
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. 2003/3319) (“the 2003 Regulations”) and come into force on 1st October 2010. These Regulations make further provision for the proper conduct of employment agencies (“agencies”) and employment businesses; they increase the protection for work-seekers, reduce certain regulatory burdens on agencies and also make minor amendments to the 2003 Regulations.

Regulation 3 amends regulation 2 of the 2003 Regulations to provide a definition of “vulnerable person”.

Regulation 4 amends regulation 5 of the 2003 Regulations to add a cooling off period during which an agency or employment business cannot charge to a work-seeker seeking employment as an actor, background artist, dancer, extra, musician, singer or other performer, or as a photographic or fashion model, a fee for that part of an additional service which consists of the production of a photographic image or audio or video recording of the work-seeker. The work-seeker will also have a right to cancel or withdraw from the contract during this period.

Regulation 5 amends regulation 13 of the 2003 Regulations to add a reference to the time period for exercising the right to withdraw or cancel introduced in regulation 5.

Regulation 6 amends regulation 14 of the 2003 Regulations to provide the requirements which employment businesses must satisfy before they supply any work-finding services to a work-seeker, including obtaining the work-seeker’s agreement to basic terms governing the relationship between them.

Regulation 7 amends regulation 16 of the 2003 Regulations to provide that where an agency provides services to which regulation 26(5) of the 2003 Regulations applies, it must agree additional terms with the work-seeker.

Regulation 8 amends regulation 17 of the 2003 Regulations to remove any reference to agencies’ agreement to terms with hirers; the regulation is to apply only to employment businesses. Regulation 17 is also amended to allow for terms to be recorded in more than one document.

Regulation 9 amends regulation 19 of the 2003 Regulations to modify the suitability checks that agencies carry out on work-seekers.

Regulation 10 amends regulation 22 of the 2003 Regulations to release agencies from carrying out additional checks on the suitability of work-seekers, unless the agency is supplying a work-seeker to work with, care for or attend a vulnerable person.

Regulation 11 amends regulation 26(5) of the 2003 Regulations to prohibit the charging of upfront fees to work-seekers seeking employment as a photographic or fashion model. It also places additional requirements on agencies, which charge an upfront fee to work-seekers, and provides that information included in a publication includes photographic images and audio and video recordings.

Regulation 12 amends regulation 27(1) of the 2003 Regulations to provide that advertisements for jobs must state whether a position is permanent or temporary rather than whether the services they are offering are those of an agency or an employment business.

Regulation 13 makes minor amendments to regulation 32 of the 2003 Regulations.

Regulation 14 amends Schedule 3 to the 2003 Regulations to add references to background artists, extras and walk-ons to the list of occupations in respect of which agencies may charge fees to work-seekers.

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 (Amendment) Regulations 2010 No. 1782*

An Impact Assessment in respect of these Regulations is available and a copy can be obtained from the Department for Business, Innovation and Skills, Employment Relations Directorate, 1 Victoria Street, London SW1H 0ET or on www.bis.gov.uk. Copies have also been placed in the libraries of both Houses of Parliament.