

PROHIBITED ACTIVITIES OF LICENSED EMPLOYMENT AGENCIES

Licensed employment agencies may not...

- ⊗ Publish false, fraudulent, or misleading information
- ⊗ Direct an applicant to an employer without first having obtained a bona fide work order/job offer
- ⊗ Send an applicant to a job that is operating in violation of minimum wage, child labor, or compulsory education laws
- ⊗ Send an applicant to a place of employment maintained for immoral or illicit purposes
- ⊗ Compel any person to enter into an agency by force
- ⊗ Require job applicants to subscribe to any publication or incidental service
- ⊗ Refuse to return on demand any personal property belonging to a job applicant
- ⊗ Send any applicant to a place of employment that is on strike, without first notifying the applicant
- ⊗ Solicit, persuade, or attempt to induce an employee to leave an assignment if for the purpose of securing a new fee from such employee
- ⊗ Divide, share, or offer to divide or share service fees with employer clients
- ⊗ Solicit, persuade, induce, or attempt to induce any employer to create a vacancy by discharge

The Employment Agency Program protects the rights of workers being placed by employment agencies, and ensures that said agencies use fair, ethical, and legal business practices that promote worker satisfaction and result in higher quality of service delivery.

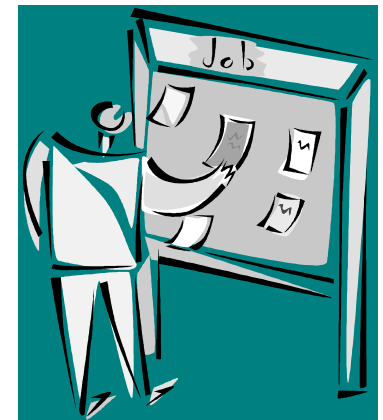
We regulate modeling agencies, elder-care placement agencies, nanny and babysitter placement agencies, temporary and permanent staffing and labor firms, and any for-profit agency that derives a fee from placing a worker in a job in Massachusetts.

To learn more about this program within the Massachusetts Department of Labor - Division of Occupational Safety, visit our website at: www.mass.gov/dos/.



**THE COMMONWEALTH OF
MASSACHUSETTS**
*Executive Office of Labor
& Workforce Development*

Division of Occupational Safety



Licensed vs. Registered... What's the Difference?

The premise of the Employment Agency Statute is that all employment agencies—in the broadest sense of that term—must be licensed. However, some agencies may meet the exceptions listed in Section 46A, and if they meet any one or all of the exceptions, they must be registered pursuant to Sections 46B and 46Q, as well as 801 CMR 4.02.

The first exception to licensure:

- Any agency that does not charge fees to job applicants or workers may be registered.
- This exception, however, does not apply to agencies placing domestic employees*. These agencies must still be licensed unless they can show that they fall within the second or third exception.

The second exception to licensure:

- Any agency that employs workers directly AND only provides part-time or temporary help to others may be registered. This exception would apply even if an agency charges applicant fees and/or if an agency places domestic employees.

The third exception to licensure:

- Any agency that only provides to employers or prospective employers, by electronic means, biographical information, background, and experience of applicants for temporary employment, help, or engagement may be registered. This exception does not apply, however, if the agency in any way attempts to connect prospective workers with specific employers or clients seeking their services.

**domestic employees, for the purposes of the Employment Agency Statute, are workers providing services in a home. Such services include, but are not limited to: nannies (of all types—live-in, live-out, “night nannies,” etc.), elder care workers, home companions, personal care attendants, babysitters.*

**For more information about
license and registration requirements,
visit www.mass.gov/dos/**



There are many responsibilities and requirements of agencies, as well as rights and protections for workers contained within the Employment Agency Law.

To obtain a copy of the law, visit:
www.mass.gov/legis/laws/mgl/140-46a.htm
or call DOS at (617) 626-6970