

Summary of Managers' responsibilities in relation to the providing access to 'Day One' Rights & Rights to Equal Treatment

1. Introduction

With effect from 1 October 2011 managers will be obliged to treat agency workers the same as if they were employed by University of Sheffield, in relation to:

- access to certain facilities, vacancy information and additional provisions for pregnant workers/new mothers from day one of engagement and
- access to 'equal treatment' in relation to basic terms & conditions once they have attained a 12-week qualifying period (not necessarily all gained in one engagement).

The below summarises managers' responsibilities in ensuring these obligations are met. **Any queries should be raised promptly with their customary Human Resources Adviser.**

2. Providing access to 'Day One Rights'

Managers will need to advise agency workers as part of their induction process to access a dedicated web page that will explain the above provisions. Managers may also be required to facilitate such access where necessary. For example: generating a letter on University headed paper to confirm the duration of their engagement, to access USport provisions.

2.1 Access to Facilities

A full list of the facilities, including car parking, prayer room and catering facilities, can be found on the agency worker web page:

<http://www.sheffield.ac.uk/hr/guidance/agencyworkersinfo>

It is important to note that where the facilities have eligibility criteria, e.g. car parking provision, these will apply to agency workers as they do for staff. Also where a waiting list exists in relation to access for a given provision, the agency worker does not have enhanced access rights, only the ability to join the waiting list.

Once their engagement ceases, so does their right to access any such provisions.

2.2 Access to Vacancy Information

Agency staff will be able to access information and apply for all University vacancies, via our e-recruitment pages. They will also be able to access any internal staff only vacancies, by requesting details from their department's customary Human Resources Assistant (please see HR Contact List for details).

2.3 Pregnancy workers and new mother provisions (see flowchart)

Where a manager is notified that an agency worker is pregnant they will need to ensure the following provisions in line with the [Equality Act](#):

- a) the agency worker is able to attend any ante-natal or medical appointments. (These can include relaxation or parent craft classes, if recommended by the worker's GP).
- b) the duration of the each full absence, including travel time, is recorded on the appropriate timesheets to ensure any costs are covered by their agency provider after the 12-week qualifying period.
- c) another [risk assessment](#) is undertaken, if the nature of the assignment is such that a risk to Health and Safety is likely and implement any [reasonable adjustments](#) to remove any identified risks*. (Further advice/guidance in relation to risk assessments is available from Safety Services).
- d) that their agency is advised promptly where risks cannot reasonably be removed, so that they are withdrawn from the engagement* (see [Pregnant Agency Workers Process Flowchart](#))

*These also apply to women who have given birth in the last 6 months or women who are breastfeeding.

3. Providing access to 'Equal Treatment' rights

Managers will be advised by the agency provider when an agency worker is anticipated to be nearing the 12-week qualifying period in the same role, with the University. Once they have attained this qualifying period, they are entitled to the below basic relevant terms & conditions:

- Key elements of pay (e.g. hourly rate, overtime, shift allowance, access to the ECA process etc)
- Annual leave
- Duration of working time, night work, rest periods and breaks (e.g. if a comparable employee has an hour [unpaid] for lunch the agency worker would be entitled to this)
- Paid time off for ante natal appointments

Managers will be responsible for:

- a) Advising the agency provider of the relevant grade and point for the work (based on our grade profiles) and any additional payments e.g. shift allowances, overtime. (The point of the grade would normally be point 1, however, exceptionally this may be higher subject to the skills and qualifications of the worker where relevant).

- b) Confirming the grading details (reflecting any changes to activity/role since their engagement) prior to the worker exceeding the 12-week qualifying period.
- c) Gaining the budget holders approval for any additional costs associated with having attained 12 weeks' qualifying service, before allowing these additional costs to be incurred.
- d) Ensuring that where they wish to offer 'substantially' different work, they notify the agency in writing that the job duties have changed and provide details of the new job requirements. The agency will then be responsible for passing this information on to the worker and advising them that the qualifying period will start again. Failure to do this will result in the qualifying period clock continuing to 'tick'.
- e) Ensuring relevant rest breaks and periods are provided.

If in doubt as to what terms/grade would have applied to a role or whether work is 'substantially' different it is essential that the manager liaises with their customary HR Adviser.