
DRAFT STATUTORY INSTRUMENTS

2003 No.

EMPLOYMENT AGENCIES, ETC.

The Conduct of Employment Agencies and
Employment Businesses Regulations 2003

<i>Made</i>	- - - -	2003
<i>Coming into force</i>		
<i>except</i>		
<i>regulations 26(7) and</i>		
<i>32</i>		<i>6th April 2004</i>
<i>regulations 26(7) and</i>		
<i>32</i>		<i>6th July 2004</i>

THE CONDUCT OF EMPLOYMENT AGENCIES AND
EMPLOYMENT BUSINESSES REGULATIONS 2003

PART I

GENERAL AND INTERPRETATION

1. Citation and commencement
2. Interpretation
3. The meaning of "connected"
4. Transitional and Saving Provisions and Revocation

PART II

GENERAL OBLIGATIONS

5. Restriction on requiring work-seekers to use additional services
6. Restriction on detrimental action relating to work-seekers working elsewhere
7. Restriction on providing work-seekers in industrial disputes
8. Restriction on paying work-seekers' remuneration
9. Restriction on agencies and employment businesses purporting to act on a different basis
10. Restriction on charges to hirers
11. Entering into a contract on behalf of a client

12. Prohibition on employment businesses withholding payment to work-seekers on certain grounds

PART III

REQUIREMENTS TO BE SATISFIED BEFORE SERVICES ARE PROVIDED

13. Notification of charges and the terms of offers
14. Requirement to obtain agreement to terms with work-seekers
15. Content of terms with work-seekers: Employment businesses
16. Content of terms with work-seekers: Agencies
17. Requirement to obtain agreement to terms with hirers

PART IV

REQUIREMENTS TO BE SATISFIED IN RELATION TO THE INTRODUCTION OR SUPPLY OF A WORK-SEEKER TO A HIRER

18. Information to be obtained from a hirer
19. Confirmation to be obtained about a work-seeker
20. Steps to be taken for the protection of the work-seeker and the hirer
21. Provision of information to work-seekers and hirers
22. Additional requirements where professional qualifications are required or where work-seekers are to work with vulnerable persons

PART V

SPECIAL SITUATIONS

23. Situations where more than one agency or employment business is involved
24. Situations where work-seekers are provided with travel or required to live away from home

PART VI

CLIENT ACCOUNTS AND CHARGES TO WORK-SEEKERS

25. Client accounts
26. Circumstances in which fees may be charged to work-seekers

PART VII

MISCELLANEOUS

27. Advertisements
28. Confidentiality
29. Records
30. Civil liability
31. Effect of prohibited or unenforceable terms and recoverability of monies
32. Application of the Regulations to work-seekers which are incorporated
33. Electronic and other communications
Signature

SCHEDULE 1 — TRANSITIONAL AND SAVING PROVISIONS

1. Interpretation
2. Application to existing contracts

3. Savings in respect of existing contracts
4. Ongoing supplies and first occasion of supply
5. Restriction on paying work-seekers' remuneration and client accounts
6. Miscellaneous Savings

SCHEDULE 2 — CLIENT ACCOUNTS

1. Interpretation
2. Maintenance of client accounts
3. An agency may pay into a client account—
4. An agency which holds or receives money which includes client's...
5. An agency shall not pay into a client account any...
6. An agency may withdraw from a client account—
7. (1) No money drawn from a client account under paragraph...
8. No sum shall be transferred from the ledger account of...
9. Accounts and records
10. Inspection and report
11. Accounting period
12. Preservation of client account records
13. Interest

SCHEDULE 3 — OCCUPATIONS IN RESPECT OF WHICH EMPLOYMENT AGENCIES MAY CHARGE FEES TO WORK-SEEKERS

SCHEDULE 4 — PARTICULARS TO BE INCLUDED IN AN AGENCY'S OR EMPLOYMENT BUSINESS'S RECORDS RELATING TO WORK-SEEKERS

1. Date application received.
2. Work-seeker's name, address and, if under 22, date of birth....
3. Any terms which apply or will apply between the agency...
4. Details of the work-seeker's training, experience, qualifications, and any authorisation...
5. Details of any requirements specified by the work-seeker in relation...
6. Names of hirers to whom the work-seeker is introduced or...
7. Details of any resulting engagement and date from which it...
8. Copy of any contract between the work-seeker and any hirer...
9. Date application withdrawn or contract terminated (where applicable).
10. In the case of an agency that is permitted to...
11. Details of enquiries made under regulations 19, 20 and 22...

SCHEDULE 5 — PARTICULARS TO BE INCLUDED IN AN AGENCY'S OR EMPLOYMENT BUSINESS'S RECORDS RELATING TO HIRERS

1. Date application received.
2. Hirer's name and address, and location of employment if different....
3. Details of the position(s) the hirer seeks to fill.
4. Duration or likely duration of work.
5. Experience, training, ability, qualifications, and authorisation required by the hirer,...
6. The terms offered in respect of the position(s) the hirer...
7. Copy of the terms between the agency or employment business...
8. Names of work-seekers introduced or supplied.
9. Details of enquiries under regulations 18 and 20 about the...
10. Details of each resulting engagement and date from which it...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Conduct of Employment Agencies and Employment Businesses Regulations 2003 No. 3319*

11. Dates of requests by the agency or employment business for...

SCHEDULE 6 — PARTICULARS TO BE INCLUDED IN AN AGENCY'S OR
EMPLOYMENT BUSINESS'S RECORDS RELATING TO
OTHER AGENCIES OR EMPLOYMENT BUSINESSES

1. Names of any other agencies or employment businesses whose services...
2. Date and copy of any agreement under regulation 23(1)(b).

Explanatory Note