



AWR: Week 12 Entitlements

The key to smooth implementation of AWR is good communication throughout the contract chain, establishing communication routes and processes for the transmission of compliance information, of which comparator 'pay' (week 12 entitlements) data is classed.

The sole responsibility of ensuring and communicating Week 12 Entitlements for each worker lies with the hirer. The hirer must ensure on week 12 of the qualifying period the agency workers receive the same basic terms and conditions of employment as if directly employed.

What information should be supplied?

The extent of information you as a hirer need to supply depends on what type of contract your worker has entered into with us, their employer.

If a **Non-Derogated**¹ (Traditional) contract is being utilised then both "Working Conditions" and "Pay" related elements of the comparator information to follow must be supplied.

If your worker is on a **Swedish Derogated**² contract of employment, then just the "Working Conditions" related element need to be supplied as pay between assignments will be provided and Pay related element are not necessary.

Here's a breakdown of some terms and conditions of employment which may be affected. These should be provided and communicated to all temporary workers at week 12 of the qualifying period.

Working Conditions

Must be supplied for both Derogated and "Non-Derogated" Traditional contracts

The same working time rights:

- Annual leave
- Night work
- Duration of working time, where working times are limited to a maximum
- Rest periods and breaks
- Paid time off for ante natal appointments, for pregnant workers

¹ Non-Derogated or traditional over-arching contracts make no allowance for pay between assignments so comparator information must be supplied.

² Swedish Derogated contracts allow us to make payments between assignments which means we adhere to AWR guidelines without the need to supply pay related comparator information.



Pay³

Must be supplied for "Non-Derogated" Traditional contracts only

Key elements of pay for work done:

Pay Element	Includes	Excludes
Basic pay	<ul style="list-style-type: none"> - Pay for work done - annual salary, hourly/daily rate - Annual pay increment 	<ul style="list-style-type: none"> - Occupational sick pay - Occupational pension contributions - Notice pay - Redundancy or severance pay/gratuity - Expenses
Overtime pay and allowance for unsocial hours or shift work	<ul style="list-style-type: none"> - Pay for additional overtime and unsocial hours, as if employed directly - Risk payments for hazardous duties 	<ul style="list-style-type: none"> - Automatic right to extra pay (will still need to meet qualifying criteria where required by direct employee)
Bonus or incentive payments linked to personal performance	<ul style="list-style-type: none"> - Pay for work and attributable to individual employee - Sales commission or personal performance bonus 	<ul style="list-style-type: none"> - Bonus based purely on overall company performance and do not recognise individual contributions/work done - Bonus rewarding company loyalty - Discretionary and non-contractual bonuses, where not paid with regularity
Holiday pay	<ul style="list-style-type: none"> - Paid annual leave above statutory minimum of 5.6 weeks (can be given as leave or paid as part of hourly/daily rate) 	<ul style="list-style-type: none"> - Other statutory and contractual paid leave - Compassionate leave - Paid time off for union duties or jury service
Vouchers and stamps	<ul style="list-style-type: none"> - Benefits in kind of fixed monetary value that can be exchanged for money, goods or services e.g. luncheon vouchers - (excludes salary sacrifice pay elements) 	<ul style="list-style-type: none"> - Other benefits in kind, given as a reward/incentive for long term service - Company cars - Employer funded training - Financial participation scheme
Other statutory pay	<ul style="list-style-type: none"> - Payment at full rate (hourly equivalent) for antenatal appointments for pregnant workers 	<ul style="list-style-type: none"> - Occupational maternity, paternity or adoption pay

If you are still unsure which information you need to supply of if you are not aware what type of contract your worker is currently on, please contact Client Services on **0800 848 8888** quoting the Assignment ID on the email communication you have received.

³ Defined as "any sum payable...in connection with the worker's employment, including any fee, bonus, commission, holiday pay or other emolument referable to the employment, whether payable under contract or otherwise"