

EU Agency Workers Directive 2008/104/EC

A directive to extend full time working rights to temporary and agency workers

Total cost to the UK with full implementation – £3.7bn preparatory costs with annual costs of £1.9bn [[UK Government Regulatory Impact Assessment p.111](#)]

Summary talking points:

Financial

The directive imposes an administration cost of £65m to British businesses. ([BERR Impact Assessment](#))

Social

The CBI claim 250,000 jobs are at stake with the passage of the directive into law ([Reported in Personnel Today](#), 17 September 2007)

Cultural

Key terms in the directive like pay and 'equal treatment' are not defined in the directive. ([Human Resources Magazine](#), 31 July 2009)

Briefing Notes

What is it?

The Directive aims to give temporary and agency workers the same basic working rights and conditions as those on permanent contracts of employment. So once the 12-week qualifying period has been served, temps will be entitled to receive the same treatment as permanent staff on:

- Pay
- Holiday and sick pay
- Benefits such as use of (or discounts for) gym or sports facilities, staff canteen
- Travel allowances, season ticket loans and taxi fares home
- Flexitime, lunch and coffee breaks
- Medical and dental insurance and care
- Child care, crèches, paid time off

The regulations will not apply to limited company contractors¹.

The implementation of the directive was been postponed until 2011.

Third Party Opinions

“Kevin Green, chief executive of the Recruitment and Employment Confederation said... ‘The feedback from recruiters confirms that the EU directive could add over 20% cost to the provision of agency workers through added bureaucracy and complexity. Recruiters are also concerned about the huge practical issues linked to establishing equal treatment in the UK.’” ([Human Resources Magazine](#), 31 July 2009)

“Eight of out ten of the people affected by this law will be in the UK. It is a backwards step to the 1970s, and will mean fewer jobs, just at the point when we need them most.” (Mats Persson, [Open Europe](#), 10 June 2008)

¹ Contractor UK <http://www.contractoruk.com/news/004605.html>