



EAA Regulations

Under the EAA regulations, **Orion Electrotech** is required to ask you to provide proof of identification with a copy of a relevant form of identification. We may also ask for copies of any training information or qualifications that are mandatory for specific clients or positions.

In addition to providing you with factual and detailed information about a vacancy and a client, Orion Electrotech undertakes to pass onto you any Health & Safety documentation provided to us by the client.

Please note that if you are intending to work on a temporary or contract basis, under the REC guidelines, we are required to ask you for two references or two referees that we can contact on your behalf. This information may then be passed on to a future possible employer, once you have given your permission. If you are a Limited Company contractor, the EAA regulations allow for you to 'opt-out'. Whilst the regulations have been conceived to ensure greater legislative protection for candidates, there may be issues which conflict with the spirit of the IR35 rules. The ability for you to opt-out, gives you the choice to remain contracting in the same way as prior to the EAA regulations. If you wish to do this, you will need to opt out before your contract starts and you should do this by providing us with a completed form. However, it should be noted that you will still need to send us details confirming proof of Identification and your eligibility to work in the UK.

Summary of Work-Seekers Rights

Some of the rights applying to candidates contained within the Conduct of Employment Agencies and Employment Businesses Regulations 2003 are:

1. It is unlawful for any agency to charge candidates a fee for providing work finding services but it is possible for a recruiter to charge a fee if the candidate is a self-employed work-seeker providing services through a limited company.
2. An agency must confirm on what basis they are to offer work finding services and the terms, which apply between themselves and the candidate.
3. If you carry out work on an assignment as a temporary worker, you are entitled to be paid for the hours you worked by the employment business, even if you cannot get your timesheet signed. The employment business is however permitted to delay payment to check whether you have worked the hours claimed.
4. Before you commence an assignment through the agency you must be given information about the proposed position including:
 - The identity of the hirer
 - A start date
 - The likely duration of the work
 - The type of work
 - The experience, training and qualifications required for the role
 - The location
 - The anticipated Hours
 - Any risks to health and safety and steps the hirer has taken to prevent or control such risks
 - The rate of remuneration to be paid
 - Any business expenses that apply



Opting Out for Limited Companies

If you are trading as a Limited Company and decide to "opt out" of the EAA regulations, this could benefit your personal circumstances in the following ways:

1. IR35 - It is often the case that contractors do "opt out" of the regulations - a major factor relates to the possible enhancement of the contract falling outside of the IR35 legislation.
2. IR35 Insurance - Limited Company contractors who have not opted out of the EAA regulations should check with their insurance companies, who are providing IR35 cover, that it still applies. It is possible that some insurers may refuse to provide cover, believing that the Inland Revenue may view the EAA regulations as imposing a degree of control over contractors, which suggests an employer-employee relationship.
3. Potential Costs - those using Umbrella Companies should check that they will not be charged by the Umbrella Company if they have not opted out. Orion Electrotech has no control over Umbrella Companies imposing such a charge on you, should they so wish.

For more information about Limited company contractors opting out of the regulations, [please contact us](#).