

THE EMPLOYMENT AGENCIES REGULATION ACT

REGULATION

(under section 16)

The Employment Agencies Regulation, 1957

L.N. 254/57
229/74
55/2010
66/2010

THE EMPLOYMENT AGENCIES REGULATION ACT
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THE EMPLOYMENT AGENCIES REGULATIONS, 1957

(Made by the Minister on the 7th day of November, 1957)

[2nd December, 1957.]

L. No. 254/57

Amdts:
 229/74
 55/2010
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1. These Regulations may be cited as the Employment Agencies Regulations, 1957.

Citation.

2.—(1) Every person requiring a licence or the renewal of a licence shall apply to the Licensing Officer in the form set out as Form No. 1 in Schedule A.

Schedule A.
 Form 1.

(2) Every bond furnished to the Licensing Officer pursuant to section 8 of the Act shall be in the form set out as Form No. 2 in Schedule A and shall be in the sum of five hundred thousand dollars.

3. The prescribed fee for the—

(a) grant of a licence, which includes authority for the placement of persons in employment—

(i) in Jamaica, shall be ten thousand dollars; and

(ii) outside Jamaica, shall be fifteen thousand dollars;

(b) renewal of a license, shall be five thousand dollars; and

(c) transfer of a licence, shall be eight thousand dollars.

4. Every application for the transfer of a licence to some other person shall be made to the Licensing Officer in the form prescribed in Schedule B.

Schedule B.

5. Every application for the transfer of a licence to some other premises shall be made to the Licensing Officer in the form prescribed in Schedule C, and no fee shall be payable in respect of such transfer.

Schedule C.

6.—(1) Every licence which includes authority for the placement of persons in employment outside Jamaica shall be in the form set out as Form No. 1 in Schedule D.

Schedule D.

(2) Every licence other than a licence referred to in paragraph (1) shall be in the form set out as Form No. 2 in Schedule D.

7. The Licensing Officer shall keep a register, to be known as the Register of Employment Agencies.

Schedule E

8. Every person holding a licence shall keep a record in the form prescribed in Schedule E, giving particulars of each person registered with his employment agency, and the fees collected from that person, and indicating how that person has been placed in employment.

Schedule F

9. Every holder of a licence shall make returns to the Licensing Officer in the form prescribed in Schedule F, showing the business conducted by him, so far as it relates to his employment agency, during the quarterly periods ending on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each year. Every return shall be made in time to reach the Licensing Officer before the expiration of twenty-one days next after the end of the quarterly period to which the return relates.

10.—(1) Subject to paragraph (1A), no employment agency shall charge for its services any fee which—

- (a) in respect of registration for twelve months, exceeds two thousand five hundred dollars; and
- (b) in respect of each placement of a client in employment in Jamaica, exceeds one-third of the wages paid to that client for his work during his first week in such employment;
- (c) in respect of each placement of a client in employment outside Jamaica, exceeds forty-five thousand dollars.

(1A) An employment agency shall not charge any fee to any person for his placement in employment in any programme which requires a H-2B visa issued by the Government of the United States of America or in any other programme for the placement of persons in employment outside Jamaica which prohibits the charging of fees to persons seeking placement in employment under that programme.

(2) An employment agency shall refund not less than three-quarters of the fee paid for placement in employment outside Jamaica to any client who is refused permission to enter or work in the country in which that client wished to be placed in employment or whose application for such employment is refused or cancelled for any reason.

11. Every employment agency shall, not later than seven days after any client whom it has arranged to place in employment outside Jamaica executes the contract in respect of such employment, furnish the Licensing Officer with a certificate in the form set out in Schedule G as—

Schedule G.

(a) Form No. 1 where the employment is as a live-in household help; or

(b) Form No. 2 where the employment is in any capacity other than as a live-in household help.

12. Except where penalties are otherwise provided for in these Regulations, every person who contravenes or fails to comply with the provisions of these Regulations shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding two hundred and fifty thousand dollars and in default of payment thereof, to imprisonment with or without hard labour for a term not exceeding three months.

13.—(1) An employment agency or a person who is the proprietor of or is otherwise concerned in the operation of, an employment agency, shall not place any person in employment outside Jamaica unless the person holds a certificate in the form prescribed in Schedule H to the effect that the Licensing Officer is satisfied as to the matters specified therein.

(2) An employment agency that, or a person who, contravenes paragraph (1) commits an offence and is liable upon summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.



(Regulation 2)

SCHEDULE A
THE EMPLOYMENT AGENCIES REGULATION ACT

FORM NO. 1

APPLICATION FOR LICENCE

FULL NAME OF APPLICANT
(Name in Block Letters)

NAME OF EMPLOYMENT AGENCY

ADDRESS OF AGENCY

TELEPHONE# FAX NO. EMAIL ADDRESS

ADDRESS OF APPLICANT

.....

APPLICANT'S TRN#

CO./BUSINESS REG# TCC TRN

Categories of workers it is
Proposed to register in the
line of employment agency:.....

.....

Do you wish to be given
Authority to place persons
In employment outside Jamaica?

If so, what categories of workers:

Have you any interest in any
other employment agency?

If so, give particulars as to
the extent of such interest:

Have you ever been convicted? Yes () No ()

If yes, State offense:

.....

(Signature of Applicant)

(Date)

CERTIFICATE OF CHARACTER

This is to certify that I have known
(Name of Applicant)

of for years.
He/She bears a good character and in my opinion is a suitable person to be licensed to operate an
employment agency.

.....

(Print Name)

.....

(Signature)

.....

(Date)

(To be signed by a Justice of the Peace,
Minister of Religion, Collector of Taxes,
Clerk of Court or a Gazetted Officer of
the Jamaica Constabulary Force).

SCHEDULE A, *contd.*

FORM No. 2

Know all Men by these Presents

That We A. B.

of _____ in the parish of _____
proprietor of an employment agency known as _____,
hereinafter referred to as "the agency",

And _____ C. D. _____ in the parish of _____
(as surety _____ on behalf of _____

the said A. B.)

are JOINTLY AND SEVERALLY BOUND to the Licensing Officer under the Employment Agencies Regulation Act in the sum of five hundred thousand dollars of good and lawful money of this Island to be paid to the said Licensing Officer or his successor; for which payment well and truly to be made we bind ourselves and each of us for the whole, our heirs executors and administrators jointly and severally firm by these Presents.

SEALED with our seals and dated the _____ day of _____ one thousand nine hundred and _____

WHEREAS

(1) The above bounden A. B. has applied to the Licensing Officer for the inclusion of authority in the licence in respect of the said employment agency, for the said employment agency to be used for the placing of persons in employment outside Jamaica:

(2) It is a special condition precedent to the grant of such application that the said A. B. furnishes the Licensing Officer with a bond with surety as a guarantee of the financial ability of the said A. B. to operate the said employment agency and to refund such fees charged by the said employment agency as the said A. B. may from time to time become liable to refund:

(3) The above bounden A. B., together with the above bounden C. D., as his surety, have entered into the above written bond, subject to the condition hereinafter contained:

NOW, THEREFORE, THE CONDITION of the above written bond is such that if the said A. B. shall from time to time and at all times hereafter honestly and faithfully carry out his duties in connection with the operation of the said employment agency and refund such fees charged by the said employment agency as the said A. B. may from time to time become liable to refund THEN the above written bond shall be void but otherwise the same shall continue in full force and virtue.

As WITNESS the hands of the parties the day and year first hereinafter written.

SIGNED SEALED AND DELIVERED

By the said A. B. }
In the presence of: }

SH 10

SCHEDULE A, *contd.*

SIGNED SEALED AND DELIVERED

By the said C. D. }
in the presence of: }

Jamaica S.S.

BE IT REMEMBERED that on the _____ day of _____ One
thousand nine hundred and seventy _____ before me the undersigned one of
Her Majesty's Justices of the Peace in and for the Island personally came
and appeared _____ of the parish of _____ the attesting
witness to the due execution of the foregoing written bond
_____ who being by me duly sworn made oath and said that he was
present and did see the said _____ therein
named sign seal and as and for his proper act and deed execute and deliver the said bond for the
purposes therein mentioned.

Justice of the Peace
for

Jamaica S.S.

BE IT REMEMBERED that on the _____ day of _____ One
thousand nine hundred and seventy _____ before me the undersigned one of
Her Majesty's Justices of the Peace in and for the Island personally came
and appeared _____ of the parish of _____ the attesting
witness to the due execution of the foregoing written bond
_____ who being by me duly sworn made oath and said that he was
present and did see the said _____ therein
named sign seal and as and for his proper act and deed execute and deliver the said bond for the
purposes therein mentioned.

Justice of the Peace
for

SCHEDULE B

(Regulation 4)

APPLICATION FOR A TRANSFER OF A LICENCE TO SOME OTHER PERSON

TO THE LICENSING OFFICER:

(To be completed by the transferor)

I, the proposed transferor of the licence in respect of the employment agency herein described,
hereby apply for a transfer of the said licence in accordance with the particulars set out below:

Name of employment agency.....

Address of employment agency.....

Full name of transferor:

Address of transferor:

.....
Signature of transferor

Date.....

SCHEDULE B, *contd.*

(To be completed by transferee)

And I, the proposed transferee, hereby agree to accept the transfer of the said licence in accordance with the particulars mentioned herein.

Full name of transferee.....

Address of transferee.....

Have you ever been convicted of any offence involving fraud?

Categories of workers it is proposed to register in the employment agency:

Have you any interest in any other employment agency?.....

If so, give particulars of the extent of such interest:

Signature of transferee

Date.....

Certificate of Character

This is to Certify that I have known.....
(Name of transferee)

of..... for..... years. He bears a good character and in my opinion is a suitable person to be licensed to operate an employment agency.

Signature

Date.....

(To be signed by a Justice of the Peace, Minister of Religion, Collector of Taxes, Clerk of the Courts or an Officer of the Jamaica Constabulary Force).

SCHEDULE C

(Regulation 5)

TRANSFER OF LICENCE TO SOME OTHER PREMISES

Name of applicant:.....

Address.....

Name of employment agency:.....

Address:.....

Address of premises to which it is proposed to transferred licence:.....

Signature of applicant

Date.....

Licence No. _____

SCHEDULE D

Regulation (6)



THE EMPLOYMENT AGENCIES REGULATION ACT

FORM NO. 1

LICENCE WITH AUTHORITY TO PLACE PERSONS IN EMPLOYMENT OUTSIDE JAMAICA

This is to certify that _____ of
(Name in Block Letters)

_____ is licensed to
(Address)

carry on the Employment Agency known as

on premises located at _____ in the parish

of _____ and that, subject to the exclusions specified below, the said
Employment Agency is authorised to place persons in employment outside of Jamaica.

WORKERS EXCLUDED: WORKERS UNDER THE H2A PROGRAMME IN THE USA, FARM AND FACTORY WORKERS TO CANADA, WORKERS TO GUANTANAMO BAY (CUBA) AND HOTEL WORKERS UNDER THE H2B PROGRAMME IN THE USA, IN ORGANISATIONS CURRENTLY BEING SERVED BY MINISTRY OF LABOUR/JACLO.

This Licence shall expire on _____ unless sooner
revoked by the Licensing Officer.

Dated this _____ day of _____ 20 _____



Photo

.....
Licensing Officer

Licence No. _____

SCHEDULE D

Regulation (6)



THE EMPLOYMENT AGENCIES REGULATION ACT

Form No. 2

This is to certify that _____
(Name in Block Letters)

of _____ is licenced to carry on the
(Address)

Employment Agency known as _____ on

premises located at _____ in the

parish of _____.

This licence shall expire on _____ unless sooner revoked by
the Licencing Officer.

Dated this _____ day of _____ 20_____

This Licence permits the placement of workers in Jamaica ONLY.



Photo

.....
Licencing Officer



Regulation 9

SCHEDULE F
THE EMPLOYMENT AGENCIES REGULATION ACT
QUARTERLY RETURN OF BUSINESS CONDUCTED

NAME OF EMPLOYMENT AGENCY:.....

ADDRESS:

TEL#:/..... CO. TRN: PARISH.....
 (Office) (Cell)

RETURN FOR QUARTERLY PERIOD ENDING:

NAME OF LICENSEE.....

HOME ADDRESS:

TELE#:/..... TRN: EMAIL ADDRESS.....

	MALE	FEMALE	TOTAL
NUMBER OF PERSONS REGISTERED	()	()	()

	MALE	FEMALE	TOTAL
(a) Domestic Helpers, Nurse Maids, and related workers	()	()	()
(b) Waiters, Barmaids, cook etc.	()	()	()
(c) Clerical and related services	()	()	()
(d) Sales workers	()	()	()
(e) Production, Labourers and related Workers	()	()	()
(f) Building and Construction workers	()	()	()
(g) Transportation workers	()	()	()
(h) Others	()	()	()

	MALE	FEMALE	TOTAL
NUMBERS OF PLACEMENTS			
(a) Domestic Helpers, Nurse Maids, and related workers	()	()	()
(b) Waiters, Barmaids, cook etc	()	()	()
(c) Clerical and related services	()	()	()
(d) Sales workers	()	()	()
(e) Production, Labourers and Related workers	()	()	()
(f) Building and Construction Workers	()	()	()
(g) Transportation workers	()	()	()
(h) Others	()	()	()

	MALE	FEMALE	TOTAL
TOTAL FEES COLLECTED			
(a) For registration	(\$)	(\$)	(\$)
(b) For Placement	(\$)	(\$)	(\$)

.....
 (Signature of Licensee)

.....
 (Print Name)

.....
 (Date)



Regulation 11

SCHEDULE G
THE EMPLOYMENT AGENCIES REGULATION ACT
FORM NO. 2

THIS IS TO CERTIFY THAT:
(Name of Client)

of
(Address)

has been placed in employment in
(Country)

as a
(Category of Employment)

with
(Name of Employer)

of
(Address)

A COPY OF THE JOB OFFER AND OF THE CONTRACT OF THE EMPLOYER AND THE CLIENT ARE ENCLOSED.

The total fees paid by the aforesaid client are
.....
.....

SIGNED:

.....
(Licencee of Employment Agency) (Print Name) (Date)
.....
(Employee)

.....
(Witness) (Print Name) (Date)



(Regulation 14)

SCHEDULE H

THE EMPLOYMENT AGENCIES REGULATION ACT

CERTIFICATE OF FITNESS FOR OVERSEAS EMPLOYMENT

THIS IS TO CERTIFY that _____
(Name of overseas worker) (TRN#)

of _____ represented by
(Address of worker)

_____ of _____
(name of employment agency) (registered office of the employment agency)

which is operated by _____ who is duly licensed to
(Name of Licensee)

place workers in employment overseas, has proven to the satisfaction of the Minister
of Labour and Social Security, his fitness to embark on a course of employment overseas
in _____ for the period of _____ year(s)
(Name of country)

commencing from _____ to _____
(date) (date)

Signed:
Licencing Officer

Dated: day of 20.....