

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**FEE-CHARGING EMPLOYMENT AGENCIES
CONVENTION, 1933 (No. 34)**

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."

GENEVA

1980

REPORT

for the period to , made by the Government of
. , in accordance with article 22 of the
Constitution of the International Labour Organisation, on the measures taken to give
effect to the provisions of the

FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

ratification of which was 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 its exact scope 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.

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. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.

2. During the period preceding abolition—

- (a) there shall not be established any new fee-charging employment agency conducted with a view to profit;
- (b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

Article 3

1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.

2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.

3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.

4. 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 during a period which shall not exceed ten years;
- (c) shall only charge fees and expenses on a scale approved by the competent authority; and
- (d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.

If exceptions have been allowed in virtue of Article 3 please supply information regarding the methods which were adopted for consulting the organisations of employers and workers for the purpose of the Article.

Please give information regarding the categories of workers for which fee-charging employment agencies are allowed and state what are the special conditions which justify the maintenance of such agencies in each case (cf. Article 7).

Please state whether any agreements have been concluded with other countries for the recruiting or placing of workers abroad in accordance with paragraph 4 (d) of Article 3, forwarding the text of any such agreements.

Article 4

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 fixed by the competent 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 if their operations are conducted under an agreement between the countries concerned.

Please state whether any agreements have been concluded with other countries for the recruitment or placing of workers abroad in accordance with paragraph (c) of this Article, forwarding the text of any such agreements.

Article 5

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

Article 6

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

Article 7

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 3.

Please supply the information required by Article 7 in so far as it has not been given under Article 3.

- 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 and information on any practical difficulties in the 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.¹ 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 the observations received, together with any comments that you consider useful.

¹Article 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."