

C034 - Fee-Charging Employment Agencies Convention, 1933 (No. 34)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to fee-charging employment agencies, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention, 1933, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

- 1. For the purpose of this Convention the expression ***fee-charging employment agency*** means--
 - (a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;
 - (b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.
- 2. This Convention does not apply to the placing of seamen.

Article 2

- 1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.
- 2. During the period preceding abolition--
 - (a) there shall not be established any new fee-charging employment agency conducted with a view to profit;
 - (b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

Article 3

- 1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.
- 2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.
- 3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.
- 4. Every fee-charging employment agency for which an exception is allowed under this Article--
 - (a) shall be subject to the supervision of the competent authority;
 - (b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority during a period which shall not exceed ten years;
 - (c) shall only charge fees and expenses on a scale approved by the competent authority; and
 - (d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.

Article 4

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1--

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority;

- (b) shall not make any charge in excess of the scale of charges fixed by the competent authority with strict regard to the expenses incurred; and
- (c) shall only place or recruit workers abroad if permitted so to do by the competent authority and if their operations are conducted under an agreement between the countries concerned.

Article 5

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

Article 6

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

Article 7

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 3.

Article 8

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

- 1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 11

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then unless the new Convention otherwise provides,
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The French and English texts of this Convention shall both be authentic.