

# Brokers compelled to register with Labour Department

All labour brokers have to register themselves with the Department of Labour before getting into the business of placing work seekers in the job market.



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This is according to the new draft regulations on the registration of Private Employment Agencies and Temporary Employment Services.

The regulations introduce a compulsory registration and certification system which enables the pre-screening of the applicants, helps to create transparency by identifying those participating in the market and their overall activities or types of services provided.

The registrar will issue the applicant with a registration certificate within 60 days of receipt of the application, provided that the necessary requirements are met, Labour's Private Employment Agencies Director, Martin Ratshivhanda, explained.

These requirements include that the agency comply with all labour laws, has a verifiable physical business address, proof that the agency is registered with the Companies and Intellectual Property Commission (CIPC), proof of tax clearance certificate, proof that the agency is registered with a bargaining council, where applicable, as well as certified copies of identity documents of the owner, partners or shareholders of the entity.

Ratshivhanda says in a case where the registration is declined, the registrar will furnish the applicant with a letter containing reasons for its refusal of registration or inform the applicant in the letter issued that it has 30 days from the date of the letter to meet the requirements.

Under the proposed regulations, a registered private employment service or temporary employment service may not register for employment any non-citizens, unless the non-citizen has been issued with a South African identity document for permanent residence or granted asylum by the Department of Home Affairs.

Ratshivhanda cautioned stakeholders that under no circumstances can the labour brokers charge any fee to work seekers for providing work services other than the fees specified in the Government Gazette for specified categories of employees or for the provision of specialised services.

The department is currently holding public hearings to receive inputs on the four Draft Employment Services Regulations; advocate on the draft regulations and provide clarity where needed.

The public hearings are targeting stakeholders such as the National Economic Development and Labour Council (Nedlac) constituencies, government departments, municipalities, State-owned enterprises, employers, private employment agencies, temporary employment services and work seekers.

The closing date for public comments on the four regulations is 28 February 2019 and can be forwarded to [privateeaservices@labour.gov.za](mailto:privateeaservices@labour.gov.za); [publicaregistration@labour.gov.za](mailto:publicaregistration@labour.gov.za); [foreignemployeeeregulations@labour.gov.za](mailto:foreignemployeeeregulations@labour.gov.za); and [workseekerregistration@labour.gov.za](mailto:workseekerregistration@labour.gov.za).

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