

ID	33
What is your name?	
Which best describes you? - Response Category	Other
Which best describes you? - If other please specify	Business consultancy with specialism in the temporary labour sector
If you are responding as an individual, what best describes your employment status? - Employment status	
How would you classify your organisation/the organisation you work for? - Organisation type	Private sector organisation
How would you classify your organisation/the organisation you work for? - other	
If you are an employee/worker or an employer, how many people work for your organisation? - Size of employer	
If you represent employers or employees/workers, who do you represent? - Representatives	
If you represent employers or employees/workers, who do you represent? - If other please specify	
Are you happy for your response to be published?	Yes, but without identifying information
How did you hear about this consultation?	GOV.UK alert
How did you hear about this consultation? - Other	
Section 1: Improving the transparency of information provided to work seekers	
To what extent would you agree that a 'key facts' page would support work seekers in making decisions about work? - Opinion on key facts	Agree strongly
To what extent would you agree that a 'key facts' page would support work seekers in making decisions about work? - What key facts should be made prominent	Workers need to understand who is their employer They need to be advised of what employment costs will be deducted from the advertised job rate (such as margin, ERNI, holiday pay) Where there is a choice to be paid direct by the employment business or alternatively, via an intermediary company, potentially 2 different rates should be advertised
To what extent would you agree that a 'key facts' page would support work seekers in making decisions about work? - Reasons for disagreement	
Thinking about work seekers and employers in the recruitment sector, would ensuring work seekers are provided with a key facts	Significantly positive impact

page have a: - Please select an option - Individual work seekers	
Thinking about work seekers and employers in the recruitment sector, would ensuring work seekers are provided with a key facts page have a: - Please select an option - Employers in the recruitment sector	Some negative and some positive impact
What information would be important to include in a "key facts" page? - Please type your response in the box below.	<p>Identity of hirer</p> <p>Job location</p> <p>Job hours</p> <p>Is the assignment offered on a self-employed basis?</p> <p>Is the assignment offered on the basis that a derogated contract applies rather than pay parity?</p> <p>Rate of pay</p> <p>Annual leave entitlement</p> <p>facility for holiday pay to be "rolled up"</p> <p>Is there facility to be paid direct by employment business on an agency worker contract for services?</p> <p>Is there facility to be paid by an intermediary company? If yes, would they be an employee or self-employed contractor</p> <ul style="list-style-type: none"> - Facility to claim travel expenses - Facility to claim any other expenses - Margin rate of intermediary company <p>Rate of pay if engaged direct by employment business</p> <p>Rate of pay if engaged by intermediary company (subject to tax adjustment if tax free expenses apply)</p>
What conditions should be in place to ensure the 'key facts' page is provided and understood by the work seeker before any contractual engagement?	<p>The time pressures on consultants who interview candidates at an employment business mean that this is a difficult issue.</p> <p>The over-riding motivation is to get the individual out on assignment and the extent of paperwork, which is already significant, is</p>
Should an employment business be required to ensure that the work seeker understands fully the information being given to them?	No
Should an employment business be required to ensure that the work seeker understands fully the information being given to them? - If yes, how do you think this should be achieved?	The employment business cannot reasonably be responsible for the understanding. of lack of it, of the individual. This role should be represented by the Government or an independent body and so, impartiality can be exercised.
Do you feel an hour is an accurate estimate of the time it would take to produce information document for a work seeker? - Time taken to produce an information document	Too low

Do you feel an hour is an accurate estimate of the time it would take to produce information document for a work seeker? - If too high or too low, please provide reasons for your answer:	BEIS is using data which is up to 8 years old to form this costing opinion and so, the potential for error is significant. We consider that the significant cost will be in explaining the key facts to the individual rather than to "produce a key facts p
Other than the time taken by personnel to produce a "key facts" document, are there other business costs we should be aware of? - Other business costs	Yes
Other than the time taken by personnel to produce a "key facts" document, are there other business costs we should be aware of? - If you answered yes please provide details	As stated above, the most time consuming aspect will be the process of explaining the options and financial impacts to the individual worker
Section 2: Extending the Remit of the Employment Agency Standards inspectorate to cover umbrella companies and intermediaries in the supply chain	
Have you or are you currently using an umbrella/intermediary?	No
Have you or are you currently using an umbrella/intermediary? - If so, for what reason?	We do not use intermediary companies but do advise a number of such companies in the course of our advisory services
Do you know of any examples of the benefits and/or problems for agency workers of using an umbrella company or intermediary?	Many employment businesses are simply not able to deal with the administration of payroll and human resources services because of staffing limitations within their own business. As such, the use of intermediary companies is a necessity to them. Workers benefit from continuity of using one intermediary company even when they change assignment or move to another agency. Where a worker is engaged at a temporary workplace an intermediary company may still offer a facility to claim travel expenses. However, the historic benefit of an intermediary company linking together a series of assignments under an overarching contract to facility claiming travel expenses to a series of temporary workplaces was extinguished by the introduction of section 339A to ITEPA in April 2016. Where the alternative is engagement direct by an employment business on a contract for services the fact that an intermediary company often offers a full contract of employment can be advantageous to an individual worker, particularly when applying for loans/mortgages etc.
Should the extension of the remit of the Employment Agency Standards inspectorate to cover the regulation of certain activities of umbrella companies and intermediaries in the supply of work seekers to a hirer - Be limited to the regulation of the key facts	Yes

page and provision of information relevant to those facts as part of a work offer by the hirer or employer?	
Should the extension of the remit of the Employment Agency Standards inspectorate to cover the regulation of certain activities of umbrella companies and intermediaries in the supply of work seekers to a hirer - Be aligned to the regulation of the types of employment rights already regulated by EAS under the current legislative framework such as non-payment of wages, deductions from wages which the work seeker has not agreed too, and failure to provide written terms and conditions before the assignment starts?	Yes
Should the extension of the remit of the Employment Agency Standards inspectorate to cover the regulation of certain activities of umbrella companies and intermediaries in the supply of work seekers to a hirer - Please provide reasons for your answer below	Policing of the validity of the key facts page and service to the worker would be advantageous to ensure that all companies are operating in the same way in this regard.
Thinking about work seekers and employers in the recruitment sector, what impact would ensuring umbrella companies provide work seekers with a key facts page have on: Individual work seekers	Small positive impact
Thinking about work seekers and employers in the recruitment sector, what impact would ensuring umbrella companies provide work seekers with a key facts page have on: Employers in the recruitment sector	Small negative impact
Thinking about work seekers and employers in the recruitment sector, what impact would ensuring umbrella companies provide work seekers with a key facts page have: Please provide reasons for your answers below	For the same reasons of transparency in regard to the employment business providing a key facts page, the further requirement for the intermediary company to again provide a statement of key facts would appear to be a further opportunity to try to make th
Thinking about work seekers and employers in the recruitment sector, what impact would extending the regulations of the Employment Agency Standards inspectorate to cover umbrella companies have on: Individual work seekers	Small positive impact
Thinking about work seekers and employers in the recruitment sector, what impact would extending the regulations of the Employment Agency Standards inspectorate to cover umbrella companies have on: Employers in the recruitment sector	Significantly negative impact

Thinking about work seekers and employers in the recruitment sector, what impact would extending the regulations of the Employment Agency Standards inspectorate to cover umbrella companies have on: Please provide reasons for your answer below	<p>Providing workers with a regulatory body to refer to for advice and policing would provide a benefit to those inclined to use it.</p> <p>This is a hugely regulated sector already and the extension of further regulation is, in our opinion, unnecessary.</p>
Section 3: Ensuring the Swedish Derogation is used appropriately	
Have you used or are you currently using a pay between assignments contract (PBA)?	No
In your experience what are the benefits and any problems associated with working on a PBA contract basis?	<p>In our experience, the administration of the AWR does not receive the attention that it should and there is noticably little case law on the subject of AWR. It is the hirer who is benefiting from this situation with many agency workers not receiving their pay rights after 12 weeks on assignment simply because there is no set process in place to provide the pay comparator information. Where there is a pay parity issue many will be engaged on a derogated contract. The use of a derogated contract should be part of the declaration when an assignment is advertised so that the worker can make a free choice as to whether he wants to apply for that vacancy or not. A derogated contract should not be introduced after 11 weeks on assignment and where that does happen, regulation should ensure that the worker is able to claim pay parity.</p> <p>The transient nature of temporary workers means that many fail to maintain their availability obligations and so, do not qualify for any pay during the period between assignments. Most will simply look for a new assignment and remain unpaid until they find one.</p>
In your experience, how effective do you think pay between assignments contracts are in supporting workers and work seekers when they are not working?	Not at all effective
Do you have evidence that there are wider issues (beyond equal pay) with PBA contracts, for example agency workers not being able to access to facilities, rest break, annual leave or job vacancies?	No
Do you believe that that the above issues would justify wider state enforcement?	Not Answered
Do you believe that that the above issues would justify wider state enforcement? - reasons	N/A
To what extent do you agree that enforcement of the Agency Worker Regulations 2010 should come within the	Agree strongly

remit of the Employment Agency Standards Inspectorate?	
To what extent do you agree that enforcement of the Agency Worker Regulations 2010 should come within the remit of the Employment Agency Standards Inspectorate? - Please provide reasons for your answer below	<p>Currently AWR is poorly administrated and potentially, workers do not have access to the information that they need to bring a case to tribunal.</p> <p>If there was regulation of the declaration that a hirer has to make in this regard when booking temporary</p>
Any further comments? - Please provide any further comments in the box below.	