

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
**FEE-CHARGING EMPLOYMENT AGENCIES  
CONVENTION (REVISED), 1949 (No. 96)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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**PRACTICAL GUIDANCE FOR DRAWING UP REPORTS**

*First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

*Subsequent reports*

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

(c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

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## Article 22 of the Constitution of the ILO

Report for the period . . . . . to . . . . .  
made by the Government of . . . . .

on the

### FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION (REVISED), 1949 (No. 96)

ratification registered on . . . . .

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention please supply the information asked for or indicate the action taken by your Government to settle the points in question.

#### PART I. GENERAL PROVISIONS

##### Article 1

1. For the purpose of this Convention the expression "fee-charging employment agency" means—
- (a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;
  - (b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation, which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.
2. This Convention does not apply to the placing of seamen.

##### Article 2

1. Each Member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any Member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II; as from the date of the registration of such

notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the Member in question and the provisions of Part II shall apply to it.

*(For States having accepted this Part of the Convention)*

PART II. PROGRESSIVE ABOLITION OF FEE-CHARGING EMPLOYMENT AGENCIES  
CONDUCTED WITH A VIEW TO PROFIT AND REGULATION OF OTHER AGENCIES

Article 3

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1 shall be abolished within a limited period of time determined by the competent authority.

2. Such agencies shall not be abolished until a public employment service is established.

3. The competent authority may prescribe different periods for the abolition of agencies catering for different classes of persons.

*Please state the length of the period or periods prescribed for the abolition of fee-charging employment agencies conducted with a view to profit.*

Article 4

1. During the period preceding abolition, fee-charging employment agencies conducted with a view to profit—

(a) shall be subject to the supervision of the competent authority; and

(b) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority.

2. Such supervision shall be directed more particularly towards the elimination of all abuses connected with the operations of fee-charging employment agencies conducted with a view to profit.

3. For this purpose, the competent authority shall consult, by appropriate methods, the employers' and workers' organisations concerned.

*Please supply information as to the measures adopted for the supervision of the activities of the above-mentioned agencies and the methods which have been used for consultation with the employers' and workers' organisations concerned for the purpose of this Article.*

Article 5

1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organisations of employers and workers concerned.

2. Every fee-charging employment agency for which an exception is allowed under this Article—

(a) shall be subject to the supervision of the competent authority;

(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;

(c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;

(d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

*If use has been made of the exceptions permitted under this Article, please supply information concerning the number of agencies for which such exceptions were allowed and the scope of their activities, the reasons for the exceptions and the arrangements for supervision by the competent authority of the activities of the agencies concerned. (See Article 9.)*

*Please give information regarding the methods which were adopted for consulting the organisations of employers and workers concerned for the purpose of this Article.*

*Please state what conditions have been determined by the laws and regulations for the placing and recruiting of workers abroad in conformity with paragraph 2 (d).*

#### Article 6

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1—

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;
- (b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority, with strict regard to the expenses incurred; and
- (c) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

*Please state what measures have been adopted for the supervision of the activities of the above-mentioned agencies.*

*Please state what conditions have been determined by the laws and regulations for the placing and recruiting of workers abroad in conformity with subparagraph (c).*

#### Article 7

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

*Please state what measures have been adopted in order to ensure that the services rendered by the above-mentioned agencies are in actual fact gratuitous.*

#### Article 8

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this part of the Convention or of any laws or regulations giving effect to them.

#### Article 9

There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 5, including more particularly information concerning the number of agencies for which such exceptions are allowed and the scope of their activities, the reasons for the exceptions and the arrangements for supervision by the competent authority of the activities of the agencies concerned.

*(For States having accepted this Part of the Convention)*

### PART III. REGULATION OF FEE-CHARGING EMPLOYMENT AGENCIES

#### Article 10

Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1—

- (a) shall be subject to the supervision of the competent authority;
- (b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
- (c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority;
- (d) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

*Please state what measures have been adopted for the supervision of the activities of the above-mentioned agencies. (See Article 14.)*

*Please state what conditions have been determined for the recruiting or placing of workers abroad, in conformity with subparagraph (d).*

#### Article 11

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1—

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;

- (b) shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority with strict regard to the expenses incurred; and  
(c) shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

*Please state what measures have been adopted for the supervision of the activities of the above-mentioned agencies. (See Article 14.)*

*Please state what conditions have been determined for the placing and recruiting of workers abroad, in conformity with subparagraph (c).*

#### Article 12

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

*Please state what measures have been adopted in order to ensure that the services rendered by the above-mentioned agencies are in actual fact gratuitous.*

#### Article 13

Appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations giving effect to them.

#### Article 14

There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation all necessary information concerning the arrangements for supervision by the competent authority of the activities of fee-charging employment agencies including more particularly agencies conducted with a view to profit.

### PART IV. MISCELLANEOUS PROVISIONS

#### Article 15

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

*If this is the first annual report of your Government on the application of the Convention, please indicate any areas which have, in virtue of the authorisation given in paragraph 1 of this Article, been excluded, in whole or in part, from the application of the Convention, together with the reason or reasons for their exclusion.*

*If this is a report subsequent to the first annual report, please indicate any areas in respect of which the right to have recourse to the provisions of this Article may have been renounced.*

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from official reports, information regarding the number and nature of the contraventions reported, and any other particulars bearing on the practical application of the Convention.

**VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.<sup>1</sup> If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of observations received, together with any comments that you consider useful.**

<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."