

Your employment rights from the start

When you start working for an agency you have rights straight away. For example:

- protection against discrimination
- National Minimum Wage entitlement
- a minimum of 5.6 weeks' holiday entitlement
- work hours and rest breaks
- sick leave
- finding out about vacancies at the hiring organisation

Protection from discrimination

You have the same protections from discrimination as other workers and employees.

You must not be discriminated against because of a 'protected characteristic'. The agency, hiring organisation and their staff could all be held liable.

[Find out more about discrimination and the law](#)

Pay rights

As an agency worker, you have the same rights as other employees and workers to:

- be paid at least the National Minimum Wage or National Living Wage
- not have any unlawful deductions from your pay
- be paid on time and by the agreed method
- receive payslips

Your pay may vary from assignment to assignment, so it's a good idea to make sure:

- you agree to your pay rate before an assignment begins
- you're not going to get less than the rate agreed in your terms and conditions or contract

Agencies usually provide timesheets. If they do not, it's their responsibility to pay you for your hours worked. It's still a good idea to keep your own record of your working hours.

If you're not receiving at least [National Minimum Wage or National Living Wage](#), you should try to resolve the issue with your agency first. If it cannot be resolved informally, you can either:

- [report to HMRC on GOV.UK](#)
- make a claim to an [employment tribunal](#)

Delays in pay

An agency is only allowed to delay a payment for a reasonable amount of time when they need to confirm hours you worked.

If the agency has problems getting payment from the hiring organisation, they must still pay you on time.

Holiday rights

You have the same right as other workers and employees to a minimum of 5.6 weeks' paid holiday each 'leave year' when you're on an assignment.

The leave year is how an employer works out how much holiday a year you're entitled to and when you should take it by. When you're an agency worker, the leave year usually runs from the date you started your assignment.

You 'accrue' (build up) holiday entitlement from the first day of your assignment.

You also have the right to get paid for any holiday you've not taken if you leave the agency.

Asking for holiday

Your agency might need an amount of notice when you ask to take holiday, so it's a good idea to check. Even if they do not, you should give them notice that's at least twice the amount of holiday you want.

For example, if you want to take 1 week of holiday, you should ask your agency at least 2 weeks before you want your holiday to start.

This is so there's enough time for them to arrange cover for your work, if necessary.

Agencies can refuse a holiday request but they must allow you to take it at another date. You must take your statutory holiday entitlement in each leave year.

[Find out more about asking for and taking holiday](#)

Irregular hours workers and part-year workers

There are different rules about holiday for irregular hours workers and part-year workers. The rules apply to leave years starting on or after 1 April 2024.

Someone is an irregular hours worker if, under their contract in that year, the number of hours they work in each 'pay period' is wholly or mostly variable. A pay period is how often someone gets paid, for example, weekly or monthly.

Someone is a part-year worker if their contract:

- says they are required to work only part of that year
- says there are periods of at least a week when they are not required to work and which they are not paid for
- is in place all year around, including when they're not working

[Find out more about holiday for irregular hours workers and part-year workers](#)

Work hours and rest breaks

You have the same rights as other workers and employees to:

- work no more than an average of 48 hours a week
- choose to work more by 'opting out' of the 48-hour week

- a minimum 20-minute rest break if you work more than 6 hours
- 11 hours' solid rest in any 24-hour period
- 1 day off work each week

[Find out more about rules on working hours and rest breaks](#)

Sick leave and pay

You have the same right as other workers and employees to:

- not work when you're too ill
- get statutory sick pay, if you're eligible for it

[Check your eligibility for statutory sick pay on GOV.UK](#)

Your agency and hiring organisation might have set out in a written agreement or policy how and when you need to contact them if you cannot work. If not, you should tell them the reason as soon as possible and how long you're likely to be off sick for.

Agency workers are not entitled to the same amount of sick pay as direct employees of the hiring organisation at any point.

Permanent work

The hiring organisation must allow you to find out about job vacancies in the same way as their direct employees.

If the hiring organisation wants to employ you as a permanent employee, by law your agency must not stop this.

The agency might be able to charge a fee to the hiring organisation in some cases, but it must not charge you.

Detriment related to health and safety

An employer must not cause you 'detriment' because you:

- reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- inform your employer about your health and safety issue in an appropriate way

Detriment means you experience one or both of the following:

- being treated worse than before
- having your situation made worse

Examples of detriment could be:

- you experience [bullying](#)
- you experience [harassment](#)
- your employer turns down your training requests without good reason
- you are overlooked for promotions or development opportunities
- your employer reduces your hours without good reason

If you are an employee, you could have a case for [automatically unfair dismissal](#) if you're dismissed in these circumstances.

Using shared facilities

From the first day of an assignment, you have the same right as direct employees of the hiring organisation to use any shared facilities and services. This includes:

- the canteen or food and drinks machines
- childcare services, for example a creche
- car parking or transport services

Ending assignments and dismissal

You and the hiring organisation do not have to give any notice to end an assignment early. This is unless it's clearly written in your contract or assignment information.

You should tell your agency if you want to end the assignment.

If you want to leave the agency, check the contract or written agreement. Usually you need to tell them in writing.

An agency can usually 'dismiss' you without notice or reason unless:

- your contract says otherwise
- you're an employee of the agency and have been employed for at least 1 month

Going through a disciplinary procedure

Agencies should have rules and procedures for dealing with disciplinary issues.

The agency is likely to stop finding you work if they get reports of misconduct or poor performance.

If you're an employee, the agency should follow a disciplinary procedure to investigate the alleged misconduct or poor performance.

[Find out more about disciplinary procedures](#)

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