Annex 5. Text setting out the rights and obligations of the employee and the agency as stated in Article 3

1. Under no circumstances may the agency seek or receive any compensation from the employee.
2. The agency must treat all persons involved in an objective, respectful and non-discriminatory manner and may not draw up or publish job advertisements which may give rise to discrimination.
3. The agency must respect the privacy of employees and may only request and use the personal data relating to the employee’s private life with the employee's consent and in the employee's interest for his or her professional employment and in compliance with the regulations governing the processing of personal data and the free movement of such data.
4. The agency must grant the client and the employees access to the data stored about them and must provide, at their request, a copy of their file when the contract has ended.
5. The agency may only request and use information about the commissioning employer and the employees in the context of the job placement activities.
6. The agency must provide the commissioning employer and the employees correct, timely and complete information on the job placement activities and on the nature of the employment.
7. Personality tests and psychological tests may only be carried out by or under the supervision of a psychologist.
8. The temporary employment agency may not carry out job placement activities for vacancies that do not constitute a real job offer.
9. The agency may not engage in any activity which leads to employment contrary to public order or which the agency can clearly identify as being in breach of social security or tax legislation.
10. The temporary employment agency may not engage in job placement activities in so far as these are connected with a strike, lock-out or suspension of an employment contract due to bad weather or lack of work for economic reasons.
11. The agency may mediate for employees of a foreign nationality if the regulations on the employment of foreign workers are complied with.
12. The agency may not take the place of the commissioning employer for decisions concerning the recruitment or dismissal or the negotiations in this regard.
13. The temporary employment agency may not carry out any temporary work activities by means of an exclusivity clause.

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14.1. Job placement agencies for entertainers may receive fees, commissions, contributions, admission or enrolment fees, hereinafter referred to as commissions, only if the following conditions are met:

1° the commission is laid down in advance in a written agreement between the agency and the client. If the private job placement is offered together with other services, the commission for the different services is determined separately;

2° the employee agrees explicitly and in advance to the commission;

3° the parties are each given one original copy of this agreement.

14.2. The amount of the commission for the job placement of entertainers is based on the fee that the entertainer shall receive for his performance.

The commission for the job placement of the paid athlete is calculated on the foreseen total gross annual income of the paid athlete, and this for the total duration of the contract.

1. All temporary employment agencies must have recognition.
2. The temporary employment agency must state its recognition number in all its external communications, i.e. contracts, quotations, invoices, correspondence, e-mails, job advertisements published via written or visual media and on its websites.
3. The agency must provide this text to all persons using private job placement or display this text in full in areas of the agency which are accessible to the public and where it can be read.
4. Agencies whose activities include the publication of job offers via the written, audio or visual media (TV, newspapers, internet, radio, etc.) must either publish this text in full via the medium concerned or expressly state the location (e.g. internet address) where this text can be found. This text should be made available free of charge by the agency upon request.
5. The agency must respect and comply with the code of conduct. The code of conduct is an integral part of the present text.
6. Complaints for alleged breaches of legislation regarding job placement may be submitted to:

Flemish Subsidy Agency for Work and Social Economy  
Service for Migration and Employment Offices  
Ellipsgebouw

Koning Albert II-laan 35, box 21  
1030 Brussels  
phone: 02-553 44 73  
fax: 02-553 44 22  
e-mail: [arbeidsbemiddeling@vlaanderen.be](quot;mailto:arbeidsbemiddeling@vlaanderen.be&quot)

If the complaint is to be admissible, it must state the reasons on which it is based and clearly identify the alleged breach. The anonymity of the complainant is guaranteed.

1. Complaints can also be submitted to:

Department of Work and Social Economy  
Inspectorate Division  
Ellipsgebouw  
Koning Albert II-laan 35, box 20  
1030 Brussels  
phone: 02 553 08 88  
fax: 02 -553 42 71    
e-mail: [werkgelegenheid.inspectie@vlaanderen.be](quot;mailto:werkgelegenheid.inspectie@vlaanderen.be&quot)

1. The following department is in charge of monitoring and enforcing the Job Placement Decree and its implementing orders:

Department of Work and Social Economy  
Inspectorate Division  
Ellipsgebouw  
Koning Albert II-laan 35, box 20  
1030 Brussels  
phone: 02-553 08 88  
fax: 02 -553 42 71    
e-mail: [werkgelegenheid.inspectie@vlaanderen.be](quot;mailto:werkgelegenheid.inspectie@vlaanderen.be&quot)

Approved for inclusion as annex to the Government of Flanders Order of 10 December 2010 implementing the decree on private job placement.

Brussels, 10 December 2010.

The Minister-President of the Government of Flanders,  
K. PEETERS

The Flemish Minister of Finance, Budget, Work, Spatial Planning and Sports,  
Ph. MUYTERS