

Description: Convention concerning Fee-Charging Employment Agencies (Revised 1949) (Note:
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Convention:C096
Place:Geneva
Session of the Conference:32
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Subject: Employment policy and Promotion
See the ratifications for this Convention
Display the document in: French Spanish
Status: Other instrument
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 Thirty-second Session on 8 June 1949, and
Having decided upon the adoption of certain proposals with regard to the revision of the Fee-
Charging Employment Agencies Convention, 1933, adopted by the Conference at its
Seventeenth Session, which is included in the tenth item on the agenda of the session, and
Having resolved that these proposals shall take the form of an international Convention,
complementary to the Employment Service Convention, 1948, which provides that each
Member for which the Convention is in force shall maintain or ensure the maintenance of a
free public employment service, and
Considering that such a service should be available to all categories of workers,
adopts this first day of July of the year one thousand nine hundred and forty-nine the following
Convention, which may be cited as the Fee-Charging Employment Agencies Convention
(Revised), 1949:

PART I. GENERAL PROVISIONS

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
(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. Each Member ratifying this Convention shall indicate in its instrument of ratification whether
it accepts the provisions of Part II of the Convention, providing for the progressive abolition of
fee-charging employment agencies conducted with a view to profit and the regulation of other
agencies, or the provisions of Part III, providing for the regulation of fee-charging employment
agencies including agencies conducted with a view to profit.
2. Any Member accepting the provisions of Part III of the Convention may subsequently notify
the Director-General that it accepts the provisions of Part II.

PART II. PROGRESSIVE ABOLITION OF FEE-CHARGING EMPLOYMENT AGENCIES
CONDUCTED WITH A VIEW TO PROFIT AND REGULATION OF OTHER AGENCIES

Article 3
1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph
1 (a) of Article 1 shall be abolished within a limited period of time determined by the
competent authority.
2. Such agencies shall not be abolished until a public employment service is established.
3. The competent authority may prescribe different periods for the abolition of agencies
catering for different classes of persons.

Article 4
1. During the period preceding abolition, fee-charging employment agencies conducted with a
view to profit--
(a) shall be subject to the supervision of the competent authority
(b) shall only charge fees and expenses on a scale submitted to and approved by the
competent authority or fixed by the said authority.
2. Such supervision shall be directed more particularly towards the elimination of all abuses
connected with the operations of fee-charging employment agencies conducted with a view to
profit.
3. For this purpose, the competent authority shall consult, by appropriate methods, the
employers' and workers' organisations concerned.

Article 5
1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed
by the competent authority in exceptional cases in respect of categories of persons, exactly
defined by national laws or regulations, for whom appropriate placing arrangements cannot
conveniently be made within the framework of the public employment service, but only after
consultation, by appropriate methods, with the organisations of employers and workers
concerned.
2. 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
(c) shall only charge fees and expenses on a scale submitted to and approved by the
competent authority or fixed by the said authority
(d) shall only place or recruit workers abroad if permitted to do so by the competent authority
and under conditions determined by the laws or regulations in force.

Article 6
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 submitted to and approved by
the competent authority or fixed by the said authority, with strict regard to the expenses
incurred
(c) shall only place or recruit workers abroad if permitted so to do by the competent authority
and under conditions determined by the laws or regulations in force.

Article 7
The competent authority shall take the necessary steps to satisfy itself that non-fee-charging
employment agencies carry on their operations gratuitously.

Article 8
Appropriate penalties, including the withdrawal when necessary of the licences and
authorisations provided for by this Convention, shall be prescribed for any violation of the
provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 9
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 5, including more particularly information concerning the
number of agencies for which such exceptions are allowed and the scope of their activities,
the reasons for the exceptions, and the arrangements for supervision by the competent
authority of the activities of the agencies concerned.

PART III. REGULATION OF FEE-CHARGING EMPLOYMENT AGENCIES

Article 10
Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1
(a) of Article 1--
(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
(c) shall only charge fees and expenses on a scale submitted to and approved by the
competent authority or fixed by the said authority
(d) shall only place or recruit workers abroad if permitted so to do by the competent authority
and under conditions determined by the laws or regulations in force.

Article 11
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 submitted to and approved by
the competent authority or fixed by the said authority with strict regard to the expenses
incurred
(c) shall only place or recruit workers abroad if permitted so to do by the competent authority
and under conditions determined by the laws or regulations in force.

Article 12
The competent authority shall take the necessary steps to satisfy itself that non-fee-charging
employment agencies carry on their operations gratuitously.

Article 13
Appropriate penalties, including the withdrawal when necessary of the licences and
authorisations provided for by this Convention, shall be prescribed for any violation of the
provisions of this Part of the Convention or of any laws or regulations giving effect to them.

Article 14
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
arrangements for supervision by the competent authority of the activities of fee-charging
employment agencies including more particularly agencies conducted with a view to profit.

PART IV. MISCELLANEOUS PROVISIONS

Article 15
1. In the case of a Member the territory of which includes large areas where, by reason of the
sparseness of the population or the stage of development of the area, the competent authority
considers it impracticable to enforce the provisions of this Convention, the authority may
exempt such areas from the application of this Convention either generally or with such
exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention
submitted under Article 22 of the Constitution of the International Labour Organisation any
areas in respect of which it proposes to have recourse to the provisions of the present Article
and shall give the reasons for which it proposes to have recourse thereto
3. Each Member having recourse to the provisions of the present Article shall indicate in
subsequent annual reports any areas in respect of which it renounces the right to have
recourse to the provisions of the present Article.

PART V. FINAL PROVISIONS

Article 16
The formal ratifications of this Convention shall be communicated to the Director-General of
the International Labour Office for registration.

Article 17
1. This Convention shall be binding only upon those Members of the International Labour
Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two
Members 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 ratifications have been registered.

Article 18
1. Declarations communicated to the Director-General of the International Labour Office in
accordance with paragraph 2 of Article 35 of the Constitution of the International Labour
Organisation shall indicate --
a) the territories in respect of which the Member concerned undertakes that the provisions of
the Convention shall be applied without modification
b) the territories in respect of which it undertakes that the provisions of the Convention shall
be applied subject to modifications, together with details of the said modifications
c) the territories in respect of which the Convention is inapplicable and in such cases the
grounds on which it is inapplicable
d) the territories in respect of which it reserves its decision pending further consideration of
the position.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article
shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any
reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of
paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in
accordance with the provisions of Article 20, communicate to the Director-General a
declaration modifying in any other respect the terms of any former declaration and stating the
present position in respect of such territories as it may specify.

Article 19
1. Declarations communicated to the Director-General of the International Labour Office in
accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour
Organisation shall indicate whether the provisions of the Convention will be applied in the
territory concerned without modification or subject to modifications
2. The Member, Members or international authority concerned may at any time by a
subsequent declaration renounce in whole or in part the right to have recourse to any
modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which the
Convention is subject to denunciation in accordance with the provisions of Article 20,
communicate to the Director-General a declaration modifying in any other respect the terms of
any former declaration and stating the present position in respect of the application of the
Convention.

Article 20
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.
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 21
1. The Director-General of the International Labour Office shall notify all Members of the
International Labour Organisation of the registration of all ratifications, declarations and
denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second
ratification communicated to him, the Director-General shall draw the attention of the
Members of the Organisation to the date upon which the Convention will come into force.

Article 22
The Director-General of the International Labour Office shall communicate to the Secretary-
General of the United Nations for registration in accordance with Article 102 of the Charter of
the United Nations full particulars of all ratifications, declarations and acts of denunciation
registered by him in accordance with the provisions of the preceding Articles.

Article 23
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 24
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 20 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 25
The English and French versions of the text of this Convention are equally authoritative.