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Further information and guidance
Glossary

Sometimes the language used when talking about agency work can be confusing. Here are some brief definitions to help you out:

**Act** – the Employment Agencies Act 1973

**Agency** – a generic term for a business that finds temporary, permanent or contract work for work-seekers

**Booking confirmation** – a document provided by the agency when an assignment is offered to you. It may be by text, messaging system or email but will detail the particulars of the work being offered

**Employment agency** – a business that finds permanent roles where the work-seeker is employed by the hirer either short or long term

**Employment business** – a business that finds and supplies temporary work-seekers roles with hirers

**Hirer** – the agency’s client that the work-seeker is introduced or supplied to and carries out work for

**Introduction** – when a work-seeker is introduced to a hirer before any work commences. This could be by way of an interview or submission of a work-seekers CV to a potential hirer
**Regulations** – the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (last amended in 2019)

**Supply** – when a work-seeker begins working for the hirer

**Terms** – terms of engagement that must be agreed with a work-seeker before any work-finding services commence. This document is often referred to as a contract or terms and conditions

**Umbrella company** – a payroll company, which might charge or deduct a fee from a work-seeker’s payment that has been passed to them by an employment business to process the workers’ wages earned through the agency. In some cases, the work-seeker will become an employee of the umbrella company. Some umbrella companies may provide additional services

**Work-seeker** – a person who is looking for or being found work through an agency – this includes self-employed persons and limited company workers
This document is intended as a brief guide to your interactions with hirers and work-seekers and should not be taken as an authoritative statement on the law. It is intended to provide an overview of the Conduct Regulations and your obligations. It is not intended to be relied upon in any specific context or to be a substitute for seeking advice on your specific circumstances.

What is EAS?

Laws to protect agency workers are enforced by the Employment Agency Standards Inspectorate (EAS), which sits in the Department for Business, Energy and Industrial Strategy (BEIS). EAS is the regulator of employment agencies and employment businesses in Great Britain. Northern Ireland has its own legislation.

Our responsibilities

We are responsible for:

- working with employment agencies and businesses to help them comply with the law
- investigating complaints received from agency workers
- carrying out targeted operations in occupation or geographical sectors based on risk profiling
- taking enforcement action through the powers at our disposal, including warning letters, Labour Market Enforcement Undertakings and/or Orders, prosecution or prohibition, identifying agency workers at risk of exploitation, and working alongside our partner organisations
- supporting the role of the Director of Labour Market Enforcement who sets the strategic direction for labour market enforcement bodies
What laws are agencies governed by?

There are specific laws relating to work-seekers and hirers when they use the services of an agency. Agencies must operate in accordance with the Employment Agencies Act 1973 (the Act) and the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (as amended) (the Conduct Regulations).

Who the Act applies to?

The Act applies to both employment agencies and employment businesses regardless of whether they are run to make a profit or by non-profit making bodies.

What is an agency?

Agencies are businesses that offer work opportunities with their clients. There are two kinds: employment agencies and employment businesses. These are both commonly known as agencies by the general public. Employment agencies find ‘permanent’ placements (where workers are employed by the hirer either short or long term), and employment businesses (employing and supplying temporary and contract workers to hirers) engage workers who are then supplied to the hirer.

Employment agencies

Under the Act, an employment agency is defined as a business that provides services (whether by the provision of information or otherwise) for the purpose of finding workers employment with employers, or supplying employers with workers who will be employed by them.
The Act applies to a wide range of agencies, from recruitment agencies to specialist agencies such as entertainment and model agents, online platforms and executive search consultants.

**Employment businesses**

An employment business is defined as a business that supplies people who are in its employment [(which here includes professional engagements and contracts for services as well as contracts of employment)] to act for, and be under the control of, other people, in any capacity. This covers the hiring out of workers on a temporary basis and is frequently called ‘temping’. The Act does not apply to sub-contracting – i.e. independent contractors undertaking specific tasks using their own staff acting and remaining under their direction and control.

**Fees**

Employment agencies and businesses are prohibited from charging fees to workers for finding or trying to find them jobs. Exceptions to this are for finding jobs for performers and certain other workers in the entertainment field, and photographic or fashion models. For further information please refer to section 6 of the Act and Regulation 26.

The Act does not regulate the fees charged to hirers by employment agencies and businesses or the rates paid by the employment businesses to workers employed by them. However, should an employment business intend to charge transfer fees to hirers they must adhere to the requirements set out in Regulation 10 (see page 13).
An overview of the Conduct Regulations

General obligations

Regulation 1 – Citation and commencement

Regulation 2 – Interpretation

Regulation 3 – The meaning of ‘connected’

Regulation 4 – Transitional and saving provisions and revocation

Regulation 5 – Restriction on requiring work-seekers to use additional services

Regulation 6 – Restriction on detrimental action relating to work-seekers working elsewhere

Regulation 7 – Restriction on providing work-seekers in industrial disputes

Regulation 8 – Restriction on paying work-seekers’ remuneration

Regulation 10 – Restriction on charges to hirers

Regulation 12 – Prohibition on employment businesses withholding payment to work-seekers on certain grounds
Requirements to be satisfied before work-finding services are provided

Regulation 13 – Notification of charges and the terms of offers

From April 2020 all new agency workers must be given a key information document by the employment business before agreeing terms with them. This document will consist of a number of largely pay-related facts, including whether they are paid through an umbrella company and the deductions that will apply, so they can make an informed choice about their engagement before agreeing contractual terms.

You can find guidance here:


Regulation 14 – Requirement to obtain agreement to terms with work-seekers: Employment businesses

Regulation 15 – Content of terms with work-seekers: Employment businesses

Regulation 16 – Requirement to obtain agreement to terms with work-seekers and content of terms with work-seekers: Agencies finding work for work-seekers in specified occupations (schedule 3) in the entertainment and model sectors
Requirements to be satisfied in relation to the introduction of supply of a work-seeker to a hirer

Regulation 18 – Information to be obtained from a hirer

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

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

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

Regulation 22 – Additional requirements where professional qualifications or authorisation are required or where work-seekers are to work with vulnerable persons
SPECIAL SITUATIONS

Regulation 23 – Situations where more than one agency or employment business is involved

Regulation 24 – Situations where work-seekers are provided with travel or required to live away from home

CLIENT ACCOUNTS AND CHARGES TO WORK-SEEKERS

Agencies finding work for work-seekers in specified occupations (schedule 3) in the entertainment and model sectors

Regulation 25 – Client accounts

Regulation 26 – Circumstances in which fees may be charged to work-seekers

MISCELLANEOUS

Regulation 27 – Advertisements

Regulation 28 – Confidentiality

Regulation 29 – Records

Regulation 30 – Civil liability

Regulation 31 – Effect of prohibited or unenforceable terms and recoverability of monies

Regulation 32 – Application of the Regulations to work-seekers which are incorporated

Regulation 33 – Electronic and other communications

Regulation 34 – Review
An overview of the Conduct Regulations and consequences of non-compliance

The Conduct Regulations were made by the Secretary of State under Section 5 of the Act and are designed to set standards of conduct for those operating in the recruitment sector. The Conduct Regulations set the standards to be met.

Any person who contravenes the Act and/or the Conduct Regulations is guilty of an offence and liable to a fine on conviction.

Where an offence has been committed, EAS may consider a Labour Market Enforcement Undertaking (for a period of up to two years). If an Undertaking cannot be agreed or, once in place, is not complied with, EAS can apply for a Labour Market Enforcement Order (for a period of up to two years) through the courts. If a person fails to comply with the Order, they could be fined or imprisoned for up to two years.

The Secretary of State can also consider applying for a prohibition order against a person from carrying on or being concerned with the carrying on of an employment agency or employment business for up to a maximum of 10 years on the grounds of misconduct or unsuitability.

Regulation 10 – Restriction on charges to hirers

The amount of fees charged by employment agencies and employment businesses to their clients (hirers) for services is not regulated by the Act or Conduct Regulations and is deemed to be a business-to-business arrangement.
Should you choose to charge a fee, you can only do so within specific time frames, as set out below.

Fees should be set out explicitly within your terms with hirers. Employment businesses can charge a transfer fee to a hirer when one of its temporary work-seekers is taken on permanently, or through another employment business by the hiring company (or a third party that the hirer introduces them to).

If you operate as an employment business and wish to charge a transfer fee, you must also provide the hirer with the option of a period of extended hire, and it is down the hirer to choose which option they want. An extended period of hire is a period time during which you would continue to supply the work-seeker. After the conclusion of this period, the hirer would take on the work-seeker free of charge.

Transfer fees may only be charged within specific time periods, as set out in the legislation, which is 14 weeks from the day after the temporary worker starts an assignment, or within 8 weeks following the last day on which the temporary worker worked for the hirer.

Failure to offer an extended period of hire as an alternative to a transfer fee within your terms would render the requirement for the hirer to pay a fee unenforceable.

If you introduce a work-seeker to your client but they are never engaged or supplied through your employment business, you can seek to charge a fee should they later be engaged directly with the hirer, subject to your terms of business with that hirer.
Regulation 5 – Restriction on agencies and employment businesses requiring work-seekers to use additional services; and Regulation 13 – Notification of charges and the terms of offers

Under Section 6(1) of the Act, employment agencies and employment businesses are prohibited from charging work-seekers a fee for finding them work. However, you can offer other non-work finding services and a fee can be charged.

Regulation 5 states that you may not make your work-finding services conditional upon the work-seeker using other goods or services provided by you or someone else.

Regulation 13 requires both employment agencies and employment businesses to notify work-seekers of the particulars of goods or services for which they may be charged a fee before providing or arranging the provision of any goods or services for the first time by you or by someone else. Work-seekers can withdraw from such goods and services without being subject to a detriment.

This would include a situation where work-seekers are introduced to umbrella companies. You should be mindful that work-seekers cannot be forced to work through or be paid by umbrella companies, however if this is the only route that you use to pay work-seekers you must inform them of this before engaging with them and they can choose whether or not to engage with you.
The table below provides a breakdown of the information that must be provided to work-seekers. It is important to note that the obligation to provide this information is only when the work-seeker will be charged a fee for that service.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The amount or method of calculation of the fee</strong></td>
<td>Explain exactly how much the work-seeker will be charged for the services or goods you are arranging or providing. Where an exact fee is not known, you should detail the calculation of the fee.</td>
</tr>
<tr>
<td><strong>The identity of the person to whom the fee is payable or will be payable</strong></td>
<td>Who the work-seeker will pay the fee to. This may be your business or a third party.</td>
</tr>
<tr>
<td><strong>A description of the services or goods to which the fee relates</strong></td>
<td>Details regarding the services or goods that the work-seeker is paying for. You should provide as much information as possible.</td>
</tr>
<tr>
<td><strong>A statement of the work-seeker’s right to cancel or withdraw from the service</strong></td>
<td>Explain whether the work-seeker has the right to cancel or withdraw from the service (provided by you) for which they are paying a fee.</td>
</tr>
<tr>
<td>Requirement</td>
<td>What this means</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
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</tr>
<tr>
<td>The notice period to cancel or withdraw</td>
<td>Detail how much notice you expect the work-seeker to give you when cancelling or withdrawing from the service you are providing. You should note that in accordance with Regulation 5 – Restriction on requiring work-seekers to use additional services you cannot request that the work-seeker gives the provider of services any more notice than five business days or, for services relating to the provision of living accommodation, notice of 10 business days.</td>
</tr>
<tr>
<td>Refunds or rebates payable to the work-seeker</td>
<td>Details regarding the scale of any refunds or rebates, and if no refunds or rebates are payable, a statement to that effect.</td>
</tr>
</tbody>
</table>
**Regulation 14 – Requirement to obtain agreement to terms with work-seekers; and Regulation 15 – Content of terms with work-seekers: Employment businesses**

These Regulations relate only to employment businesses and set a requirement to agree terms of engagement with work-seekers. This may be referred to as contract, terms, or terms and conditions.

These must be agreed before any work-finding services commence. There is no obligation for terms to be signed by the work-seeker, but you must be able to evidence that they have been agreed.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td>A statement that the employment business will operate as an employment business in relation to the work-seeker</td>
<td>Explain that you are operating as an employment business. This informs the work-seeker that you are seeking temporary work on their behalf.</td>
</tr>
<tr>
<td>The type of work the employment business will find or seek to find for the work-seeker</td>
<td>Explain the type of work that will be sought on behalf of the work-seeker.</td>
</tr>
<tr>
<td>How the work-seeker will be engaged</td>
<td>Provide a statement to advise whether the work-seeker will be employed by the employment business under a contract of service or apprenticeship, or a contract for services.</td>
</tr>
<tr>
<td>Requirement</td>
<td>What this means</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>An undertaking that the employment business will pay the work-seeker in respect of work done by him, whether or not it is paid by the hirer in respect of that work</td>
<td>Include an undertaking to pay the work-seeker for all hours worked even if you do not receive payment from the hirer.</td>
</tr>
<tr>
<td>The notice period</td>
<td>Explain how much notice the work-seeker must give and will receive to terminate their assignment with each hirer.</td>
</tr>
<tr>
<td>The rate of remuneration</td>
<td>Detail either the actual rate of pay payable to the work-seeker or the minimum rate of pay that you expect to be able to achieve for each assignment that you send the work-seeker to.</td>
</tr>
<tr>
<td>The intervals of pay</td>
<td>Detail the intervals at which wages will be made to the work-seeker.</td>
</tr>
<tr>
<td>Holiday entitlement</td>
<td>Advise the work-seeker of any entitlement to annual leave and holiday pay.</td>
</tr>
</tbody>
</table>
Regulation 18 – Information to be obtained from a hirer

Regulation 18 provides that employment agencies and employment businesses must not introduce or supply a work-seeker to a hirer unless it has sufficient information from the hirer to select a suitable work-seeker for the position the hirer seeks to fill.

This means that before introduction (sending a work-seeker for an interview or submission of a CV) or supply (supplying a work-seeker to undertake work) you need to obtain a minimum amount of information about the job and conditions under which the work-seeker will be expected to work. The table on the opposite page provides an overview of the information that must be obtained.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity of the hirer</td>
<td>The name of your client.</td>
</tr>
<tr>
<td>Nature of the hirer's business</td>
<td>A brief description of your client’s business.</td>
</tr>
<tr>
<td>Start date</td>
<td>The date on which the work will commence.</td>
</tr>
<tr>
<td>Duration of assignment</td>
<td>This is the length of time the assignment is expected to last or an end date. If there is no fixed end date, you could agree that the work will be ongoing.</td>
</tr>
<tr>
<td>The position to be filled</td>
<td>Job title.</td>
</tr>
<tr>
<td>Requirement</td>
<td>What this means</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The type of work that the worker is expected to undertake</td>
<td>An overview of the duties that the worker will be expected to undertake during the assignment.</td>
</tr>
<tr>
<td>Location</td>
<td>This is the location where the work-seeker will normally be expected to undertake the assignment.</td>
</tr>
<tr>
<td>Days and hours of work</td>
<td>Detail the days and hours that the worker will be expected to work.</td>
</tr>
</tbody>
</table>
| Any known health and safety risks               | You are required to obtain information from the hirer regarding any known health and safety risks.  
Where there are known risks, you must confirm what steps are being taken by the hirer to control or mitigate these risks.  
This would include obtaining information from the hirer regarding any personal protective equipment (PPE) that the work-seeker would be required to wear. |
<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any experience, training, qualifications, and authorisations deemed necessary by the hirer or required by law or any professional body</td>
<td>Detail any experience, training, qualifications or any authorisations that are required by the hirer, a professional body or the law, for a work-seeker to possess in order to work in the position they wish to fill.</td>
</tr>
<tr>
<td>Expenses payable by or to the worker</td>
<td>Note any expenses payable to or by the worker.</td>
</tr>
<tr>
<td><strong>In the case of an employment agency there are further obligations to adhere to:</strong></td>
<td></td>
</tr>
<tr>
<td>The minimum rate of renumeration and other benefits payable to the worker</td>
<td>Detail the minimum amount of pay that the hirer will be prepared to pay to the worker along with any benefits.</td>
</tr>
<tr>
<td>The intervals of pay</td>
<td>Detail the frequency that the worker will receive pay.</td>
</tr>
<tr>
<td>The notice period the worker is entitled to receive and give to terminate employment with the hirer</td>
<td>How much notice the worker has to give and is entitled to receive to bring their employment to an end.</td>
</tr>
</tbody>
</table>
Regulation 19 – Confirmation to be obtained about a work-seeker

Regulation 19 states that an employment business must not introduce or supply a work-seeker to a hirer unless it has obtained confirmation of the following:

(a) The identity of the work-seeker

(b) That the work-seeker has the experience, training, qualifications and any authorisations required by the hirer, a professional body or the law to work in the position that the hirer seeks to fill. This requirement can be properly discharged when registering a work-seeker. During the registration process you can request to see evidence of training completed, qualifications, and authorisations such as certificates and registrations with professional bodies.

It is important to note that where the work-seeker will be required to work with vulnerable persons, (a) and (b) will also apply to an employment agency.

Furthermore, both employment agencies and employment businesses are required to obtain confirmation from the work-seeker that they are willing to work in the position being offered.

Remember: you are required to evidence this confirmation. Verbal confirmation alone is not sufficient. You should also be mindful that you may be subject to obligations under legislation such as Right to Work as governed by the Home Office.
Regulation 20 – Steps to be taken for the protection of the work-seeker and the hirer; and Regulation 22 – Additional requirements where professional qualifications or authorisation are required or where work-seekers are to work with vulnerable persons

Regulation 20 places a requirement to undertake steps to ensure that both the work-seeker and hirer are aware of any requirements imposed by law that must be satisfied for the worker to work in the position the hirer seeks to fill.

Regulation 22 refers to the additional measures that must be taken when work-seekers will be working with vulnerable persons. The Conduct Regulations provide that ‘vulnerable’ includes people who are young, elderly, disabled, infirm or under the age of 18. This obligation extends to work-seekers who supply their services through a limited company and applies to the company and the person or persons supplied by the limited company.

You must ensure that all practicable steps have been taken to confirm that the work-seeker is suitable for the position concerned. Make sure that the work-seeker not only fulfils the requirements by law but also those imposed by relevant professional bodies.
These additional measures give a requirement to obtain two references for work-seekers. Where two references are not obtainable, you should document the efforts you have made to obtain the references. This must be shared with the hirer and you can present them with the choice of hiring them regardless.

You must take all other reasonable practical steps to confirm that the work-seeker is suitable for the position concerned (for example, seeking a Disclosure and Barring Service check).

This applies to both employment agencies and employment businesses.

**Regulation 21 – Provision of information to work-seekers and hirers**

**What you must give to the hirer**

Regulation 21(1)(a) provides that when an employment agency or employment business proposes a work-seeker to a hirer, it must give the hirer all the information it has obtained about the work-seeker under the requirements of Regulation 19.

This can be provided verbally but must be confirmed in writing within three business days and should include the work-seeker’s name (and company name if a limited company), the experience, training, qualifications and authorisations that they have to undertake the role and a statement that the work-seeker is willing to do the work in question.

If acting as an employment business, you must also make clear to the hirer the contractual basis upon which you have engaged the work-seeker – i.e. whether the agency or employment business has engaged the work-seeker under a contract for
services, employed under a contract of employment (contract of service) or apprenticeship.

**What you must give to the work-seeker**

Under Regulation 21(1)(b), when an agency or employment business offers a work-seeker a position with a hirer, it must give the work-seeker the information about the hirer which it has obtained under the requirements of Regulation 18. This can be provided verbally but must be confirmed in writing within three business days.

If it is acting as an employment business and has not previously agreed the actual rate of pay with the work-seeker, for the position in question, in accordance with Regulation 15(d)(i), it must do so at this stage.

On the next pages you can find a sample document that can be used to record the request from the hirer and share the information obtained with the work-seeker.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity of the hirer</td>
<td>The name of your client.</td>
</tr>
<tr>
<td>Nature of the hirer’s business</td>
<td>A brief description of your client’s business.</td>
</tr>
<tr>
<td>Start date</td>
<td>The date on which the work will commence.</td>
</tr>
<tr>
<td>Requirement</td>
<td>What this means</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Duration of assignment</strong></td>
<td>This is the length of time the assignment is expected to last or an end date. If there is no fixed end date, you could detail that the work will be ongoing.</td>
</tr>
<tr>
<td><strong>The position to be filled</strong></td>
<td>Job title.</td>
</tr>
<tr>
<td><strong>The type of work that the worker is expected to undertake</strong></td>
<td>A summary of the duties that the worker will be expected to undertake during the assignment.</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>This is the location where the worker will be expected to undertake the assignment.</td>
</tr>
<tr>
<td><strong>Days and hours of work</strong></td>
<td>You should detail the days and hours that the worker will be expected to work.</td>
</tr>
<tr>
<td>Requirement</td>
<td>What this means</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Any known health or safety risks</td>
<td>You are required to inform the worker of the information you have obtained from the hirer regarding known health and safety risks. Where there are no known risks this must be communicated to the worker. Where there are known risks, alongside communicating the risks you must also detail what steps are being taken by the hirer to control or remove these risks.</td>
</tr>
<tr>
<td>Any experience, training, qualifications, and authorisations deemed necessary by the hirer or required by law or any professional body</td>
<td>Detail any experience, training, qualifications or any authorisations that are required by the hirer, a professional body or the law, for the work-seeker to possess in order to work in the position they wish to fill.</td>
</tr>
<tr>
<td>Rate of pay</td>
<td>If you have not already agreed an exact rate of pay within your terms of engagement, you must do so here.</td>
</tr>
<tr>
<td>Expenses payable by or to the worker</td>
<td>You should also note any expenses that will be payable by the worker.</td>
</tr>
</tbody>
</table>

In the case of an employment agency there are further obligations to adhere to:
<table>
<thead>
<tr>
<th>Requirement</th>
<th>What this means</th>
</tr>
</thead>
<tbody>
<tr>
<td>The minimum rate of remuneration and other benefits payable to the worker</td>
<td>Detail the minimum amount of pay that the hirer will be prepared to pay to the worker along with any benefits.</td>
</tr>
<tr>
<td>The intervals of pay</td>
<td>Detail the frequency that the worker will receive wages.</td>
</tr>
<tr>
<td>The notice period the worker is entitled to receive and give to terminate employment with the hirer</td>
<td>How much notice the worker has to give and is entitled to receive to bring their employment to an end.</td>
</tr>
</tbody>
</table>
Regulation 27 – Advertisements

This Regulation relates to adverts. It requires that in every advert both employment agencies and employment businesses make their full name of business clear. You must also detail whether the role being advertised is temporary or permanent.

There are further requirements when advertising specific job roles. You must not advertise any role unless you can satisfy both the following:

(a) you must have information about all the specific positions included in the advertisement

(b) the authority of the hirer concerned to find work-seekers for each role being advertised

Should you post a generic advertisement for workers, for no particular hirer, you are not required to have the authority of the hirer or hold information about the roles being advertised.

Should you choose to refer to a rate of pay you must also state:

(a) the nature of the work

(b) the work’s location

(c) the minimum experience, training and qualifications, which the work-seeker needs to have to receive those rates of pay
Regulation 29 – Records

Regulation 29 relates to both employment agencies and businesses and provides that you must keep records that are sufficient to show that you have complied with all the provisions of the Act and the Conduct Regulations.

You must keep information regarding:

(a) work-seekers you provide work-finding services to

(b) hirers you introduce or supply work-seekers to

The records mentioned above must be kept for at least 12 months after their creation and retained for at least 12 months following the date that the employment agency or employment business last provided work-finding services to either a work-seeker or hirer.

You are not required to keep details of a work-seeker if you take no action in relation to finding work for that work-seeker. For example, if you receive a high volume of speculative CVs that are not used, records need not be retained on the work-seekers these CVs relate to.

You may keep records either at the premises where you trade or elsewhere, provided that they are readily accessible and can be delivered to the trading premises to which they relate if requested by an EAS inspector.

If the records are kept elsewhere they must be delivered by no later than the end of the second business day following the day on which a request for them is made.
Further information and guidance

More information relating to the obligations of employment agencies and employment businesses can be found on the EAS website:


You can contact EAS via email: eas@beis.gov.uk

or post: EAS, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, SW1H 0ET.

You can contact EAS via telephone using the ACAS helpline:

0300 123 1100.

ACAS

Acas (Advisory, Conciliation and Arbitration Service) provides free and impartial information and advice to agencies, employers, workers and employees on all aspects of workplace relations and employment law. They also provide training and tailored advice to employers. You can contact the Advisory, Conciliation and Arbitration Service (ACAS) for free advice on employment matters via their website https://obs.acas.org.uk/Forms/Contact.aspx or telephone 0300 123 1100.
**Director of Labour Market Enforcement**

Further information regarding the current Director of Labour Market Enforcement can be found here: [https://www.gov.uk/government/people/matthew-taylor](https://www.gov.uk/government/people/matthew-taylor)

**Gangmasters Labour Abuse Authority**

The Gangmasters and Labour Abuse Authority (GLAA) is an investigative agency for tackling labour exploitation in the workplace.

It can investigate all aspects of labour exploitation, including Modern Slavery offences such as forced labour. The GLAA also runs the licensing scheme for the supply of temporary workers into the UK fresh produce sector. Unlicensed labour supply is a serious offence and carries a penalty of up to 10 years in prison.

If you know of a business operating outside the law, exploiting workers, gaining an unfair or illegal advantage, or you have any information, then you can call **0845 602 5020** and speak to the GLAA intelligence team.

Alternatively, call the GLAA’s free reporting line on **0800 432 0804**. Any call to the GLAA can be dealt with in strict confidence, if you prefer not to leave your name. It’s also possible to report issues by emailing [intelligence@gla.gov.uk](mailto:intelligence@gla.gov.uk), completing our online form or by calling the Modern Slavery Helpline on **08000 121 700**.

For more information on the Gangmasters and Labour Abuse Authority [www.gla.gov.uk](http://www.gla.gov.uk).
Health and Safety Executive

The Health and Safety Executive sets the strategy, policy and legal framework for health and safety in Great Britain. Their role as a government regulator is to prevent workplace death, injury or harm and they achieve this by:

- providing advice, information and guidance
- raising awareness in workplaces by influencing and engaging
- operating permissioning and licensing activities in major hazard industries
- carrying out targeted inspections and investigations
- taking enforcement action to prevent harm and hold those who break the law to account

You can find further advice and guidance here: www.hse.gov.uk
National Minimum Wage enforcement by HM Revenue and Customs

Employers must pay the minimum wage to workers if it is due. HM Revenue and Customs (HMRC) enforces the minimum wage. HMRC compliance officers may carry out inspections of employers at any time. There is no requirement to provide reasons for an inspection.

Officers will act in response to complaints that an employer is not paying the minimum wage – whether the complaint is by workers or others. They will also investigate where there may be a risk of non-payment.

If a compliance officer believes that an employer has failed to pay at least the minimum wage to a worker, they can serve that employer with a notice of underpayment.

Guidance to help employers meet National Minimum Wage legislation can be found at: www.gov.uk/national-minimum-wage