1. **Non-Solicitation**

1.1 Once a 'Temporary Worker’ has been cross hired, no further approaches (other than for customer care purposes) will be made by the providing company towards the temporary worker for an alternative assignment or employment, whilst they are on an active assignment with The Hirer – such timescales to be agreed in advance.

1.2 The Hirer shall not solicit or entice away any Temporary worker / employee from within the providing company. Should the Hirer breach this provision and the employee gives notice to leave the providing companies employment, a fee of 50% of the relevant employee’s Salary will be invoiced to the Hirer and become payable to The Group within (30) days from notification. The Hirer agrees this is a fair and reasonable representation of the loss that would be incurred by said breach and there are reasonable commercial grounds for providing company to apply this fee. This provision shall not apply where the relevant employee initiates the contact, by responding to an advert made in the public domain.

1.3 Where an employee of The Group applies for a position(s) advertised by the Agency, this will not amount to solicitation or enticing away if evidence is provided of a genuine response to the advertised vacancy. This will take the form of a copy of the advert and application e-mail time and date stamped / correspondence from the Group employee to the Agency expressing an interest in obtaining new employment.

1. **IR35**

2.1 All Blue-Collar workers supplied by The Loaning company (agency) are deemed to fall inside IR35 regulations.

2.2 The Loaning company (agency) will not supply any temporary worker who claims they are outside of IR35.

From April 2021 (delayed from last April) there is major change to IR35 and how HMRC requires us to manage Contingent Workers.

The key change is that responsibility for determining a Contingent / Agency Worker’s status as “inside” or “outside” IR35, moves from the Contingent Worker themselves to the hirer. For clarity IR35 applies only to workers engaged as a Personal Service Company (“PSC”) either directly with the hirer, through an agency or an umbrella company. It does not apply to those CWs already engaged as PAYE/NI. Contingent / Agency Workers assessed as being “inside” IR35 must be subject to PAYE/NI. From April the Hirer will be required to take “reasonable care” in determining the IR35 status of all our CWs. The main risk is treating a Worker as “outside”, when they should be “inside” (and therefore subject to PAYE/NI). This is a significant risk to the Hirer because they may be liable to pay HMRC un-deducted Tax/NI together with penalties.

It will therefore be necessary for the Loaning company (agency) to formally confirm they are paying the Workers Tax, NI, and covering all associated PAYE functions.