

L.N. 272 of 2018

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

Temporary Agency Workers (Amendment) Regulations, 2018

IN EXERCISE of the powers conferred by article 48 of the Employment and Industrial Relations Act, the Minister for European Affairs and Equality has made the following regulations:

1. The title of these regulations is the Temporary Agency Workers (Amendment) Regulations, 2018 and they shall be read and construed as one with the Temporary Agency Workers Regulations, 2010, hereinafter referred to as "the principal regulations".
Title.
S.L. 452.106
2. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:
Amends
regulation 2 of
the principal
regulations.
 - (a) in the definition "assignment", the words "under its supervision and direction" shall substituted by the words "at the place of work of such undertaking";
 - (b) in the definition "temporary agency worker", the words "under its supervision and direction" substituted by the word "at the place of work of such undertaking";
 - (c) in the definition "temporary work agency", the words "under their supervision and direction" shall be deleted;
 - (d) in the definition "user undertaking", the words "and under the supervision and direction of whom" shall be deleted.
3. In paragraph (a) of sub-regulation (1) of regulation 3 of the principal regulations, the words "under their supervision and direction" shall be substituted by the word "at the place of work of such undertaking".
Amends
regulation 3 of
the principal
regulations.
4. In regulation 4 of the principal regulations:
Amends
regulation 4 of
the principal
regulations.
 - (a) in sub-regulation (1) thereof, the words "Without prejudice to the provisions of regulation 5, the" shall substituted by the word "The";
 - (b) in sub-regulation (3) thereof, between the words "by his employer," and "that is,", there shall be inserted the words

"by virtue of the Act, any order or regulation issued thereunder or by virtue of an applicable collective agreement,".

Substitutes
regulation 5 of
the principal
regulations.

5. Regulation 5 of the principal regulations shall be substituted by the following -

"5. (1) Insofar as it relates to pay, regulation 4 shall not have effect for the first four weeks of an assignment, whatever its duration.

(2) Notwithstanding what is stated in sub-regulation (1), whenever a temporary agency worker is replaced during the aforementioned four weeks, and during any time after those four weeks, the temporary agency employee assigned as a replacement will have equal treatment regarding pay from the first day of the assignment:

Provided that if the replacement takes place within a six month period, such period shall be deemed to be a continuous assignment."
