

AZEBRA CONDUCT REGULATION

The Conduct of Employment Agencies and Employment Business Regulations 2003, more commonly referred to as the Conduct Regulations, provide a framework of minimum standards that ensures recruitment companies treat their candidates and clients fairly.

The Act aims to protect the best interests of the candidate, as well as the interests of the hirer. Additionally, the regulations provide added protection for jobseekers and companies using the services of recruiters and stipulate how recruitment businesses should operate.

To meet these regulations, each contractor will need to provide the following information:

- Proof of identification - the agency is required to ask them to provide proof of identification.
- Evidence of any training or qualifications - that are relevant for a specific position that they are contracted to fulfil.
- Referees - they should ask for two references or two referees that they can contact in accordance with Recruitment Employment Confederation (REC) guidelines. This information may then be passed on to a future possible employer, once the candidate has given permission.

The Regulations provide protection during an assignment. In particular, the Regulations seek to ensure that:

- All employment businesses are required to provide work-seekers (and any person to be supplied by the work-seeker to do the work) with a key information document before entering into a contract with the work-seeker. This includes PAYE agency workers, workers who provide their services through a PSC and workers who are employed by an umbrella company. The key information document must contain specified information such as the rate of pay for the assignment, holiday entitlement and the type of contract which the worker will be engaged under.
- Employment businesses and employment agencies are prohibited from charging work-seekers for finding them work (there is an exception for employment agencies providing certain work-finding services in the modelling and entertainment industry).
- Employment businesses are prohibited from withholding or threatening to withhold payment due to a worker on the grounds that:
 - The employment business has not yet received payment from the client;

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- The worker has not produced a signed timesheet (although payment can be delayed briefly whilst the employment business investigates how many hours have been worked); or
- The worker has failed to work for a stated minimum number of hours. So, for example, if a worker had agreed to a week-long assignment but left after 3 days, they would still be entitled to payment for those 3 days.
- Employment businesses and employment agencies must not subject a worker to a detriment (or threaten to subject them to a detriment) on the grounds that:
- The worker has terminated or given notice to terminate their contract with the agency or employment business; or
- In the case of an employment business, the worker has taken up or proposes to take up employment with any other person (including the client/hirer). Note that agencies and employment businesses are also prohibited from requiring work-seekers to disclose the identity of any future employer. This means that workers are not required to tell their employment business if they are offered a contract of employment with the client directly.

WHY OPT OUT?

Opting out gives greater flexibility. You do not need to ensure that the agency has sufficient information under the Regulations about your skills to place you in the first place which can be a cumbersome and time consuming process.

Note – contractors who work with vulnerable people cannot opt out. The regulations confirm that a vulnerable person is any person, who by reason of age, infirmity, illness, disability or any other circumstances is in need of care or attention, and includes any person under 18 years of age.

AZEBRA OPT-OUT POLICY

As standard, in line with standard agency policy, our contract of employment will automatically opt out contractors from the regulations. If you wish to opt-in to the regulations, we can arrange that immediately and inform your agency to make amendments to contracts.

The regulations provide that the individual can withdraw their notice to opt-out on giving one week's notice to the agency or employment business but, if you do so during an assignment, the withdrawal will only take effect when the current assignment ends.

If, you, the worker, is or would be involved in working with or attending any person who is under the age of 18, or who, by reason of age, infirmity or any other circumstance, is in need of care and attention are not able to opt-out. This means that you will automatically be opted into the regulation.

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