

Acas Predictable Working Pattern requests ‘inappropriate’ for professional contractors

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The Association of Professional Staffing Companies (APSCo) and its members have cautioned that the draft Acas Code of Practice on handling requests for a predictable working pattern includes ‘inappropriate’ and unnecessary actions from the Employment Rights Act 1996.

In its response to the consultation on the Code, the trade association has warned that the recommendations could create more red tape and administration for highly skilled contractors that will reduce productivity and hinder contractor recruitment.

As Tania Bowers, Global Public Policy Director at APSCo, explained, concessions need to be made for the highly skilled segment of the workforce, without impacting the necessary requirements for those in more transactional roles who would benefit from the recommendations:

“The proposals don’t account for the complex make-up of the temporary workforce supply chain. While there is a segment of the workforce that is more heavily involved in transactional jobs and may be in longer-term work with one hirer that will benefit from these proposals, the Act itself isn’t suitable for all. Agency work, by its nature, is atypical, and may be unpredictable. There are sectors where agency work may be used as a means of outsourcing the legal risks of hiring low-paid workers on unpredictable hours. However, in professional sectors, contracting is often highly paid, and it is normal for assignments to have regular, predictable hours. It makes no sense, then, for a recruiter to be responsible for providing predictable hours for these workers.

“In addition, many professional temporary workers are employed by umbrella companies for the purpose of supply, due to an “Inside IR35” tax determination. It is unclear who is the agency for the purpose of the Code. They are generally highly paid, skilled professionals able to make their own decisions about how they work, who are enrolled in employment due to tax law only.

“Given that a contract of less than 12 months in duration is considered unpredictable, then most contracting assignments, however senior and highly paid will be in scope of this Act, creating red tape and administrative burden for our members and hirers. While we do understand the reasoning for allowing an agency worker to request more predictable hours with a hirer, the plans outlined are not suitable for all.

“We have called for greater clarity on numerous elements of the Code and Act to address these issues, including clearness around the definitions of various worker classifications. Without this, the Code will be tough to apply.”

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About APSCo

The Association of Professional Staffing Companies (APSCo) is the trade association for the professional recruitment market. APSCo Global comprises APSCo Asia, APSCo Australia, APSCo Deutschland and APSCo United Kingdom as well as APSCo OutSource, the trade body for the RPO and MSP sectors.

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