

Labour Relations (Employment Agencies) Regulations, 1985

S.Is 370/1985, 19/1999, 132/2002, 156/2004, 55/2007, 186/2007.

IT is hereby notified that the Minister of Labour, Manpower Planning and Social Welfare has, in terms of section 135 of the Labour Relations Act, 1985, made the following regulations:—

1. Title

These regulations may be cited as the Labour Relations (Employment Agencies) Regulations, 1985.

2. Application

These regulations shall apply in relation to—

- (a) persons who conduct private employment agencies; and (b) work-seekers.

3. Interpretation

In these regulations—

“agent” means a person who operates or conducts an employment agency;

“manager” means an individual who manages an employment agency on behalf of an agent;

[Definition inserted by s.i 19 of 1999.]

“work-seeker” means a person, whether employed or unemployed, who seeks the assistance of an employment agency to procure employment.

4. Application for and considerations relating to registration

(1) An application for the registration of an employment agency in terms of section 115 of the Act shall be made in form E.A. 1.

(2) A separate application shall be made in respect of each employment agency kept or conducted by one agent.

(3) In considering an application to register an employment agency the Registrar shall satisfy himself that—

- (a) the agent, or manager, has a minimum: qualification of a diploma in personnel management or a related field issued by an institution that is registered in Zimbabwe in terms of any law in force providing for the registration of technical vocational or other educational institutions;
- (b) that the premises of the employment, agency in respect of which the application is made have the following—
- (i) a reception area; and
 - (ii) a waiting room with sufficient seating for a minimum of ten people; and
 - (iii) a private interviewing room; and
 - (iv) separate toilet facilities for male and female work-seekers; and
 - (v) such facilities for persons with disabilities as the Registrar may consider necessary.

(4) When the Registrar registers an employment agency, he shall issue to the agent a certificate of registration in form E.A. 2, and the certificate shall be renewed annually.

5. Fees payable

The fee—

- (a) in respect of the application for and inspection of an employment agency shall be three million five hundred thousand dollars, which will not be refunded in the event that the application is rejected;
- (b) for registration of each employment agency shall be two million five hundred thousand dollars;
- (c) for the renewal of registration of each employment agency shall be two million five hundred thousand dollars;
- (d) for the late renewal of registration of each employment agency, that is, renewal after a period of fourteen days when the previous certificate of registration of the agent expired, shall be one hundred thousand dollars per day.

[Section substituted by s.i. 186 of 2007]

6. Amendment of registration certificate and return thereof in certain circumstances

(1) Whenever an agent wishes to—

- (a) move an employment agency to new premises; or
- (b) change the manager of an employment agency; or
- (c) seek any other amendment to the certificate of registration; written application shall be made to the Registrar requesting the amendment of the certificate of registration.

(2) On the expiry of the certificate of registration, the certificate shall be returned to the Registrar for renewal or cancellation.

(3) An agent who intends to cease business as such or to transfer the ownership of the employment agency shall give written notice of at least one month to the Registrar before doing so.

[Subsection substituted by s.i. 132 of 2003.]

(4) In the event of a change of ownership or proposed change of ownership of an employment agency the certificate of registration of the agency shall be returned to the Registrar for cancellation and the new owner shall apply for registration in terms of section 4.

[Subsection inserted by s.i. 132 of 2002.]

[Section substituted by s.i. 19 of 1999.]

7. Records to be maintained

Every agent shall maintain the following records—

- (a) in the case of a vacancy notified by an employer—
- (i) the name, address and business of the employer;
 - (ii) the type of employment offered;
 - (iii) the qualifications and experience required of the person to fill the vacancy by the employer; (iv) the remuneration offered;
 - (v) the date on which the vacancy was filled and the date on which employment commenced;
 - (vi) the fee charged to the employer by the employment agency;
- (b) in the case of a work-seeker—
- (i) the applicant's name, sex and address;
 - (ii) the applicant's qualifications and experience;
 - (iii) the name of the applicant's last employer;
 - (iv) remuneration and terms of employment desired;
 - (v) date of registration as a work-seeker;
 - (vi) type of employment found;
 - (vii) date of engagement by employer and name of employer; (viii) the placement fee charged to the work-seeker.

(2) A work-seeker shall submit a written application for registration at an employment agency on a form provided by the agent.

(3) The form provided in terms of subsection (2) shall include a certificate, to be signed by the work-seeker, indicating that he is aware of the conditions under which he is registering, including the placement fee to be paid.

(4) Subject to subsection (5), the records maintained in terms of subsection (1) and the applications submitted in terms of subsection (2) shall be treated as confidential, and the information contained therein shall not be used for any other purpose.

(5) The records maintained in terms of subsection (1) shall be made available to an investigating employment officer on the production of a letter of authority from the Registrar of employment agencies.

(6) Every agent registered under the Act shall retain the originals of all applications received from workseekers for a period of three years subsequent to the receipt thereof.

8. Fees to be charged by an employment agency

(1) The fees to be charged by an employment agency shall be—

- (a) in the case of a work-seeker, for placing him in employment, a maximum of five *per centum* of the remuneration earned by the work-seeker during his first month in employment or part thereof;
- (b) in the case of an employer for whom the services of an employee have been secured, a maximum of twenty *per centum* of the annual rate of remuneration to be paid to the employee;
- (c) in the case of any client, for the insertion of an advertisement in any publication, the actual cost of inserting the advertisement plus a maximum service charge of ten *per centum* of the cost:

Provided that, where an advertisement is inserted on behalf of a work-seeker, the provisions of this paragraph shall not apply, unless, before the insertion of the advertisement, the provisions of this paragraph have been explained to the work-seeker and he has given his written agreement to pay the charge concerned;

(2) Nothing contained in subsection (1) shall be construed as permitting any person to charge a fee or to receive any fee or any other payment or reward for the registration of a work-seeker with an employment agency.

9. Exhibition of copy of these regulations

(1) Every person keeping or conducting an employment agency shall exhibit a copy of these regulations in that agency in a place where the regulations will be clearly visible to, and can be studied by, any person seeking the services of the agency.

(2) A copy of the certificate of registration of the agent shall be displayed in a manner clearly visible to any person seeking the services of the agency.

[Subsection inserted by s.i. 132 of 2002.]

10. Monthly statistical returns

An employment agency shall submit monthly statistical returns to the Registrar in form E.A. 3.

11. General

An agent shall not refer a work-seeker to an employer unless he has made all such enquiries as are reasonably practicable for the purpose of ascertaining that—

- (a) the work-seeker and the prospective employer are aware of any conditions imposed by the Act which must be satisfied by the work-seeker or the prospective employer before the work-seeker commences the employment in question; and
- (b) the employment of the work-seeker by the prospective employer would not contravene any other duty or conditions imposed by the Act; and
- (c) the work-seeker and the prospective employer are aware of any conditions and charges for services rendered by the employment agency; and
- (d) the work-seeker has such qualifications as persons in such employment are reasonably expected to have.

12. Offences

An agent who or employment agency which—

- (a) operates without a valid certificate of registration issued in terms of section 4; or
- (b) operates without a qualified agent or manager in contravention of paragraph (a) of subsection (3) of section 4; or
- (c) fails to return an expired certificate of registration to the Registrar as required by subsection (2) or (4) of section 6 or to notify the Registrar of any cessation of business or change of ownership of the agency as required by subsection (3) of that section; or
- (d) fails to maintain records in the manner required by section 7; or
- (e) charges excessive fees or charges fees for registering a work-seeker in contravention of section 8; or
- (f) fails to submit monthly statistical returns as required by section 10; shall be guilty of an offence.

[Section inserted by s.i. 132 of 2002.]

FORMS

E.A. 1

LABOUR RELATIONS ACT, 1985
APPLICATION FOR THE REGISTRATION OF AN
EMPLOYMENT AGENCY

Place
Date

To: The Registrar of Employment Agencies,
Private Bag 7707,
Causeway.
Harare.

I, hereby apply for the registration of an employment agency in terms of section 131 of the Labour Relations Act, 1985, and submit the following particulars in regard thereto:

1. Full name of applicant
2. Residential address of applicant (where applicable)
3. Postal address of applicant
4. Telephone number of applicant
5. Full name of manager of the employment agency (if different from (1)
6. Address of premises where the business of employment agency will be conducted
7. Description of premises (number of rooms, waiting-room, et cetera)
8. Class or classes of employment for which the employment agency proposes to cater
9. Name by which the employment agency will be known
10. Date on which business will commence

I/We hereby declare that the information contained above is true and correct.

I enclose herewith the prescribed fee of \$

.....
Signature of applicant(s) *Date*

E.A. 2.

LABOUR RELATIONS ACT, 1985
EMPLOYMENT AGENCIES REGULATIONS, 1985
CERTIFICATE OF REGISTRATION OF AN
EMPLOYMENT AGENCY

This is to certify that
has/have, in terms of section 131 of the Labour Relations Act, 1985, been granted permission to keep or conduct an employment agency at the premises situated at

known as
for a period of twelve months, commencing on the day of, 19.....

Area in respect of which business may be conducted

Class or classes of persons or employment covered

Conditions subject to which business may be conducted

.....
Registrar *Date*

Note.

At the expiry of the period for which this certificate is issued, it must be returned to the Registrar for renewal or cancellation.

