STATUTORY RULES OF NORTHERN IRELAND

2008 No. 76

EMPLOYMENT

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2008

Laid before the Assembly in draft

Made - - - - 28th February 2008

Coming into operation 6th April 2008

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 6(1), 7(1) and 10(1) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981(**2**) and now vested in it(**3**), and having consulted such bodies as appear to it to be representative of the interests concerned, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 6th April 2008.

Amendment of the Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005

2. The Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005(**4**) are amended as follows.

3. In regulation 5 (restriction on requiring work-seekers to use additional services)—

(1) for the heading, substitute "Restriction on use of additional services".

(2) the existing provision becomes subsection (1), and after that subsection insert—

"(2) Where the work-seeker uses services for which the Order does not prohibit the charging of a fee, an agency or employment business providing or making provision for

(**1**) Formerly the Department of Higher and Further Education, Training and Employment, *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**2**) S.I. 1981/839 (N.I. 20); Articles 6(1) and 7(1) were amended by Article 30 and Schedule 7 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9))

(**3**) *See* Article 3 of the Departments (No. 2) (Northern Ireland) Order 1982 (S.I. 1982/846 (N.I. 11)) and Article 4(b) and Part II of Schedule 2 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)

(**4**) S.R. 2005 No. 395

such services shall ensure that the work-seeker is able to cancel or withdraw from those services at any time without incurring any detriment or penalty, subject to the work-seeker giving to the provider of those services in paper form or by electronic means notice of 5 business days or, for services relating to the provision of living accommodation, notice of 10 business days.".

4. In regulation 13 (notification of charges and the terms of offers) at paragraph (1)(b)(iii) after "relates" insert "and a statement of the work-seeker's right to cancel or withdraw from the service and the notice period required".

5. In regulation 21 (provision of information to work-seekers and hirers)—

(1) in paragraph (1) substitute "paragraph (3)" with "paragraphs (3), (4) and (5)".

(2) after paragraph (3) insert—

"(4) Subject to paragraphs (3) and (5), where an employment business intends to introduce or supply a work-seeker to a hirer for an assignment of 5 consecutive business days' duration or less—

(a) paragraph (1)(a)(i) may be satisfied by the employment business giving to the hirer (whether orally or otherwise) the name of the work-seeker to be supplied and a written confirmation by the employment business that it has complied with regulation 19; and

(b) paragraph (1)(b) may be satisfied, where the employment business has previously provided the work-seeker with the information referred to under that paragraph and that information remains unchanged, by the employment business giving to the work-seeker in paper form or by electronic means the information referred to in regulation 18(a) to (b).

(5) Where, after it has started, an assignment to which paragraph (4) applies is extended beyond a duration of 5 business days, the information referred to in paragraph (1) which has not already been provided shall be provided in paper form or by electronic means by the end of the eighth business day of the assignment, or by the end of the assignment if sooner.".

6. In regulation 26 (circumstances in which fees may be charged to work-seekers)—

(1) at the end of paragraph (5)(c) substitute the full stop with "; and".

(2) after paragraph (5)(c) insert—

"(d) where an agency proposes to include information about a work-seeker in a publication for 7 days from the date of the agency and work-seeker entering into any contract, whether written or oral and whether or not expressly mentioning fees permitted under this paragraph—

(i) no fee permitted under this paragraph shall be payable by the work-seeker;

(ii) the work-seeker shall be entitled without detriment or penalty to cancel or withdraw from any such contract with immediate effect by informing the agency of such cancellation or withdrawal; and

(iii) the agency shall not include the information in the publication.".

7. In regulation 28(1) substitute "Neither" with "Subject to regulation 20 neither".

8. In regulation 32 (application of the regulations to work-seekers which are incorporated)—

(1) for paragraph (2), substitute the following:

"(2) In regulation 5 after "upon the work-seeker" insert—

", or the person who is or would be supplied by the work-seeker to carry out the work".".