

EMPLOYMENT AGENCY STANDARDS INSPECTORATE

Summary Guidance on the Employment Agencies Legislation

Employment Agencies Act 1973

Extract of Requirements to be Satisfied in Relation to the Introduction or Supply of a Work-Seeker to a Hirer

Information to be obtained from a hirer – regulation 18

To be able to select a suitable work-seeker, an agency must obtain information from the hirer.

The details required include:

- hirer's identity and nature of the business carried out;
- date of commencement and duration of the work;
- position, type of work, location, hours of work, and any risks to health or safety the hirer is aware of and the steps taken to prevent them;
- experience, training, qualifications and any authorisation the hirer believes are necessary, or which are required by law, or by any professional body;
- any expenses payable to the work-seeker, and where an agency is providing the services, the minimum pay rate and other benefits offered, when payments will be made, and, if appropriate, the length of notice which the work-seeker would be entitled to receive or required to give.

Confirmation to be obtained about a work-seeker – regulation 19

Before introducing or supplying a work-seeker to a hirer, an agency must confirm:

- The work-seekers identity
- That she/he has the necessary experience, training, qualifications and any authorisation required by the hirer, law or any professional body to carry out the work
- The work-seeker is willing to work in the position to be filled

Steps to be taken for the protection of the work-seeker and the hirer – regulation 20

Before introducing or supplying a work-seeker to a hirer, the agency must have taken all reasonable steps to ensure that both the work-seeker and hirer are aware of any requirements, by law or a professional body, which must be satisfied by the hirer or work-seeker for the work-seeker to carry out the work.

In addition to any requirement under health and safety legislation, the agency must make all reasonable enquiries to ensure that the interests of the work-seeker or hirer would not be harmed if the work-seeker were to carry out the work.

Where an agency has introduced a work-seeker to a hirer, and receives information, within 3 months from the date of that worker's introduction, indicating that the work-seeker is or may be unsuitable for the position in which he/she is employed, it must inform the hirer without delay.

"Without delay" means on the same day, or where that is not reasonably practicable, on the next business day.

Provision of information to work-seekers and hirers – regulation 21

When an agency submits a work-seeker to a hirer, it must provide (orally or otherwise) the hirer with all information about that work-seeker it was required to obtain by regulation 19 (see above). The agency/employment business must also give (orally or otherwise) to the work-seeker, at that time, information about the hirer it was required to obtain by regulation 18 .

If the agency had not provided any of that information in paper form or by electronic means at the time the work-seeker was proposed to the hirer, the agency must do so before the end of the third business day following the day on which the information was given to the hirer or work-seeker.