
STATUTORY INSTRUMENTS

2003 No. 3319

**The Conduct of Employment Agencies and
Employment Businesses Regulations 2003**

PART VII

MISCELLANEOUS

Application of the Regulations to work-seekers which are incorporated

32.—(1) Subject to paragraph (9), in these Regulations—

- (a) any reference to a work-seeker, howsoever described, includes a work-seeker which is a company; and
- (b) the regulations mentioned below shall be modified as set out below in a case where the work-seeker is a company.

(2) For regulation 5, substitute the following:

“Neither an agency nor an employment business may make the provision to a work-seeker of work-finding services conditional upon the work-seeker, or the person who is or would be supplied by the work-seeker to carry out the work—

- (a) using other services for which the Act does not prohibit the charging of a fee, or
- (b) hiring or purchasing goods,

whether provided by the agency or the employment business or by any person with whom the agency or employment business is connected.”.

(3) For regulation 6(1), substitute the following:

“An employment business may not (whether by the inclusion of a term in a contract with a relevant work-seeker or otherwise) subject or threaten to subject to any detriment—

- (a) the relevant work-seeker, on the ground that the work-seeker has taken up or proposes to take up employment with any other person; or
- (b) the person who is or will be supplied by the relevant work-seeker to carry out the work, on the ground that he has taken up or proposes to take up employment with any person other than the employment business or the relevant work-seeker.”.

(4) In regulation 15, for paragraph (f) there shall be substituted the following—

“(f) details of any period of absence to which the work-seeker is entitled and of any entitlement to payment in respect of the same”.

(5) In regulation 18(d), for the words “for a work-seeker” on each occasion on which they occur substitute the words “for a person supplied by the work-seeker to carry out the work”.

(6) In regulation 19—

- (a) in paragraph (a), after the words “the work-seeker” add the words “and of the person the work-seeker would supply to carry out the work”; and

(b) in paragraph (b), for the words “that the work-seeker” substitute the words “that the person who would be supplied by the work-seeker to carry out the work”.

(7) In regulations 20, 22, 24(9) and (10), 28 and Schedule 4 the references to “the work-seeker” shall include the person who would be supplied by the work-seeker to carry out the work.

(8) In regulations 24(2), (3), (4), (5), (7) and (8), the references to “the work-seeker” shall be read as references to the person who would be supplied by the work-seeker to carry out the work.

(9) Subject to paragraph (12), paragraphs (1)—(8) shall not apply where a work-seeker which is a company, and the person who is or would be supplied by that work-seeker to carry out the work, agree that they should not apply, and give notice of that agreement to an employment business or agency, provided that such notice is given before the introduction or supply of the work-seeker or the person who would be supplied by the work-seeker to do the work, to the hirer.

(10) The person who is or would be supplied to carry out the work by a work-seeker which is a company, may withdraw a notice which was given in accordance with paragraph (9) by giving notice to the employment business or agency in question of the withdrawal of the earlier notice of agreement, and, subject to paragraph (11), paragraphs (1)-(8) shall thereupon apply.

(11) Where a notice as referred to in paragraphs (9) or (10) is given to an employment business or agency whilst the person who is or would be supplied to carry out the work by a work-seeker which is a company is in fact carrying out the work in a position with a hirer, then the notice shall not take effect until that person stops working in that position.

(12) Paragraph (9) shall not apply where a person who is or would be supplied to carry out the work by a work-seeker which is a company, is or would be involved in working or attending any person who is under the age of 18, or who, by reason of age, infirmity or any other circumstance, is in need of care or attention.

(13) Neither an agency nor an employment business may make the provision of work-finding services to a work-seeker which is a company conditional upon the work-seeker, and the person who is or would be supplied by the work-seeker to carry out the work, entering into and giving notice of an agreement as referred to in paragraph (9), to the agency or employment business.