

---

STATUTORY INSTRUMENTS

---

**2010 No. 93**

**The Agency Workers Regulations 2010**

**PART 1**

**General and Interpretation**

**Interpretation**

**2.** In these Regulations—

“the 1996 Act” means the Employment Rights Act 1996(1);

“assignment” means a period of time during which an agency worker is supplied by one or more temporary work agencies to a hirer to work temporarily for and under the supervision and direction of the hirer;

“contract of employment” means a contract of service or of apprenticeship, whether express or implied, and (if it is express) whether oral or in writing;

“employee” means an individual who has entered into or works under or, where the employment has ceased, worked under a contract of employment;

“employer”, in relation to an employee or worker, means the person by whom the employee or worker is (or where the employment has ceased, was) employed;

“employment”—

(a) in relation to an employee, means employment under a contract of employment, and

(b) in relation to a worker, means employment under that worker’s contract,

and “employed” shall be construed accordingly;

“hirer” means a person engaged in economic activity, public or private, whether or not operating for profit, to whom individuals are supplied, to work temporarily for and under the supervision and direction of that person; and

“worker” means an individual who is not an agency worker but who has entered into or works under (or where the employment has ceased, worked under)—

(a) a contract of employment, or

(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual,

and any reference to a worker’s contract shall be construed accordingly.