

Labour (Employment Agencies) Regulations, 2023

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare, in terms of section 119 of the Labour Act [*Chapter 28:01*], has made the following regulations:—

Title

1. These regulations may be cited as the Labour (Employment Agencies) Regulations, 2023.

Interpretation

2. 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;

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

Application

3. These regulations shall apply in relation to—

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

Application for and considerations relating to registration

4. (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 or herself 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 or 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 job-seekers; and
- (v) such facilities for persons with disabilities.

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

Fees payable

5. The fee—

- (a) in respect of the application for and inspection of an employment agency shall be fifty United States dollars (\$50,00), which will not be refunded in the event that the application is rejected;
- (b) for registration of each employment agency shall be one hundred United States dollars (\$100,00);
- (c) for the renewal of registration of each employment agency shall be one hundred and fifty United States dollars (\$150,00);
- (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 five United States dollars (\$5,00) (per working day for a maximum of 90 days).

Amendment of registration certificate and return thereof in certain circumstances

6. (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.

(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.

Records to be maintained

7. (1) 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 job-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 job-seeker;
- (vi) type of employment found;
- (vii) date of engagement by employer and name of employer;
- (viii) the placement fee charged to the job-seeker.

(2) A job-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 job-seeker, indicating that he or she is

aware of the conditions under which he or she 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 job seekers for a period of three years subsequent to the receipt thereof.

Fees to be charged by an employment agency

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

- (a) in the case of a job-seeker, for placing him or her in employment, a maximum of five *per centum* of the remuneration earned by the job-seeker during his or her 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 job-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 job-seeker and he or she has given his or her 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 job-seeker with an employment agency.

Exhibition of copy of these regulations

9. (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.

Monthly statistical returns

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

General

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

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

Offences

12. 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 section 4(3)(a); or
- (c) fails to return an expired certificate of registration to the Registrar as required by section 6(2) of (4) 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 job-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 not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

FORMS

E.A. 1

LABOUR ACT [*CHAPTER 28:01*]
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 115 of the Labour Act [*Chapter 28:01*], 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 the 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

LABOUR ACT [CHAPTER 28:01]
LABOUR (EMPLOYMENT AGENCIES) REGULATIONS, 2023
CERTIFICATE OF REGISTRATION OF AN
EMPLOYMENT AGENCY

E.A. 1

This is to certify that.....
has or have, in terms of section 115 of the Labour Act [*Chapter 28:01*], 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, 20.....

Area in respect of which business may be conducted

.....
Class or classes of persons of employment covered

.....
Conditions subject to which business may be conducted

Labour (Employment Agencies) Regulations, 2023

.....

Registrar

Date

E.A. 3.

MONTHLY STATISTICAL RETURN

Name of Employment Agency:

Address:

.....

Telephone number:

Form completed by

Title Date:

Employment return of the month of

Table 1: Job Orders Received During the Month

Number of position(s) by location	Occupation	Salary Range offered	Education, training and experience

Table 2: Job orders filled during the month

Occupation	Number and location of position(s) filled	Positions filled				Salary range offered	Education, training and experience
		Local		Expatriate			
		Male	Female	Male	Female		

Table 3: Job orders still open at the end of the month

Number of position(s) by location	Occupation	Salary range offered	Education, training and experience

13. The fees may be payable in Zimbabwean Dollars at the prevailing official interbank rate.

14. The Labour Relations (Employment Agencies) Regulations, 1985, published in Statutory Instrument 370 of 1985, are hereby repealed.

