

# EMPLOYMENT AGENCIES ACT 1973

(AND LATER REGULATIONS)

This is only intended to provide a general overview and very basic guide. We hope it helps but if more detailed assistance is required then please contact ASL or your legal advisors.

## 1. Purpose

Regulation as to standards of conduct and uniformity of approach of UK private employment agencies (EA) (for perms) and employment businesses (EB) (for temps), both generally referred to as “agencies”. Rights of client employers, (hirers) who pay agency fees, no greater than rights of work seekers, who, under the Act, are not permitted to be charged by agencies for finding them work (except theatrical and modelling agencies).

Department of Business, Innovation & Skills (BIS) has powers of inspection and powers to close down agencies for non-compliance.

## 2. Conduct of Employment Agencies and Employment Businesses Regulations 2003 (<http://www.opsi.gov.uk/si/si2003/20033319.htm>)

- Act and regulations (for work in UK) provide *inter alia* for –
- Agencies to make enquiries to ascertain sufficient information about vacancies (including qualifications etc. required and health and safety) and work seekers (including identity and entitlement to work) for matching purposes. Information must be held in confidence and only passed on to prospective hirers or work seekers, not to others not involved in recruitment process without written permission (except within 3 months of placement, if suspect worker unsuitable).
- Additional specific requirements where professional qualifications required or where work seekers are to work with vulnerable persons or where work seekers required to live away from home or provided with free travel to place of work or provided with loan to meet travel expenses.
- Unlawful to provide temps as direct or indirect replacements for workers on official industrial action.
- Before providing work-finding services agencies to agree terms with work seekers to include whether will operate as EA or EB, and provide terms of engagement for temporary workers, and sufficient specific information about vacancies and health and safety information.
- Unlawful to make work finding services conditional on fee charging service or hiring or purchasing of goods.
- Terms of business to be supplied to hirers.

- Agencies advertising hirer vacancies must state whether the work is temp or perm.
- Unlawful to charge hirer a temp to perm fee without offering extension of hire period as alternative; and unlawful to charge hirer any such fee outside quarantine period which is longer of 8 weeks after assignment finishes or 14 weeks after assignment starts.
- Unlawful to subject temps to detriment for either terminating (or threatening to terminate) contract or taking up employment with another.
- Unlawful to withhold (or threaten to withhold) pay to workers on grounds non-payment by hirer or failure to produce signed time sheet or worker not having worked during any period other than that to which payment relates or any matter within control of EB.
- Unlawful to pay or make arrangements to pay EA work seekers introduced to hirers.
- Records (including copies of advertisements) to be kept for prescribed periods.