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### Regulation on Employment Agencies

2016

Ministry of Economic Development

Male' Maldives

### Regulation on Employment Agencies

2016

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| Introduction and title                            | 1 | (a) | This Regulation is formulated pursuant to subsection 66(b) and section 89 of the Act No. 2/2008 (Employment Act).  |
|   |   | (b) | The title of this Regulation shall be "Regulation on Employment Agencies".   |
| Enforcement authority                             | 2 |     | This Regulation shall be enforced by the Ministry mandated to regulate and implement employment matters pertaining to Act No: 2/2008 (Employment Act).   |
| Objectives  | 3 |     | This Regulation provides for the role of employment agencies in recruiting employees for employers from the job markets within Maldives and from abroad, and enhancement of employment opportunities for job seekers through registration and licensing of employment agencies, specifying the situations for the revocation of licenses issued to protect the rights of the parties in an employment relationship to maintain consistency with the international conventions which the Maldives has ratified. |
| Obtaining permission to operate employment agency | 4 | (a) | Employment agencies shall operate their businesses upon obtaining the specific license issued by the Ministry for that purpose, and in accordance with the Employment Act and this Regulation.   |
|   |   | (b) | Application to obtain a license to operate an employment agency as a business venture shall be made by submitting "Application Form to Request for the License to Operate an Employment Agency", provided in Annex 1 of this Regulation. The submission shall include the documents required in the Application Form.  |
|   |   | (c) | A fee of MVR2500 (two thousand and five hundred Maldivian Rufiyaa) shall be levied to issue the license to operate an  |

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|   |   |     | employment agency.   |
| Conditions for issuing the license to operate Employment Agency | 5 | (a) | The license to operate an employment agency shall be issued to applicants who satisfy the conditions stated below.   |
|   |   | (1) | The applicant shall be a business registered at the relevant Government authority under Act No. 10/96 (Companies Act of Maldives) and all shareholders of the company shall be Maldivians.   |
|   |   | (2) | Operating an employment agency shall be an objective of the applicant company and the articles of association of the company shall state the same.   |
|   |   | (3) | The deposit money referred to in subsection 13(a) of this Regulation shall be paid.  |
|   |   | (4) | The applicant shall not be a company within the ambit of subsections (b), (c) and (d) of this Regulation.  |
|   |   | (5) | The shareholders of the applicant company shall not be an employee or a closely related family member of an employee of any of the offices stated in subsection 9(a) of this Regulation.   |
|   |   | (6) | The fee referred to in subsection 4(c) of this Regulation shall be paid.   |
|   |   | (7) | The applicant company shall have paid all dues payable to Maldives Inland Revenue Authority and duly dispensed with all the responsibilities of the applicant company under tax laws.  |
|   |   | (b) | License to operate an employment agency shall not be approved for the applicant company if, in the last 5 (five) years from the date of application, the applicant company has been penalized for a violation of the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder, or if there is any similar matter under investigation, involving the applicant company at the time of application.  |
|   |   | (c) | License to operate an employment agency shall not be approved for the applicant company if, in the last 5 (five) years from the date of application, a director of the applicant company or a shareholder of a company registered in the Maldives excluding companies listed on the Maldives Stock Exchange, has a proceeding brought against such a director or a shareholder or been penalized for a violation of the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder, or if there is any similar matter under investigation at the time of application involving a director or shareholder of the applicant company. |

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|  |   | (d) | License to operate employment agency shall not be approved for the applicant company if, in the last 5 (five) years from the date of application, a director or shareholder of the applicant company registered in the Maldives, but excluding directors and shareholders of companies listed on the Maldives Stock Exchange, has been penalized for theft, fraud, embezzlement, misappropriation or robbery, or if there is any similar matter under investigation involving a director or shareholder of the applicant company at the time of application. |
|  |   | (e) | To screen the applicant company and its directors and shareholders, or a shareholder of any other company registered in Maldives excluding directors and shareholders of companies listed on the Maldives Stock Exchange, pursuant to subsections (b), (c) and (d) of this section, the records of the following government institutions shall be scrutinized.   |
|  |   | (1) | The Ministry mandated with implementing this Regulation.   |
|  |   | (2) | Labor Relations Authority.   |
|  |   | (3) | Maldives Immigration.  |
|  |   | (4) | Maldives Police Service.   |
|  |   | (5) | Employment Tribunal.   |
|  |   | (6) | Courts of law.   |
| Role of employment agencies  | 6 |     | The role of the employment agency is to operate a business which aims to source employment for Maldivians from within Maldives and abroad, and to recruit foreigners for employment in Maldives.   |
| Employing foreigners in Maldives   | 7 | (a) | The service of sourcing foreign employees into Maldives may be rendered by employment agencies which are registered under this Regulation in accordance with the "Regulation on Employing Foreigners in Maldives", formulated pursuant to section 63 of the Employment Act.  |
|  |   | (b) | Notwithstanding subsection (a) of this section, foreign employees may be sourced without involving an employment agency in case the foreign employees are brought to work for the Government or to do domestic works at homes.   |
| License to operate employment agencies                                   | 8 |     | The license to operate employment agencies shall be valid for a period of 2 (two) years.   |
| Parties not eligible to be issued a license to operate employment agency | 9 | (a) | Clause 5(a) (1) of this Regulation states that the license to operate employment agency shall be issued to companies registered in Maldives and owned by Maldivians, however, if any of the shareholders of the company wishing to operate the employment agency, is an employee or a close family member of an employee of any of the below stated offices, the license to operate employment agencies shall not be approved for that company.  |
|  |   | (1) | The Ministry mandated with implementing this Regulation.   |
|  |   | (2) | Labor Relations Authority.   |
|  |   | (3) | Maldives Immigration.  |

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|   |    | (b) | it shall be unlawful for an employee of any of the offices stated in subsection (a) of this section, to be a director, shareholder or an employee of a company which operates an employment agency.   |
|   |    | (c) | Any employee who acts in contravention of subsection (b) of this section shall be dismissed from the employment of that office upon contravention or from the date the contravention is found.  |
|   |    | (d) | An employee of any of the offices stated in subsection (a) of this section, who has been working in a capacity prohibited in subsection (b) of this section, since before this Regulation came into force, shall be given a period of 30 (thirty) days, from the date of commencement of this Regulation to conform to this Regulation.   |
| Renewal of license  | 10 | (a) | Application to renew the license issued shall be made every 2 (two) years pursuant to section 8 of this Regulation. The application via the form in Annex 1 of this Regulation shall be completed and submitted to the Ministry 1 (one) month before the expiry of the license.   |
|   |    | (b) | A fee of MVR 2500 (two thousand five hundred Rufiyaa) shall be paid each time the license is renewed pursuant to subsection (a) of this section.  |
|   |    | (c) | The renewal of the license referred to in subsection (a) of this section, shall be approved if the employment agency had duly submitted the reports referred to in section 17 of this Regulation to the Ministry.   |
|   |    | (d) | The Ministry may suspend the license of an employment agency upon failure to apply for renewal of license in accordance with subsection (a) of this section and the license shall be revoked upon failure to renew the license within 30 days of suspending the license.  |
|   |    | (e) | A license which was suspended pursuant to subsection (d) of this section, may be renewed upon payment of a fine of MVR 100 (one hundred Rufiyaa) per day, from the day renewal of license was overdue to the day it was renewed.  |
| Situations barring the renewal  | 11 |     | An application to renew the license shall not be approved if within the past 2 (two) years from the date of application, the applicant company's license had been revoked under a situation referred to in section 30 of this Regulation or if the applicant company has repeatedly acted in a manner which fits revocation of the license.   |
| Blacklisting of and order to suspend services from Government authorities to an employment agency | 12 | (a) | Ministry has the discretion to blacklist the managing director and the agency, suspend the license and order to suspend services from other Government authorities to an employment agency, if that employment agency contravened the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder. In addition, the Ministry may order to revoke the |

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|   |    |     | license of a blacklisted employment agency pursuant to clause (4) of subsection (b) of section 30 of this Regulation.   |
|   |    | (b) | The decision that an employment agency has violated any of the legal instruments referred to in subsection (a) of this section shall depend on the decision of any of the following Government authorities.   |
|   |    | (1) | Courts of law.  |
|   |    | (2) | Employment Tribunal.  |
|   |    | (3) | The Ministry mandated with the implementation of this Regulation.   |
|   |    | (4) | Labor Relations Authority.  |
|   |    | (5) | Maldives Police Service.  |
|   |    | (6) | Maldives Immigration.   |
|   |    | (c) | The Guideline in Annex 3 of this Regulation shall be followed in blacklisting and suspending services to employment agencies pursuant to subsection (a) of this section.  |
| Deposit money                             | 13 | (a) | A deposit of MVR 50,000 (fifty thousand Rufiyaa) shall be kept to obtain the license to operate an employment agency. Interest shall not apply on the deposit money.  |
|   |    | (b) | The Ministry may spend of the deposit money referred to in subsection (a) of this section, in the event expenses are incurred due to a violation of the Employment Act, this Regulation, Human Trafficking Prevention Act or any regulations under the Act by an employment agency and the employment agency refuses to pay for the expenses.   |
|   |    | (c) | Pursuant to subsection (b) of this section, if the deposit money was spent, or if the expenses incurred exceeded the deposit amount, the operator of the employment agency shall pay to the Ministry or in a manner acceptable to the Ministry, the amount due to adjust the deposit money to the full deposit amount and where necessary, to reimburse for the expenses incurred more than the deposit amount within 7 days. |
|   |    | (d) | If the employment agency failed to make the payments in relation to the deposit within the period prescribed in subsection (c) of this section, the license of that employment agency shall be suspended until the payment is made. The Ministry may revoke the license pursuant to clause (4) of subsection (a) of section 30 of this Regulation upon failure to make the payment within the given duration.                 |
|   |    | (e) | Pursuant to subsection (d) of this section, and with reference to other sections of this Regulation, the Ministry may order to suspend services from Government authorities to the employment agency upon suspension of its license.  |
|   |    | (f) | It is unlawful for an employment agency to render recruitment services to anyone while the license to operate employment agency is suspended pursuant to subsection (d) of this section.  |
| Requirements of employment agency offices | 14 | (a) | Offices of Employment agencies shall conform to the following requirements.   |

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|   |    |  | (1) | The offices of the employment agencies shall be established in inhabited islands, with access to the office separated from access to household living quarters, in a manner appropriate for public to receive services from the employment agency.  |
|   |    |  | (2) | The name plate of the employment agency shall be displayed to public view on the outside of the building and the quarters used as office.   |
|   |    |  | (3) | The business hours of the employment agency shall be displayed to public view on the outside of the building and office quarters.   |
|   |    |  | (4) | The telephone and fax lines of the employment agency shall be obtained under the name of the company operating the employment agency and it shall be separate from other such lines in the building.  |
|   |    |  | (5) | An active email address in the name of the company operating the employment agency and a mobile hotline under the company name for emergency communications shall be activated. The particulars of the mobile hotline shall be displayed to public view.  |
|   |    |  | (6) | Facilities such as lockers and safes shall be in place to use for temporary storage of important documents such as passports related to Work Visa and recruitment services in the employment agency.  |
|   |    |  | (7) | The license to operate employment agency or a copy of the same, attested and stamped by the Ministry, shall be displayed in the office.   |
|   |    |  | (b) | To omit a requirement listed under clauses subsection (1) to (7) of subsection (a) of this section or to contravene the said clauses is prohibited.   |
| Operating the business of employment agency | 15 |  | (a) | Employment agencies shall have their offices open for business from 9AM to 3PM on every day except on public holidays. Apart from the afore prescribed working hours employment agencies may keep their businesses open for public during the hours the Government has sanctioned as appropriate for public service.    |
|   |    |  | (b) | All communications pertaining to the recruitment of a person for an employment through the employment agency, shall be done on the letterhead of the employment agency, duly stamped, and signed by an official of the employment agency.   |
|   |    |  | (c) | Employment agencies shall open an account in the employment agencies' name in a bank registered in the Maldives, pursuant to Act No: 24/2010 (Maldives Banking Act).  |
|   |    |  | (d) | Telephone and fax services of an employment agency shall never be out of services except with a valid reason such as a technical problem. In the event communication services of the employment agency are disrupted due to a technical reason, it shall be reinstated within a maximum of three days since disruption. |
|   |    |  | (e) | If an employment agency is posting employees for employment   |

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|   |    |     | abroad or sourcing employees into the country from abroad, through a foreign based employment agency, it may do so if the foreign based employment agency is duly registered and licensed by the government of the country to which that foreign employment agency belongs.   |
|   |    | (f) | Employment agencies shall submit the following information about the foreign based employment agencies they are working with, prior to effecting any posting out or sourcing in of employees.   |
|   |    | (1) | Name of the foreign employment agency.  |
|   |    | (2) | Postal address.   |
|   |    | (3) | Phone and fax numbers.  |
|   |    | (4) | Email address.  |
|   |    | (5) | Authorized true copy of the license to operate the named foreign employment agency, issued by the government of the country to which the foreign employment agency belongs to.  |
|   |    | (g) | If an employment agency must take temporary possession of passports or other important documents for the purpose of obtaining Work Visa or other similar purpose, the employment agency is required to obtain a written and signed no objection from the document holder consenting to the temporary possession of passport or other such documents by the employment agency. An original of the signed no objection shall be filed at the employment agency for record keeping and a second original shall be served to the document holder whose document is taken into the custody of the employment agency. |
|   |    | (h) | The template of the written no objection required under subsection (g) of this section, is in Annex 12 of this Regulation.  |
|   |    | (i) | It shall be unlawful for an employment agency to take possession of passports or other similar documents except in the situation referred to in subsection (g) of this section. If an employment agency withholds a passport or other similar document for any other purpose, a fine of MVR 5000 (five thousand Rufiyaa) shall be levied against that employment agency for each count of such incidence.   |
| Responsibilities of the employment agency | 16 | (a) | The employment agency which facilitated the foreign employee to enter Maldives shall be responsible to deploy all duties towards the foreign employee from the time he or she arrives in Maldives to the moment he or she is handed over to the employer. In this regard the responsibilities of the employment agency are:   |
|   |    | (1) | To receive the foreign employee at the port of arrival by air or otherwise, upon his or her entry into Maldives.  |
|   |    | (2) | To arrange and provide for the full accommodation (meals, a place to sleep, means of personal hygiene and use of restrooms) to the foreign employee from the time of arrival in Maldives until the employer takes over.   |
|   |    | (3) | In the event the foreign employee suffers a health  |

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|  |    |     | emergency, to provide health care at the nearest hospital or health post and fully attend to the foreign employee until the employer takes over.  |
|  |    | (4) | In the event a foreign employee passes away before he or she is handed over to the employer, the Maldivian employment agency shall at its own expense, send the body back to his or her home country or hold a burial in Maldives.  |
|  |    | (5) | The employment agency shall handover the foreign employee to the employer within 72 hours, pay the Visa Fee within 15 days and hand over the passport and Visa Card to the employer within 20 days.   |
|  |    | (6) | The employment agency shall obtain from the employer a signed document which declares that the employment agency has handed over the foreign employee, his or her passport and Visa Card to the employer and the said document shall be filed in the employment agency.   |
|  |    | (7) | It is unlawful for employment agencies to act in a manner inconsistent with this subsection.  |
|  |    | (b) | An employer or a foreign employee shall not be deceived to recruit a foreign employee to engage in an occupation which is not authorized for foreign employees by the Ministry. It is unlawful to commit such acts referred to in this subsection.  |
|  |    | (c) | If any problem arises concerning a foreign employee within the first three months from the date of his or her arrival, the employment agency shall fully carry out its responsibilities under the contract between the employment agency and the employer in dealing with the matter. If the employment agency refuses to take responsibility in accordance with this section, the employment agency is committing an unlawful act. |
|  |    | (d) | If there is a change in any information submitted during the registration of the employment agency, the change shall be communicated to the Ministry in writing within 7 (seven) days (excluding public holidays) by the latest.  |
| Report submission  | 17 |     | Employment agency shall submit a report with the information of employees employed through that employment agency, in the format provided in Annex 2 of this Regulation to the Ministry once every three months.  |
| Appointment of Employment agency Representatives and obtaining their Representative Identification Cards | 18 | (a) | Employment agencies shall appoint Representatives to represent the employment agencies. Each Representative appointed shall be registered in a pension scheme overseen by the Pensions Administration Office.   |
|  |    | (b) | Notwithstanding subsection (a) of this section, the employment agency has the discretion to register in a pension scheme  |



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|                                |    |     | overseen by the Pensions Administration Office a shareholder or an employee of the employment agency in probation, until probation is over, as their Representative.  |
|                                |    | (c) | Probation period referred to in subsection (b) of this section shall be 3 (three) calendar months from the date the employee was appointed to the employment. A provisional Representative Identification Card shall be issued to employees in probation upon being appointed as Representatives to last the probation period.  |
|                                |    | (d) | For anyone to register as a Representative of an employment agency, he or she must get certified through participating and passing an exam given upon completion of a training program tailored for representatives and conducted by the Ministry or a party authorized by the Ministry.  |
|                                |    | (e) | The Ministry shall scrutinize the criminal records of the past 5 (five) years of the appointees prior to issuing Representative Cards. Representative Card of an employment agency shall not be issued to an appointee who has a record of a conviction in a court of law for any offence within the Past 5 (five) years.   |
|                                |    | (f) | If a Representative of an employment agency appointed pursuant to subsection (a) of this section, represents an additional employment agency, the Representative shall register at the Pension Administration Office under the name of that employment agency he or she represents.   |
|                                |    | (g) | To obtain the Representative Card of an employment agency, "Application Form to Request for Agency Representative Card" (template of the said form provided in Annex 4 of this Regulation), shall be filled, and submitted along with the documents required in the Form.   |
|                                |    | (h) | A fee of MVR200 (two hundred Rufiyaa) shall be paid as the processing fee for the Representative Card.  |
|                                |    | (i) | A maximum of 10 (ten) Representative Cards shall be issued to each employment agency. This Card shall be issued to permanent employees of employment agencies who are Maldivians and are registered on the Maldives Retirement Pension Scheme. If an employee who is issued with a Card, terminates employment with the agency, the Ministry shall be notified of the termination within 24 hours and a request to cancel the card shall be submitted to the Ministry within 3 (three) days. Agencies failing to comply with this section are committing an unlawful act. |
|                                |    | (j) | An employee of the employment agency shall have the Representative Card of that agency when seeking a service from the Ministry or another Government authority and shall display the original Card when requesting for services.   |
| Renewal of Representative Card | 19 | (a) | An application to renew the Representative Card of the employment agency shall be submitted 7 (seven) days prior to the expiry of the Card excluding public holidays.   |
|                                |    | (b) | To apply for renewal of the Representative Card, the form in  |

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|   |    |     | Annex 4 of this Regulation shall be completed and submitted along with the documents required in the form.   |
|   |    | (c) | For each renewal of the Representative Card, a fee of MVR200 (two hundred Rufiyaa) shall be charged. The same fee shall be charged to issue a new card due to change of information, or to replace damaged or misplaced cards.   |
| No foreign employees in employment agencies         | 20 | (a) | Foreign employees shall be prohibited from serving any administrative job in an employment agency.   |
|   |    | (b) | Pursuant to subsection (a) of this section, administrative work refers to obtaining the services given by Government offices which are necessary to facilitate the services rendered by the agencies, filling the forms related to the works of the agencies, sourcing employees, collecting the data page of the passports of employees joining employment, keeping record of the transactions between the employers and the agencies, keeping record of the transactions between the prospective employees and the agencies, receiving foreign employees at their port of arrival and handing over of foreign employees to their employers.        |
|   |    | (c) | It is unlawful to engage or attempt to engage a foreign employee to carry out any of the activities stated in subsection (a) of this section. The first time an employment agency contravenes this subsection, a fine of MVR 3,000 (three thousand Rufiyaa) shall be imposed on that agency. For the second time, MVR 4000 (four thousand Rufiyaa), shall be imposed and the third time a fine of 5000 (five thousand Rufiyaa) shall be imposed. If the contravention is repeated a fourth time, the license issued to the agency shall be suspended and revoked pursuant to clauses (3) and (4) of subsection (a) of section 30 of this Regulation. |
| Relationship between employment agency and employer | 21 |     | A written contract shall be executed between the employment agency and the employer who seeks the services of the employment agency to source employees. The contract shall in the least contain the information stipulated in Annex 5 of this Regulation.   |
| Letter of Appointment                               | 22 | (a) | Prior to the departure of the foreign employee from his or her country to arrive in Maldives for employment, the employment agency shall cause the foreign employee to sign and put his or her fingerprint of either thumb on the Letter of Appointment as agreed between the employer and the foreign employee and an original of the signed document having the fingerprint on it shall be served to the employee and a copy of the same shall be filed in the agency records. The Letter of Appointment shall contain the information stated in Annex 6 of this Regulation.   |
|   |    | (b) | Contravening subsection (a) of this section is unlawful.   |
| Record keeping and disclosure                       | 23 | (a) | Every employment agency shall collect the information of the employees who were employed through that agency, in the   |

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|   |    |     | format provided in Annex 7 of this Regulation and maintain the records of the said information in the agency for a term not less than 5 (five) years.  |
|   |    | (b) | Employment agencies shall file and keep true copies of advertisements and other documents used in the communications to source employees for different occupations for a term not less than 5 (five) years.  |
|   |    | (c) | Employment agencies shall make available to the Ministry, the records kept by the agencies as and when the Ministry demands an inspection of the records to check whether the agency is operating in accordance with the laws and regulations. If the agency is unable to show the records to the Ministry upon demand, the agency shall make the records available within three days of the demand and provide the Ministry with copies of the documents as required. |
|   |    | (d) | It shall be unlawful for an employment agency to violate this section.   |
| Providing true information                                    | 24 | (a) | Information about employment opportunities presented through communications and adverts to source employees for different occupations by the employment agency shall be true.  |
|   |    | (b) | It shall be unlawful or an employment agency to violate this section.  |
| Providing employment opportunities for Maldivians from abroad | 25 | (a) | Employment agency shall make an application and obtain permission from the Ministry prior to placing a Maldivian abroad for employment. The following documents shall be submitted with the application to obtain the permission referred to herein.   |
|   |    | (1) | Letter of Appointment.   |
|   |    | (2) | The contract between the Maldivian employment agency engaged in providing the overseas employment and the foreign employer or the employment agency representing the foreign employer.   |
|   |    | (3) | The contract between the employment agency in Maldives and the Maldivian employee who is to be posted in an employment abroad through that agency.   |
|   |    | (4) | Profile of the employer (the information required in Annex 8 shall be included)  |
|   |    | (b) | Employment agency shall provide the prospective employee, who is to be posted abroad for employment, the information stated in Annex 9 in written form and obtain a signed acknowledgement from the prospective employee that the information has been provided. The information provided in this manner and the signed acknowledgement shall be kept in the records of that employment agency for 5 (five) years.   |
|   |    | (c) | The employment agency engaged in the arrangement of overseas employment shall sign a contract with the foreign employer or the employment agency representing the foreign employer, which contains the information stated in Annex 10 of this Regulation.  |

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|             |    | (d) | The employment agency in Maldives shall sign a contract with the Maldivian employee who is to be posted for an employment abroad through that agency, which contains the information stated in Annex 11 of this Regulation.  |
|             |    | (e) | When a Maldivian is being posted abroad for employment through an employment agency, the employment agency shall cause the foreign employer to sign and put the finger print of his or her either thumb on the Letter of Appointment as agreed between the foreign employer and the Maldivian employee and a copy of the document shall be kept filed at the agency records for a term not less than 5 (five) years. The Letter of Appointment shall contain the information stated in Annex 6 of this Regulation. |
|             |    | (f) | In the event a Maldivian employee employed abroad through an employment agency, loses his or her job within the first 3 (three) months for any reason, the return of the Maldivian shall be carried out in accordance with the contract signed between the employment agency and the Maldivian employee who was employed abroad through that agency.   |
|             |    | (g) | Ministry may decide not to authorize the posting of a Maldivian for an overseas job, after considering the status of the employer, working environment and the rights and benefits allocated to the employee.  |
|             |    | (h) | The employment agency through which a Maldivian is to be posted abroad for employment, shall pay, and keep with the Ministry until the employee returns from the employment, a deposit equivalent to the price of a one-way ticket to Maldives from the country where he or she is employed. The deposit shall be paid to the Ministry in US Dollars.  |
|             |    | (j) | If a Maldivian has been posted abroad for employment through an employment agency, it shall submit the following information to the Ministry within 7 (seven) days (excluding public holidays) after his or her departure from Maldives. If any of the information provided hereunder changes, the employment agency shall update the Ministry on the changes to information within 30 (thirty) days (excluding public holidays).  |
|             |    | (1) | Name and Address.  |
|             |    | (2) | Passport number.   |
|             |    | (3) | Identity Card number.  |
|             |    | (4) | Occupation and designation.  |
|             |    | (5) | Date of departure.   |
|             |    | (6) | Destination country or name of the country of employment.  |
|             |    | (7) | Name, postal address, phone number, fax number and email address of employer.  |
|             |    | (8) | Name, phone number and email address of a person to contact for information related to employment.   |
| Prohibiting | 26 | (a) | Employee shall not be charged any fees directly or indirectly.   |

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| charging fees from prospective employees             |    |     | Employees shall not be made to pay for any expense or part of expenses incurred in affording employment to him or her.   |
|  |    | (b) | Notwithstanding subsection (a) of this section, the employment agency may charge fees from the employer as agreed between the employer and the agency.   |
|  |    | (c) | It shall be unlawful to commit or attempt to commit any act stated in subsection (a) of this section.  |
|  |    | (d) | Any agency who contravenes subsection (a) of this section shall be liable to pay a fine of MVR 5000 (five thousand Rufiyaa) for each count of contravention. Additionally, the Ministry has the discretion to suspended and revoked the license issued to the agency pursuant to clauses (3) and (4) of subsection (a) of section 30 of this Regulation.   |
| Non-discrimination                                   | 27 |     | It shall be unlawful for the employment agencies to exercise any sort of discrimination towards the people who receive their services, based on their family background, complexion, social status, religion, political affiliation, sex, status of marriage, responsibilities undertaken in family, age and disabilities, except as allowed by law.   |
| Complaints against employment agencies               | 28 | (a) | Complaints against employment agencies shall be processed in accordance with section 69 of the Employment Act.   |
|  |    | (b) | Employment agencies shall be allowed the opportunity to submit their defense, before taking any action against them following a complaint submitted to the Minister against them.  |
|  |    | (c) | The Ministry shall publish the procedure to be followed in investigating complaints against employment agencies and meeting out ensuing penalties within 6 (six) months from the date of commencement of this Regulation.  |
| Circumstances for suspension of license temporarily. | 29 |     | In the circumstances given below, or if an employment agency commits a similar act, or if a complaint submitted to the Minister pursuant to section 28 of this Regulation is proven against an employment agency, the agency shall be ordered to suspend all its operations under the license along with temporary suspension of the license.  |
|  |    | (1) | Failure to reimburse the deposit within 7 (seven) days (excluding public holidays) after the deposit money kept by an employment agency was spent to recover expenses incurred due to a violation of this Regulation by the employment agency and which was not borne by the agency.   |
|  |    | (2) | In the event a complaint against an employment agency regarding violations within the ambit of Employment Act, this Regulation, Act No. 12/2013 (Human Trafficking Prevention Act) and the regulations formulated pursuant to the said Acts, was submitted to the Minister and with due consideration to the nature and severity of the violation, if the Minister decides to investigate the complaint, until the investigation is concluded. |
|  |    | (3) | Failure to apply for renewal of the license pursuant to section  |

|                                      |    |     |  |
|--------------------------------------|----|-----|--|
|                                      |    |     | 10 of this Regulation.   |
|                                      |    | (4) | Failure to rectify within 7 (seven) days, after notice to rectify a wrong pertaining to any section of this Regulation.  |
| Revocation of license                | 30 | (a) | In the circumstances given below or if an employment agency acts in a manner akin to the given situations, their license shall be revoked. Upon revocation, the employment agency shall be notified, and a public announcement of the revocation shall be made.  |
|                                      |    | (1) | Failure to comply with any of the conditions stated in section 5 of this Regulation.   |
|                                      |    | (2) | Failure to conform to any of the standards of service provision stated in sections 14 and 15 of this Regulation.   |
|                                      |    | (3) | Failure to comply with sections 20 and 26 of this Regulation by an employment agency.  |
|                                      |    | (4) | In the event an employment agency contravened any section other than the sections referred above, in this Regulation, and failed to rectify the matter within the 7 (seven) days (excluding public holidays) of notification to rectify, which leads to a suspension of the license for a period of 30 (thirty) days (excluding public holidays) with a final opportunity to rectify the matter within that period but expires without rectification as instructed through the notification. |
|                                      |    | (5) | Upon written request of the licensee to cancel the license to operate employment agency.<br>Dissolution of the licensed company or commencement of liquidation process of the licensed company, or the licensed company is declared bankrupt or insolvent by the board of directors of that company.   |
|                                      |    | (6) | In any circumstance identified in any other section of this Regulation, as a circumstance for revoking the license   |
|                                      |    | (b) | The license of an employment agency shall be revoked if it assisted or continues to assist the operations of another agency, after the license of the latter has been revoked.   |
|                                      |    | (c) | An agency whose license was revoked in accordance with this Regulation may be issued a license again upon submission of the form referred to in subsection (b) of section 4 of this Regulation to the Ministry. The applicant shall satisfy the conditions in section 5 of this Regulation.  |
| Consequence of revocation of license | 31 | (a) | If the license of an employment agency is revoked under section 30 of this Regulation, the licensee shall discontinue the business operations of the agency. It shall be unlawful to operate the agency after revocation of the license.   |
|                                      |    | (b) | Anyone who contravenes subsection (a) of this section, shall be fined MVR 5000 (five thousand Rufiyaa) for each day of violation.  |
|                                      |    | (c) | Upon revocation of the license for any reason, the deposit retained with the Ministry by the company shall be refunded to the agency. The Ministry or any other party assigned by the  |

|   |    |     |   |
|---|----|-----|---|
|   |    |     | Ministry shall release the deposit after deducting any dues payable to any Government authority regarding the operations of the agency.   |
|   |    | (d) | The revocation of the license of an employment agency shall not affect any rights or duties owed by the agency towards another party with respect to a transaction or service rendered before the revocation of the license, nor shall it affect the right of the employment agency to receive any rights or duties owed to it by another party pertaining to the transactions done prior to the revocation. Furthermore, any lawsuit initiated by or against the employment agency shall not be affected by the revocation of the license. |
| Non-disclosure of employee information    | 32 | (a) | It shall be unlawful for an employment agency to require and record from a prospective employee any personal information, except to the extent required to establish the employability of the person regarding the occupation he or she has applied for.  |
|   |    | (b) | An employment agency may disclose personal information of an individual collected as stated in subsection (a) of this section only to employers who are interested in obtaining employees with certain specific qualities.  |
| Exceptions                                | 33 | (a) | Employment agencies which are registered to source mariners for seafaring vessels only shall be an exception to this Regulation.  |
|   |    |     | Notwithstanding subsection (a) of section 7 of this Regulation, foreign employees may be sourced without involving an employment agency in case the foreign employees are brought to work for the Government or to do domestic work at homes.   |
| Previous licensees and their transactions | 34 |     | The employment agencies licensed under previous regulations shall be valid and any dealings done by those agencies in relation to their operations shall not be affected by the commencement of this Regulation.  |
| Inspection                                | 35 |     | The Ministry or an appointee of the Ministry may carry out inspections of the employment agencies to ensure that the agencies are operating in accordance with this Regulation.   |
| Penalties for non-compliance              | 36 |     | The penalty for an act or omission in contravention of a section of this Regulation shall be the penalty prescribed in that section. Where the section is silent about the penalty for contravening it, a fine of MVR 5000 (five thousand Rufiyaa) in addition to suspension or revocation of the license pursuant to clause (4) of subsection (a) of section 30 of this Regulation, may be imposed on the employment agency, at the discretion of the Ministry.  |
| Commencement of this Regulation           | 37 | (a) | This Regulation shall come into force on the date this Regulation is published on the Gazette of the Government of Maldives and the "Regulation on Employment Agency 2009" shall be repealed upon commencement of this Regulation.  |
|   |    | (b) | Employment agencies which were licensed by the Ministry shall rectify their operations to conform to this Regulation within 3 months from the date of commencement of this Regulation.  |
|   |    | (c) | If an employment agency which was licensed by the Ministry  |

|             |    |   |
|-------------|----|---|
|             |    | failed to rectify their operations to conform with this Regulation within the given period shall have their licenses suspended, and then revoked pursuant to clause (4) of subsection (a) of section 30 of this Regulation.   |
| Definitions | 38 | In this Regulation:   |
|             |    | “Ministry” refers to the ministry mandated with formulating the employment policies and regulating matters concerning employment.   |
|             |    | “Minister” refers to the minister mandated with formulating the employment policies and regulating matters concerning employment.   |
|             |    | “Employment agency” or “agency” refers to any party in the business of sourcing employment opportunities for those who are seeking different occupations or sourcing employees at the request of employers or to help in related matters under a license and with motive for profit in accordance with this Regulation. |
|             |    | “Seniors of the employment agency” refers to managing directors, directors, shareholders, members, or officers who act in the capacity of persons leading the operations of the employment agency.  |
|             |    | “Tribunal” refers to the tribunal established under the Employment Act to hear cases relating to employment.  |
|             |    | “Close family relations” refers to husband, wife, and own children.   |
|             |    | “Related company” refers to a company which is a shareholder of another company.  |

## Annex 1

## Letterhead of Ministry of Economic Development

## Application Form to Request for License to Operate Employment Agency

1- **Application type:**  New Application  Application for renewal of existing license

2- **Information Of the Company**

- (a) Name:  
 (b) Registration Number of the company:  
 (c) Registered address of the company:  
 Address 1:  
 Address 2:  
 Street:  
 Ward:  
 Atoll and Island:  
 Post Code:  
 (d) Date of registration of the Company:  
 (e) Main activity of the company:  
 (f) Contact number:



- (g) Fax Number:
- (h) Email address:

**3- Information On the Administration of The Employment Agency**

- (a) Address of the Office:

Address 1:

Address 2:

Street:

Ward:

Atoll and Island:

Post Code:

- (b) Name of Owner of the Building

- (c) Permanent Address of the Owner of the Building

- (d) Whether the Office building is rented:  Yes  No

- (e) Business hours of the Employment Agency

- (f) Mode of safe keeping passports and other documents:

- (g) Phone number

- (h) Fax number

- (i) Email Address

**4- Information of the Director Responsible for The Operations Of Employment Agency**

- (a) Name

- (b) Current Address

Address:

Street:

Ward:

Atoll and Island:

Post Code:

- (c) Maldivian National Identity Card Number

**5- Affiliated Employment Agencies from Abroad**

- (a) Full Name of the Employment Agency:

- (b) Registered Address:

Address 1:

Address 2:

Street:

District:

Country:

Postal Code:

- (c) Phone Number

- (d) Fax Number

- (e) Email Address

**6- Applicant's Information**

*Declaration:*

*I hereby declare that the information submitted in this Form is true. Please issue license to -----  
----- to operate an employment agency based on the information provided above.*

Name

Designation:

Date:

Signature:

7- Company Seal

**8 Special Note:**

- (a) Forms corrected by crossing out, over writing or using correction fluid shall not be accepted.
- (b) License for employment agency shall be issued if operating employment agency is included in the Objectives of the company in the Articles of Association of the Company.
- (c) This Form will not be accepted If any one document listed below is not submitted with this Form.

**9- Documents To Be Submitted with This Form**

- (a) Originals and copies of Maldivian National Identity Cards of the directors of the company (original cards will be handed back after verifying the copies).
- (b) Resolution of the board of directors deciding to operate an employment agency.
- (c) Resolution of the board of directors of the company appointing a director to represent the company in the administration of the agency.
- (d) Acceptance letter from the director appointed to represent the company in the administration of the employment agency.
- (e) The license or copy stamped and attested to be true, issued to the affiliated foreign agencies by the government of the country of the foreign employment agency.
- (f) Criminal Record Clearance Forms of the directors (each director shall complete a separate form and submit).
- (g) Document stating that all dues payable to Maldives Inland Revenue Authority by that company has been paid and that all responsibilities under tax laws have been carried out by that company (Tax Clearance Document).

|                         |  |
|-------------------------|--|
| For Office Use Only     |  |
| Form received by (name) |  |
| Designation             |  |
| Date                    |  |
| Time                    |  |

|                       |  |
|-----------------------|--|
| Registry Received by: |  |
| Full name:            |  |
| ID Card No:           |  |
| Date                  |  |
| Time                  |  |

**Format Of the Report Required from The Employment Agency to The Ministry**

|    |  |  |
|----|--|--|
| 1  | Name of individual employed  |  |
| 2  | Passport number  |  |
| 3  | Nationality  |  |
| 4  | Employment Approval number   |  |
| 5  | Work visa number   |  |
| 6  | Occupation of the employee as on the employment approval                       |  |
| 7  | Remuneration of the employee   |  |
| 8  | Name of employer   |  |
| 9  | Whether the employee was returned or not within the first 3 months (Yes or No) |  |
| 10 | If returned by the agency, date of departure                                   |  |

Annex 3

**Guideline on Blacklisting and suspending operations of employment agencies**

The procedure for Blacklisting and suspension of operations is provided in this Guideline in Annex 3 of this Regulation.

If it is concluded that an employment agency has violated the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder, the following principles shall be applied in blacklisting the agency and its managing director.

- There shall be decision from any of the below named State authorities which states that the employment agency have violated the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder.
  - 1- A court of law
  - 2- Employment Tribunal
  - 3- Labor relations Authority
  - 4- Maldives Police Service
  - 5- Maldives Immigration
  - 6- The Ministry mandated with formulating the employment policy and regulating matters related to employment.

- The Ministry may blacklist an employment agency after considering the investigation reports and decisions made by any of the authorities listed above, regarding allegations submitted to those authorities of illegally letting foreigners into Maldives, human trafficking, delayed or non-payment of remuneration and withholding of documents like passports.
- Depending on the decision of any State authority named above, the Ministry may declare an employment agency to be temporarily blacklisted by including the name of the agency in the list titled, "Blacklisted Agencies".

If an employment agency operating in Maldives is blacklisted by the Ministry due to a violation of the Regulation on Operating Employment Agencies or Act No. 2/2008 (Employment Act) or any by-laws thereunder or Act No. 12/2013 (Human Trafficking Prevention Act) or any by-laws thereunder, the below laid out procedure shall be followed in suspending their license and blocking the agencies from getting services at Government authorities.

- 1- In the first stage, Ministry shall ensure that the agency is temporarily blacklisted.
- 2- In the second stage, serve written notice to the employment agency requiring to rectify the violations committed against laws and regulations and to report to the Ministry after complying with the notice within the notice period.
- 3- In the third stage, the ministry shall check if the rectifications required in the notice has been carried out. If the rectifications have not been carried out, license shall be suspended and order suspension of services to that agency from other Government authorities.
- 4- If the notice was not complied with, in the period given, in the fourth stage, revoke the license, blacklist the agency, and suspend all Government services to the agency. Furthermore, publish the name of the employment agency as blacklisted, on the website of the Ministry.

## Annex 4

**Form to Request for Representative Card of the Employment Agency**

| # | Applicant                               |   |
|---|---|---|
| 1 | Name                                    |   |
| 2 | Permanent address                       |   |
| 3 | Current address                         |   |
| 4 | Maldivian National Identity Card Number |   |
| 5 | Contact number                          |   |
| 6 | The Applicant for card is               | 1- Company shareholder or director<br>2- A permanent employee who is registered with the Pension Office<br>3- Employees of the company on probation |

| Information on Employment Agency |   |
|----------------------------------|---|
| 1                                | Registration number of the company operating the employment agency. |
| 2                                | Address of the office of the company                                |
| 3                                | Name of employment agency   |
| 4                                | Registration number of employment                                   |

|   |  |  |
|---|--|--|
|   | agency   |  |
| 5 | Phone number of the employment agency                                    |  |
| 6 | Fax number of the employment agency                                      |  |
| 7 | Email address of the employment agency                                   |  |
| 8 | Number of contact person to inquire information about applicant for card |  |

## Declaration:

*We, hereby declare that the information submitted in this Form by this Company is true. Based on the information provided above, please issue a Representative Card to ----- to represent the employment agency registered under this Company.*

Name:

Designation:

Date:

Signature:

Company Seal:

## Documents to be submitted with this Form:

- 1- Maldivian National Identity Card Number of the applicant who is requesting the Representative Card of the Employment Agency.
- 2- Resolution of the Board of Directors of the Company passed to appoint the Applicant as representative of the Employment Agency.
- 3- Passport size 2 photos in color (which is not more than 6 months since it was taken) of the Applicant.
- 4- Fee payable to obtain the Representative Card.

|                            |  |
|----------------------------|--|
| <b>For Office Use Only</b> |  |
| Form received by (name):   |  |
| Designation:               |  |
| Date;                      |  |
| Time:                      |  |

|   |  |
|---|--|
| <b>Employment Agency Representative Card Received by:</b> |  |
| Full name:  |  |
| ID Card No:   |  |
| Address:  |  |
| Date:   |  |
| Time:   |  |

**Points To Be Included in The Contract Between The Employment Agency And The Employer**

- 1- Information of the Employer
  - 1.1-Name:
  - 1.2-Address:
  - 1.3-Telephone and fax number:
  - 1.4-Email address:
  - 1.5-Nationality (if a company, incorporated company)
  - 1.6-Type of business activity if it is a company:
  - 1.7-Registration number of the Company
  
- 2- Information of the Employment Agency
  - 2.1- Name:
  - 2.2-Address:
  - 2.3-Telephone and fax number:
  - 2.4-Email address:
  - 2.5-License number of the Employment Agency:
  
- 3- Details of the employment
  - 3.1- Rank
  - 3.2- Salary
  - 3.3- Other benefits
  - 3.4- Worksite
  - 3.5- Job description
  - 3.6- Duration of the Employment Contract
  
- 4- Details of prospective employees
  - 4.1- Number of employees to be supplied
  - 4.2- Qualification
  - 4.3- Nationality of employee if specified
  
- 5- Miscellaneous
  - 5.1- Period of recruitment.
  - 5.2- Duration of the contract signed between employment agency and employer.
  - 5.3- Details of any undertakings agreed by the employment agency towards the employee after the employee has been handed over to the employer.
  - 5.4- Fees payable to the employment agency for the services rendered and the related terms.
  - 5.5- Procedure to be followed if the employee lacks the qualification specified by the employer and the terms on who will bear the expenses of sending the employee back to his or her home if needed.
  - 5.6- Responsibilities of the employment agency and the employer towards the foreign employee to be detailed respectively without any ambiguity.

To specify if a probation period is mandated or not (if probation is not mandated it shall be specified accordingly).

6- Method of Dispute resolution as agreed

6.1- Course action to be followed in the event the employee was not supplied in the agreed time frame.

6.2- Course of action to be followed in the event either party breaches the contract.

6.3- Course of action that will be adopted in a situation which is not addressed in the contract.

Annex 6

**Points to be included in the Letter of Appointment**

1- Information of the Employer

1.1-Name:

1.2-Address:

1.3-Telephone and fax number:

1.4-Email address:

1.5-Nationality (if a company, incorporated company)

1.6-Type of business activity if it is a company:

1.7-Registration number of the Company:

2- Details of the employee

2.1- Name

2.2- Permanent Address:

2.3- current Address:

2.4- Maldivian National Identity Card No (for Maldivian):

2.5- Work Permit Card No (for foreigners)

2.6- Passport no:

2.7- Nationality:

2.8- Date of Birth:

2.9- Emergency Contact's Address and phone number:

3- Details of employment

3.1- Rank

3.2- Salary and Other benefits

3.3- Classification and calculation of remuneration:

3.4- Date fixed for payment of remuneration:

3.5- Worksite and Job description

3.6- Date of commencement of contract and Duration of the Employment Contract:

3.7- temporary or regular employment.

4- Miscellaneous issues related to employment

4.1- Off days and arrangement for annual leave

4.2- Terms pertaining to the expense of travelling for holidays, returning to work or upon leaving job

- 4.3- Due date of annual leave
- 4.4- Qualifications required of the employee
- 4.5- terms on employee's meals, accommodation and medical
- 4.6- Working hours
- 4.7- Rules of conduct and penalties that apply to the employee
- 4.8- Mode of appraisal
- 4.9- Rules of dismissal from employment.

Annex 7

**Format for collecting and Recording employee information**

- 1- Details of employment agency
  - 1.1-Name:
  - 1.2-Address:
  - 1.3-Telephone and fax number:
  - 1.4-Email address:
  - 1.5-License number of the Employment Agency:
  
- 2- Details of employee
  - 2.1- Name
  - 2.2- Permanent Address:
  - 2.3- current Address:
  - 2.4- Maldivian National Identity Card No (for Maldivian):
  - 2.5- Work Permit Card No (for foreigners)
  - 2.6- Passport no:
  - 2.7- Nationality:
  - 2.8- Date of Birth:
  - 2.9- Emergency Contact's Address and phone number
  
- 3- Details of employer
  - 3.1-Name:
  - 3.2-Address:
  - 3.3-Telephone and fax number:
  - 3.4-Email address:
  - 3.5-Nationality (if a company, registered country)
  - 3.6-Type of business activity if it is a company:
  - 3.7-Registration number of the Company:
  
- 4- Details of the foreign employment agency involved
  - 4.1-Name:
  - 4.2-Postal address:
  - 4.3-Telephone and fax number:
  - 4.4-Email address:
  - 4.5-License number of the Employment Agency:



5- Details of employment

- 5.1- Rank
- 5.2- Salary and Other benefits
- 5.3- Classification and calculation of remuneration:
- 5.4- Date fixed for payment of remuneration:
- 5.5- Worksite and Job description
- 5.6- Date of commencement of contract and Duration of the Employment Contract:
- 5.7- temporary or regular employment.
- 5.8- If a Maldivian was employed abroad, date of departure:
- 5.9- if a foreigner was employed in Maldives, the date of arrival:

Annex 8

**Contents to be included in the employer profile**

1- Points to be included in the profile of the employer

- 1.1-Name of company and registered address
- 1.2-Address of the current office of the company
- 1.3-Name and address of directors and shareholders of the company
- 1.4-Age of company and the business activities of the company
- 1.5-Whether the company is registered in its country and a true copy of the certificate of registration
- 1.6-Number of foreign employees in the company
- 1.7-Total number of salaried employees with the company
- 1.8-The legal mechanism in place in the respective country relating to the rights of employees
- 1.9-Audited financial reports and bank references which shows the financial position of the company (bank reference shall state that the company is active in the business named in the profile as its business activity and that the company is financially secure)

Annex 9

**Information to be conveyed to Maldivian employees who are set for employment abroad by the employment agency**

1- Information about the Country of employment

- 1.1-Country name:
- 1.2-Religion:
- 1.3-Population and geographical location
- 1.4-Currency
- 1.5-Language
- 1.6-Transportation and weather/climate:
- 1.7-Arrangement for Health Services
- 1.8-Employee rights as recognized in that country's legal framework.

2- Conditions of work environment

3- Job description

Annex 10

**Points to be included in the contract between the Employment Agency in the Maldives and the foreign Employer or the foreign based employment agency representing the employer. when Maldivians are employed abroad**

- 1- Details of the employer:
  - 1.1-Name:
  - 1.2-Address:
  - 1.3-Telephone and fax number:
  - 1.4-Email address:
  - 1.5-Nationality (if a company, registered country)
  - 1.6-Type of business activity if it is a company:
  - 1.7-Registration number of the Company:
  
- 2- Details of the Maldivian Employment agency involved in gaining the employment abroad
  - 2.1-Name:
  - 2.2-Address:
  - 2.3-Telephone and fax number:
  - 2.4-Email address:
  - 2.5-License number of the Employment Agency:
  
- 3- Details of the Foreign Employment Agency involved in arranging the employment
  - 3.1-Name:
  - 3.2-Postal Address:
  - 3.3-Telephone and fax number:
  - 3.4-Email address:
  - 3.5-License number of the Employment Agency:
  
- 4- Details of the employment
  - 4.1-Rank:
  - 4.2- Salary and Other benefits:
  - 4.3- Classification and calculation of remuneration:
  - 4.4- Date fixed for payment of remuneration:
  - 4.5- Worksite and Job description:
  - 4.6- Date of commencement of contract and Duration of the Employment Contract:
  - 4.7- Temporary or regular employment:
  
- 5- Miscellaneous
  - 5.1-Period of recruitment:
  - 5.2-number of employees to be supplied under the agreement:
  - 5.3- Qualification of the employees to be supplied under the agreement:
  - 5.4-Arrangement for receiving of employee upon entry, provision of meals, health services and visa entry
  - 5.5- Responsibilities of the Maldivian employment agency after the Maldivian employee is received by the foreign employer:
  - 5.6-Procedure to be followed if the employee lacks the qualification specified by the employer and the terms on who will bear the expenses of sending the employee back to his or her home if needed.

- 5.7-Probation period if any specified. (if probation period has been waived, it has to be stated)
- 5.8-Course of action to be followed if the employee is dismissed during probation, or if the employee falls sick and becomes unable to work or becomes otherwise unable to execute the duties of employment or refuses to remain employed.
- 5.9-Course of action to follow if the employee dies.

6- Dispute resolution.

- 6.1-Course action to be followed in the event the employee was not supplied in the agreed time frame.
- 6.2-Course of action to be followed in the event either party breaches the contract.
- 6.3-Course of action that will be adopted in a situation which is not addressed in the contract.

Annex 11

**Points to be included in the agreement between the Maldivian Employment Agency and the Foreign Employer or the Foreign Employment Agency representing the Foreign employer when Maldivians are posted in employments abroad.**

1- Details of the employer:

- 1.1-Name:
- 1.2-Address:
- 1.3-Telephone and fax number:
- 1.4-Email address:
- 1.5-Nationality (if a company, registered country)
- 1.6-Type of business activity if it is a company:
- 1.7-Registration number of the Company:

2- Details of the Maldivian Employment agency involved in gaining the employment abroad

- 2.1-Name:
- 2.2-Address:
- 2.3-Telephone and fax number:
- 2.4-Email address:
- 2.5-License number of the Employment Agency:

3- Details of the Foreign Employment Agency involved in arranging the employment

- 3.1-Name:
- 3.2-Postal Address:
- 3.3-Telephone and fax number:
- 3.4-Email address:
- 3.5-License number of the Employment Agency:

4- Details of the employee

- 4.1-Name
- 4.2-Permanent Address:
- 4.3- current Address:
- 4.4- Maldivian National Identity Card No (for Maldivian):
- 4.5- Work Permit Card No (for foreigners)

- 4.6- Passport no:
- 4.7- Nationality:
- 4.8- Date of Birth:
- 4.9- Emergency Contact's Address and phone number
  
- 5- Employee Details of the employment
  - 5.1- Rank:
  - 5.2- Salary and Other benefits:
  - 5.3- Classification and calculation of remuneration:
  - 5.4- Date fixed for payment of remuneration:
  - 5.5- Worksite and Job description:
  - 5.6- Date of commencement of contract and Duration of the Employment Contract:
  - 5.7- Temporary or regular employment:
  
- 6- Miscellaneous matters specific to employment
  - 6.1- Off days and arrangement for annual leave
  - 6.2- Terms pertaining to the expense of travelling for holidays, returning to work or upon leaving job
  - 6.3- Due date of annual leave
  - 6.4- Qualifications required in the employee
  - 6.5- terms on employee's meals, accommodation and medical
  - 6.6- Working hours
  - 6.7- Rules of conduct and penalties that apply to the employee
  - 6.8- Mode of appraisal
  - 6.9- Rules of dismissal from employment.
  
- 7- Miscellaneous
  - 7.1- Period of recruitment:
  - 7.2- Arrangement for receiving the employee upon entry, provision of meals, health services and visa entry
  - 7.3- -----
  - 7.4- -----
  - 7.5- Responsibilities of the Maldivian employment agency after the Maldivian employee is received by the foreign employer:
  - 7.6- Procedure to be followed to bring the employee back to Maldives if the employee lacks the qualification specified by the employer.
  - 7.7- Probation period if any specified. (If probation period has been waived, it has to be stated)
  - 7.8- Course of action to ensue if the employee dies:
  
- 8- Dispute resolution.
  - 8.1- Course action to be followed in the event the employee was not recruited within the agreed period.
  - 8.2- Course of action to be followed in the event either party breaches the contract.
  - 8.3- Course of action that will be ensued if the employment was awarded to the employee within the agreed period but the employee refuses to report to work, or refuses to join employment for any reason, or for any reason is unable to go abroad to join work.
  - 8.4- Course of action in situations not addressed by contract

Annex 12

**CONSENT FORM TO TEMPORARILY WITHHOLD PASSPORT**

Name:

Passport no:

Nationality:

I understand my passport is taken from me for visa purposes and I have no objection to leave it in the custody of ..... (Name of Agency).

In case I wish to have the passport back, I know that I can call ..... (Agency) or ..... (Employer) to get the same.

I also understand that my passport /travel documents and other relevant personal documents shall be accessible to myself and my employer/sponsor.

Signature of Passport holder:

Signature of Agent:

Name of Passport holder:

Name of person signing on behalf of Agent:

Date:

Date:

Fingerprint of Passport holder  
Agent:

Fingerprint of person signing on behalf of

2- Agency Details

2.1 Name:

2.2 Address:

2.3 Mobile

2.4 Telephone and fax numbers

2.5 Email Address:

3- Details of Employer

3.1 Name:

3.2 Address:

3.3 Mobile:

3.4 Telephone and fax numbers:

3.5 Email Address: