

Conditions and duties

Conditions for the approval of temporary employment agencies

- The agency is independent of the public authorities. It was not created by a public authority and no public authority holds either the majority of the shares in the agency or the majority of the votes at its general assembly.
- The agency offers sufficient guarantees of solvency and financial health.
- It respects the tax laws, labour law, social security law, collective employment agreements, company law and commercial law.
- None of its administrators, managers or representatives have been convicted of a crime or received a fine as a result of an infringement (Art. 8 - 6° of the Order of 14 July 2011).
- It does not owe any tax payments or social security contributions.

Obligations of all private employment agencies

- The agency respects the privacy legislation.
- It does not discriminate between job-seekers or workers. It does not deprive them of their right to freedom of association.
- It does not require any financial contribution from job-seekers or workers, whether directly or indirectly, in full or in part.
- It displays the text regarding the [rights and obligations of workers and job-seekers](#) (.pdf - in French) (45k) in an appropriate and easily accessible location.
- If the agency uses personality or psychological tests, these tests are carried out by or under the responsibility of a qualified psychologist.
- It does not perform or require the performance of genetic tests.
- It does not collect medical data that is not connected to a requirement of the job offer.

Conditions and sanctions

The regional employment inspectors **check** both the private employment agencies working in the Brussels-Capital Region and the businesses that use the services of these agencies. Any person who commits an **offence** may receive a **fine** or even a **prison sentence**.

The Regional Employment Inspectorate is at your disposal for any **information** you may require regarding the legislation. You can also make a **complaint** if this legislation is not correctly applied. However, anonymous complaints are not normally followed up.

In the event of problems, the [Economic and Social Council of the Brussels-Capital Region](#) (C.E.S.) may invite representatives of the private employment agency to explain the situation. If a private employment agency **does not meet/no longer meets the approval (temporary employment agencies) or registration conditions (other types of agency)**, three scenarios may arise, after the Economic and Social Council has issued its opinion:

- the Minister for Regional Employment may set a deadline of a maximum of 3 months for the temporary employment agency to comply with the obligations of the Order or its implementing decree (suspension of approval);
- the Minister may withdraw the authorisation of the temporary employment agency;

- the Employment Policy & Plural Economy Department may cancel the registration, which means that the private employment agency cannot continue to perform its employment activities

Regulation

- [Order of 14 July 2011 on the mixed management of the employment market in the Brussels-Capital Region](#)
- [Implementing decree of 12 July 2012 of the Government of the Brussels-Capital Region](#)
- [Order of 30 April 2009 on the monitoring of employment legislation within the mandate of the Brussels-Capital Region and the introduction of administrative fines applicable if these regulations are violated.](#)