

Employment Agencies – Agreement with work seekers

Guidance notes: The following guidance is for recruitment agencies who introduce candidates for direct employment by their clients. Under Regulation 14 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003, agencies acting as permanent recruiters are required to obtain agreement of terms with work seekers before providing them work finding services. However, except for agencies within the entertainment industry, the only 'terms' that need to be agreed with such work seekers under Regulation 14 by employment agencies (i) whether you are acting as an employment agency or an employment business, in other words, whether you are to look for temporary or permanent opportunities for the worker (this will be obvious if the work-seeker has registered with you for permanent vacancies) and (ii) the type of work you are going to seek to find for the work seeker (which will often be dealt with on a registration form, or through initial discussion or correspondence). Whether you deal with these two issues over the phone, email, written correspondence or through the means of a registration form or brochure is a matter for members to decide; however you must confirm these issues to the work seeker and retain a copy of the agreement/ confirmation within your candidate records.

We set out below standard wording you may send a work seeker to confirm agreement to provide work finding services.

“Following our recent telephone conversation/meeting/correspondence [delete as appropriate] we write to confirm how we are to provide you recruitment services.

1. [Insert company name] are to provide you permanent recruitment services that is to say we will act as an agency as defined under The Employment Agencies Act 1973.
2. You authorise [insert company name] to seek work on your behalf.
3. In our recent telephone conversation/meeting/correspondence you informed us that you wish us to seek employment within the field of/ as a _____ [insert details of the type of work you are to seek for the work seeker].

Thank you for selecting [insert company name] and should you have any queries, or require any further information on the services we provide please contact _____ on _____.”

Certain agencies operating within the entertainment and sporting industry are permitted to charge a work seeker a fee in certain circumstances. For such agencies, the terms of agreement with a work seeker covered by regulation 14 must also include additional terms in line with Regulation 16 such as:

- The work finding services to be provided;
- The agency’s authority and terms to act for the work seeker on their behalf;
- Whether the agency is authorised to receive money on behalf of the work seeker;
- Details of any fee to be charged to the work seeker; and
- Length of any notice of termination the work seeker is required to give, or receive