Who may be outside scope?

- A genuinely self-employed person operating a business on their own account where the hirer is genuinely their client or customer.
- Direct permanent recruitment introduced by an employment agency, rather than temporary supply.
- Some managed-service, in-house staffing or secondment arrangements, depending on the real working relationship.

Important: simply working through a limited company does not automatically place somebody outside AWR. The reality of the working relationship matters.

Where do the Regulations apply?

This guide covers the AWR framework for **England, Scotland and Wales**. Northern Ireland has separate agency worker legislation and guidance.

2. Rights from Day 1

From the first day of an assignment, agency workers have AWR rights relating to access to collective facilities and information about vacancies.

Access to facilities

The hirer should allow agency workers access to relevant shared facilities and amenities on the same basis as comparable directly recruited staff, subject to objectively justified restrictions.

Examples can include:

- Canteen or food and drink facilities.
- Workplace childcare or similar shared facilities where provided.
- Car parking or workplace transport services where these are collective facilities.
- Other shared workplace amenities available to comparable workers.

Vacancy information

Agency workers must also be able to obtain information about relevant vacancies with the hirer from the first day of the assignment.

For clients: these Day 1 rights are principally the hirer's responsibility. They should be considered as part of the worker's induction, not left until week 12.

Existing rights still apply

AWR sits alongside other employment protections. Agency workers may already have rights under legislation covering matters such as National Minimum Wage, Working Time, discrimination and health and safety.

3. The 12-week qualifying period

Equal-treatment rights in relation to pay and certain basic working conditions normally begin after the agency worker completes 12 qualifying calendar weeks in the same role with the same hirer.

How the clock works

- A week can count even if only a small number of hours are worked during that calendar week.
- A break of six weeks or less will normally pause the clock rather than reset it.
- Certain longer absences can also pause the clock, including qualifying sickness or jury service periods.
- Pregnancy-related absences and certain family leave can preserve or continue the qualifying period under specific rules.
- A genuinely new and substantively different role can start a new qualifying period.
- Moving to a different hirer normally starts a new qualifying period.

Do not rely on job-title changes alone. Whether a role is substantively different depends on the real differences in duties, skills, responsibility, location, hours and other relevant factors.

Avoiding the Regulations

Assignments should not be structured deliberately to prevent a worker from reaching the qualifying period. The Regulations contain anti-avoidance provisions and tribunals can look at the pattern and substance of assignments.

4. Equal treatment after 12 weeks

Once the qualifying period is completed, the agency worker is entitled to the same relevant basic working and employment conditions they would have received if recruited directly to the same job.

Pay - commonly included

Basic pay	Occupational sick pay
Overtime where qualifying conditions are met	Occupational pension contributions
Shift / unsocial-hours allowances and relevant risk payments	Occupational maternity, paternity or adoption pay
Holiday pay and additional contractual holiday entitlement	Redundancy and notice pay
Certain bonuses or commission linked directly to individual work or performance	Most benefits in kind and loyalty / long-service rewards
Certain vouchers with a fixed monetary value	Travel and accommodation expenses

Working time and annual leave

After 12 qualifying weeks, equal treatment can also apply to the duration of working time, night work, rest periods, rest breaks and annual leave. The comparison is with the conditions the worker would have received if recruited directly into that job.

Equal treatment does not mean every benefit provided to permanent employees becomes payable. AWR focuses on defined basic working and employment conditions.

5. Pregnancy and antenatal appointments

Pregnant agency workers have protection from unlawful discrimination. After completing the 12-week qualifying period, qualifying agency workers can also be entitled to paid time off for antenatal appointments during an assignment.

Health and safety

Where pregnancy creates a health and safety risk, the hirer should consider reasonable adjustments. Where suitable adjustments are not possible, the agency may have further responsibilities, including considering suitable alternative work.

6. Responsibilities of the hirer

The hirer should:

- Give agency workers Day 1 access to relevant facilities and vacancy information.
- Provide the agency with accurate and up-to-date information about the job and relevant terms and conditions.
- Provide enough information for the agency to establish the correct AWR treatment before week 13.
- Keep the agency informed of changes such as pay awards, shift premiums or relevant holiday entitlements.
- Maintain responsibility for workplace health and safety and supervision.

7. Responsibilities of the agency

The temporary work agency should:

- Track qualifying service and relevant assignment history.
- Obtain the information needed from the hirer to establish equal treatment.
- Apply the correct pay and relevant terms once the worker qualifies.
- Keep clear records supporting the treatment applied.

8. Information, questions and disputes

If an agency worker believes they have not received the treatment required by AWR, they can ask for information about the relevant terms and the basis on which those terms were established. Where a dispute cannot be resolved, employment tribunal proceedings may be possible, subject to the applicable legal rules and time limits.

Practical advice: raise questions quickly. Good assignment records, start dates, role details, pay information and correspondence between hirer and agency make AWR issues much easier to resolve.

9. A simple compliance checklist

- Record the assignment start date and role.
- Check whether the worker has previously worked for the same hirer.
- Confirm Day 1 facility and vacancy access.
- Track qualifying weeks accurately.
- Before week 13, obtain the hirer's relevant direct-recruit terms.
- Check basic pay, shift premiums, overtime rules and relevant bonuses.
- Check working time, breaks and annual leave.
- Record any breaks, role changes or assignment changes.
- Keep the agency and hirer informed of pay awards or material changes.
- Escalate uncertain cases before payroll is affected.

10. Official sources

This Eclipse guide summarises the current government guidance available at the date shown on the cover. For detailed cases, always check the official guidance and the legislation.

Current GOV.UK AWR guidance

[GOV.UK - Agency Workers Regulations 2010 guidance](#)

Agency worker rights

[GOV.UK - Your rights as an agency worker](#)

Legislation

[legislation.gov.uk - Agency Workers Regulations 2010](#)

About this booklet

Prepared as a plain-English resource for Eclipse Recruitment Driving Solutions Ltd. It is intended as general guidance only and does not create contractual rights or replace legal advice. Where the law or official guidance changes, the latest official source takes precedence.

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