



Andy Sawford

MP for Corby



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Leader, Corby
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Corby Employment Agencies Forum



Three Hands

Better Temporary Work Commitment

Code of Practice for Employment Agencies, Client Companies & Temporary Workers

Introduction

We have a shared commitment to building and growing a thriving economy in Corby, making the town a great place to run a business. To achieve this, companies will need to be able to respond to changes in demand and conditions in their markets and we recognise that it is important that they have some ability to flex the size and skills of their workforces accordingly.

However, we also want Corby to be a great place to work. This means that:

- The laws designed to protect working people are upheld
- Everyone is treated fairly and with respect when they are at work
- There are routes from temporary to permanent employment, where people are seeking these.

For a number of decades, this town has had a large number, in proportion to the size of its workforce, of employment agencies operating within it. These have helped to provide the flexibility sought by local businesses but the quality of employment practices used by the agencies has varied considerably. We have both heard directly from temporary workers stories of the exploitation and abuse that they have experienced in their dealings with some local agencies.

For this reason, therefore, we decided to found the Corby Employment Agencies Forum. We believe that this play an important role in:

- Standardising good practice in the use of Temporary Workers to the benefit of all those concerned, and
- Eliminating the abuses that tarnish the collective reputation of those who seek to operate responsibly in the marketplace for providing temporary labour.

This document, therefore, constitutes the resulting Code of Practice for Employment Agencies, Client Companies and Temporary Workers operating within Corby Borough. We have developed this through the participation of Employment Agencies, Trade Associations, Client Companies, Temporary Workers and Trades Unions in the work of the Forum. We are also particularly grateful for the support of the Employment Agency Standards Inspectorate throughout this work.

We hope that all Employment Agencies and the Client Companies in Corby that use them will sign-up to support the operation of the Code and, in doing so, demonstrate their commitment to contributing to our local economy in a socially responsible way.



Andy Sawford, MP for Corby

Tom Beattie, Leader of
Corby Borough Council

The Code of Practice Components – Responsibilities

This section sets out the responsibilities of each of the three parties (Employment Agencies, Client Companies and Temporary Workers) who enter into agreements associated with the employment of temporary workers via employment businesses

1. Employment Agencies (referred to as ‘Employment Businesses’ in legislation)

Apply the Code and operate within applicable legislation

1.1 Apply the Code’s responsibilities to all the Employment Agency’s contracts

1.2 Operate within applicable legislation:

- Pay temporary workers to conform with **National Minimum Wage** legislation
- Abide by the provisions of the **Working Time Regulations**
- Work within the provisions of the **Employment Agencies’ Act, Gangmasters Licensing Act or EU Temporary and Agency Workers Directive (as required)**
- Adhere to **Immigration and Work Visa** requirements, including the undertaking of pre-employment checks to establish that workers are legally entitled to work in the UK to perform the work in question
- Register under **HMRC’s PAYE** scheme and pay tax and NI on time and accurately
- Carry out auto-enrolment of Temporary Workers into a **workplace pension**, where required by legislation

Manage pay and tax matters fairly

1.3 Not charge a fee to a Temporary Worker for:

- Any work-finding services;
- The provision of intermediary’s payroll or associated services unless:
 - These arrangements have been properly explained to and expressly agreed with the Temporary Worker prior to them signing-up with the Employment Agency;
 - That employment and/or payments via an intermediary organisation comply with HMRC’s position on UK tax and social security laws and with other legislation;

1.4 Not use self-employment arrangements in order to avoid obligations to workers and to the UK Treasury

1.5 Pay legally, promptly, accurately and transparently, providing the Temporary Worker with itemised payslips

1.6 Ensure any services offered to the Temporary Worker requiring deductions or payment by the worker are optional, agreed in writing in advance, do not reduce pay below National Minimum Wage and provide for a maximum opt-out notice period of five days (ten for accommodation)

Communicate clearly and administer effectively other terms and conditions

1.7 Provide accurate statements and contracts to Temporary Workers concerning the work to be undertaken, including:

- The nature of the work to be undertaken and any flexibility that is expected
- The likely duration of the work assignment (e.g. pre-Christmas work that is expected to last up to 2 months)

- Associated rates of pay and terms and conditions
 - Supervisory arrangements
- 1.8 Calculate pay correctly and maintain records re: Temporary Workers' receipt of paid annual leave, sick, maternity, paternity and adoption pay to which they are legally entitled
- 1.9 Operate clear procedures (e.g. identification of authoriser, extent of any requirement for providing notice in advance of taking holidays) for the authorisation of holidays to be taken by Temporary Workers and ensure that these enable the holiday allowance to be taken during the period in which they have been accrued

Ensure that appropriate health & safety provisions have been made

- 1.10 Prior to a Temporary Worker commencing work at a Client Company site, agree arrangements with the Client Company for:
- Managing the day-to-day health and safety of the Temporary Worker, ensuring that the Client has suitably recorded, assessed and controlled risks to workers
 - Providing appropriate, paid health and safety training
 - Providing adequate Personal Protective Equipment (PPE) to workers without charge
 - First aid and the recording and reporting of reportable incidents

Operate with integrity in relations with Temporary Workers and Client Companies

- 1.11 Provide equal access to work opportunities, regardless of nationality and origin, gender, disability or sexual orientation of Temporary Workers, and ensure equal treatment thereafter
- 1.12 Promote sourcing of local Temporary Workers, wherever possible
- 1.13 Send Temporary Workers to a Client Company only when the latter has confirmed that there is work available for the individual
- 1.14 Describe accurately to Client Companies the skills and experience possessed by Temporary Workers who are being supplied by the Employment Agency
- 1.15 Provide a statement of how to raise a complaint at outset of the contract, respond promptly and effectively to complaints and provide information to the Client Company on the extent and nature of these complaints in relation to Temporary Workers provided by the agency to the company
- 1.16 Protect Temporary Workers personal data and only make disclosures to others with the prior consent of the Temporary Worker, unless required by law to provide this information directly
- 1.17 Provide access for Client Companies to audit worker payments and deductions
- 1.18 Ensure that all Employment Agency staff understand these responsibilities

Contribute to effective operation of the Code

- 1.19 Collaborate fully with the Corby EA Forum's monitoring of the Code and keep records to support monitoring

2. Client Companies

Avoid replacing permanent jobs with temporary employment

- 2.1 Have an approach to workforce planning in place that aims to use Temporary Workers only in the following circumstances, rather than as a permanent replacement for directly-employed workers:
- Fluctuations in the intensity of operations (daily and/or weekly) require this kind of flexibility, or
 - Where commercial uncertainty does not provide enough confidence to increase permanent numbers of employees at that time.
- 2.2 Such an approach may not, in itself, preclude some Temporary Workers having extended temporary service, due to:
- An individual Temporary Worker expressing a preference for these arrangements over permanent work, or
 - The filling of permanent roles being subject to criteria-based assessment. The Client Company, however, should support the development of Temporary Workers to enable them to apply for future permanent vacancies.

Work with Employment Agencies to uphold the Code

- 2.3 Contract only in future with Employment Agencies that sign-up to the Code and actively encourage existing contracted agencies to adopt it
- 2.4 Seek to ensure that contracted Employment Agencies are behaving appropriately in relation to their Temporary Workers, both:
- Proactively (e.g. through having a process in place to assess and discuss periodically with contracted Employment Agencies their behaviour and ways of working)
 - Reactively (e.g. through effective reviewing of complaints made to the Client Company)

Ensure that the Client Company is able to abide by the Code

- 2.5 Ensure that managers and staff of the Client Company who deal with Employment Agencies and Temporary Workers possess the required understanding of the relevant laws and responsibilities associated with this Code of Practice

Operate with integrity in relations with Temporary Workers and Employment Agencies

- 2.6 Seek to provide accurate and up-to-date forecast information to contracted Employment Agencies concerning the nature and duration (e.g. pre-Christmas work that is expected to last up to 2 months) of work opportunities
- 2.7 Work with Employment Agencies to prevent discrimination on the basis of characteristics that are protected in law (e.g. nationality or ethnic origin, gender, sexual orientation, disability, religion, age, trades union membership) in recruitment of Temporary Workers
- 2.8 Carry out regular reviews with the Employment Agency to establish that the management of Temporary Workers on site is carried out effectively and professionally and that bullying and

intimidation do not occur and ensure that all Client Company management and staff demonstrate the associated required behaviours

- 2.9 Provide the Employment Agency with all pay and benefit elements that are due to Temporary Workers under the Agency Workers Regulations
- 2.10 Provide reasonable flexibility to support Temporary Workers to seek external permanent opportunities (e.g. attend job interviews), if requested
- 2.11 Seek to provide and advertise actively and openly routes from temporary work into permanent employment and provide equal access to permanent job opportunities
- 2.12 Fulfil commercial obligations to contracted Employment Agencies in a timely way to support payments to be made to Temporary Workers

Provide a safe working environment for Temporary Workers

- 2.13 Prior to a Temporary Worker commencing work, agree arrangements with the Employment Agency for:
 - Managing the day-to-day health and safety of the Temporary Worker, having suitably recorded, assessed and controlled risks to workers
 - Providing appropriate, paid health and safety training via the agency
 - Providing adequate Personal Protective Equipment (PPE) to workers without charge
 - First aid and the recording and reporting of reportable incidents
- 2.14 Provide a safe working environment for temporary workers, ensuring that the agreed health & safety arrangements are fulfilled and that the required equipment and training is provided (directly or via contracted Employment Agency)

Contribute to effective operation of the Code

- 2.15 Collaborate fully with the Corby EA Forum's monitoring of the Code and keep records to support monitoring

3. Temporary Workers

Provide accurate and up-to-date information

- 3.1 Provide the Employment Agency with appropriate contact details and keep these up-to-date
- 3.2 Notify the Employment Agency of any changes in circumstances that may affect their employment (e.g. loss of driving license, if required for a work assignment)
- 3.3 Describe skills possessed and prior experience accurately to Employment Agencies and to their Client Companies
- 3.4 To keep accurate records of work completed, as required by the Employment Agency's procedures

Fulfil agreements made with Employment Agencies

- 3.5 Attend work locations punctually when a work assignment has been agreed with an Employment Agency
- 3.6 Fulfil the work requirements that have been agreed with the Employment Agency
- 3.7 Provide details of work attendance, if applicable, on a timely basis and as agreed with the Employment Agency
- 3.8 Comply with holiday-booking procedures and give appropriate notice of an intention to take a holiday
- 3.9 Abide by procedures agreed with the Employment Agency concerning absence from work
- 3.10 Notify the Employment Agency, in line with agreed procedures, if leaving the work assignment before its scheduled completion

Adhere to requirements for safe, productive working

- 3.11 Participate in required health & safety training
- 3.12 Follow instructions for safe working at the Client Company's site, including the use of any required Personal Protective Equipment (PPE)
- 3.13 Carry out tasks at the Client Company in line with instructions, guidance and training given
- 3.14 Do not put themselves and others at risk by working an excessive number of hours at one or more workplaces (e.g. via working for multiple Employment Agencies)

Commitment to the Code of Practice

This is to be signed by an appropriate representative for businesses who agree to uphold the Code and abide by its provisions.

Name of Company/Organisation	
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Address of Company/Organisation in Corby	
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Name & Job Title of Representative of Company/Organisation	
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I undertake, on behalf of, to ensure that this business fulfils the responsibilities of an Employment Agency/Client Company, as set out in the Corby Employment Agencies Forum's Code of Practice for Employment Agencies, Client Companies & Temporary Workers.

I will promote the adoption of the Code both within my business and in my dealings with Employment Agencies/Client Companies/Temporary Workers.

I will co-operate fully with the work of the Forum and abide by any decisions made by its Board concerning my business.

Signature of Representative of Company/Organisation	
Date of Signature	