

Did you Know? All recruitment agencies must be registered with Department of Employment and Labour

The recruitment industry is not yet fully regulated although work is underway to ensure that, for the benefit of clients (businesses) and workseekers alike, all recruitment agencies are required to be registered and adhere to legal and ethical requirements.

In 2014 the Employment Services (ES) Act was promulgated and requires that all recruitment companies, whether offering permanent recruitment or temporary employment services, be registered with the Department of Employment and Labour.

Registration requires the agency to submit evidence of compliance with all prevailing legislation and to provide evidence of compliant operations. Certificates require renewal every two (2) years to ensure that the agencies remain compliant.

The Employment Services Act seeks to ensure protection of especially vulnerable workseekers and contains prohibitions relating to the charging of recruitment fees to workseekers, retention of identity documents, and the provision of false information relating to employment opportunities.

By formalising the sector, the department seeks to eliminate fly-by-night operators and those with the intention of breaching legislation and taking advantage of unsuspecting clients and/or workseekers. The Confederation of Associations in the Private Employment Sector (CAPES) works closely with Department of Employment and Labour to drive compliance and to raise standards within the sector.

Online Application Process

The registration process has been streamlined and automated and all recruitment companies are directed to make application by visiting www.eservices.gov.za Those offering permanent and associated recruitment services are required to register as a Private Employment Agency (PEA) and those offering temporary, labour outsourcing, etc. as a Temporary Employment Services (TES).

There are currently no registration fees applicable, however all compliance documentation must be provided at the time of application for assessment. Registration is required for each branch operating within the business, not just the main business, and assessment of compliance, including a site inspection, will be conducted as part of the adjudication process.

It is important to note that application does not equal registration. All compliant businesses will be presented to the adjudication committee, who will confirm compliance with applicable legislation and operating standards, and once determined to meet the set criteria, issued with a registration certificate and number.

Professional Affiliation

Whilst there is no legislative requirement for agencies to be registered with a professional association, recruitment companies are strongly recommended to join one of the recognized industry associations under the CAPES umbrella. Association

membership requires agencies to not only ensure full legal compliance but also to commit to operate in line with local and global best practice and ethical standards.

Workseekers and clients benefit from working with member agencies because their staff members are required to be trained and to operate in accordance with Codes of Conduct, ensuring ethical and professional services.

Agencies benefit from association membership through access to information, a voice during lobbying and advocacy campaigns, and a range of services designed to support their businesses in today's competitive and challenging marketplace. For more information about CAPES and the Association members, African Professional Staffing Organisation (APSO), Allied Healthcare Association of South Africa (AHASA), Construction Engineering Association (CEA) and Information Technology Association (ITA), please visit www.capes.org.za –

(The article is part of an initiative by CAPES and department's Public Employment Services branch to jointly educate workseekers about their rights and to give some practical guidance for job seeking).