



## **Notice on Temporary Agency Work Directive**

The EU Directive on Temporary Agency Work Directive - 2008/104/EC - comes into effect in Ireland on 5 December, 2011. Legislation to transpose the Directive is being finalised and a Bill will be published shortly to give legislative effect to the Directive.

Hirers and Employment Agencies should make appropriate arrangements to ensure that equal treatment is put in place from 5 December, 2011 for all temporary agency workers, including those assigned on or after that date.

From 5 December 2011, temporary agency workers employed by employment agencies and assigned to work with a hirer, are entitled to equal treatment in basic working and employment conditions in the same way as if directly recruited by the hirer to the same job. This means equal treatment in respect of working time, rest periods, rest breaks, night work, annual leave, public holidays and pay.

Pay will be defined in the Bill to be published as basic pay, shift premium, piece rates, overtime premium, unsocial hours premium and Sunday premium where a Sunday is worked and a premium is normally paid to a directly recruited employee. Other pay components will not be included e.g. occupational pension schemes, financial participation schemes, sick pay schemes, benefit in kind and bonuses.

Temporary agency workers will also be entitled, from 5 December 2011, to rights of access to collective facilities and amenities of the hirer such as canteens, crèches etc. in the same way as directly recruited employees.

As employers of temporary agency workers, employment agencies are primarily responsible for setting the agency worker's terms and conditions but will be reliant on the provision of accurate information by hirer undertakings. This calls for the development of proper channels of communication and information exchange between employment agencies and hirers to assist in reducing the potential for any claims arising on the basis of unequal treatment.

Information is available from the National Employment Rights Authority at [www.employmentrights.ie](http://www.employmentrights.ie) and by phone on 1890 80 80 90.