THE REPUBLIC OF KIRIBATI

EMPLOYMENT AND INDUSTRIAL RELATIONS CODE 2015

(NO. 9 of 2015)

RECRUITMENT AGENCIES REGULATIONS 2026

In exercise of the powers conferred by section 154(2)(c) of the *Employment and Industrial Relations Code 2015*, the Minister hereby makes the following Regulations:

PART I- PRELIMINARY

1. Short title

These Regulations may be cited as the Recruitment Agencies Regulations 2025.

2. Commencement

These Regulations shall come into force upon the date of signing by the Minister.

3. Interpretation

In these Regulations, unless the context otherwise requires:-

"Code" means Employment and Industrial Relations Code 2015;

"Commissioner" means the Commissioner of Labour appointed under the Code;

"License" means the authorization issued by the Commissioner under Regulation 4(3);

"Minimum wage" means the minimum amount payable under the minimum wage order (MWO) to an employee for work performed or for services rendered, within a given period, whether calculated on the basis of time or output;

"Migrant worker" means "a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment";

"Outsourced service" means an arrangement where an undertaking contracts out services to another undertaking which uses its own staff, equipment and resources;

"Person" means an individual, firm, company, partnership, organization or entity;

"Recruitment agency" means a person that carries out recruitment services;

"Recruitment services" include:

(a) services for matching offers of and applications for employment, without the recruitment agency becoming a party to the employment relationship which may arise therefrom;

(b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person which assigns their tasks and supervises the execution of these tasks; and

(c) other services relating to job seeking, determined by the Ministry after consulting the most representative employers and workers organisations, such as the provision of information, that do not set out to match specific offers of and applications for employment whether provided for employment within Kiribati or outside of Kiribati;

"Worker" has the same meaning as "employee" in section 4 of the Code and in addition, for the purposes of these regulations, includes jobseekers.

PART II- LICENSE TO CARRY OUT RECRUITMENT SERVICES

4. Application for a license

(1) No person shall operate an activity of recruitment services without a license issued under these Regulations.

(2) Any person who wishes to carry out recruitment services may apply and submit to the Commissioner the following-

(a) In the case of recruitment services involving seafaring and fisheries sectors-

i. a police clearance certificate issued within the last 12 months;
ii. a bank statement consisting of a deposit of not less than $10,000 within the last 1 month;
iii. proof of an agreement with at least one employer to hire workers, dated within the last 6 months;
iv. proof or certificate of registration issued by the Ministry responsible for business license;
v. a sample employment contract that meets or exceeds the minimum employment standards of both Kiribati and the host country, and is proposed by the applicant for use in recruitment services;
vi. a license fee prescribed in Schedule 2; and
vii. proof of being a qualified/ certified trainer-in the seafaring and fisheries related sector.

(b) In the case of recruiters employing workers in Kiribati (including foreign nationals),

i. An application in a prescribed form;
ii. a police certificate issued within the last 12 months;
iii. a bank statement consisting of a deposit of not less than $10,000 within the last 1 month
iv. proof of an agreement with at least one employer to hire workers, dated within the last 6 months;
v. proof or certificate of registration issued by the Ministry responsible for business license;
vi. a standard employment contract for outsourced service providers that complies with Kiribati's employment laws and standards;
vii. a license fee prescribed in Schedule 2; and
viii. proof of being a qualified/ certified trainer, for suppliers of outsourced services.

(3)(a) The Commissioner shall examine the information received and conduct an investigation if he/she considers necessary for every application submitted to him/her.

(b) Upon satisfaction that the application and the information provided comply with the law, may grant an application and issue a license under Schedule 3.

(c) For any application rejected, the Commissioner must provide reasons for rejection.

(4) If an application is rejected under sub-regulation (3), the applicant may, if not satisfied with the reasons for rejection, appeal to the Minister for a review within 30 days of the rejection and provide all relevant information/documents to support his appeal.

(5) The Minister shall review the case within 60 days of the appeal, and the decision of the Minister in this regard shall be final.

5. Eligibility for license

No person shall be considered competent to obtain a license, if that person:—

(a) is neither a citizen nor a permanent resident of Kiribati;

(b) is under the age of 18;

(c) is declared by a competent court to be insolvent;

(d) has been convicted of human trafficking, money laundering or a felony provided under the *Penal Code Cap 67*;

(e) it is neither partly nor wholly owned by a Kiribati citizen or resident; or

(f) or the company's current directors or management have been convicted of human trafficking, money laundering or any other serious offence

6. Duration and renewal of license

(1) The license is valid for 1 year from the date of issue and the recruitment agency must apply to renew its license at least sixty days before its expiry.

(2) Any recruitment agency that files a late application within sixty days of the expiry date of the license after the due date shall be required to pay late fees as provided under Schedule 2.

7. Recruitment fees prohibited

(1) A recruitment agency shall not charge, whether directly or indirectly, any fee or cost to a worker, including visa expenses, in connection with the recruitment or placement of employment.

(2) A recruitment agency shall not solicit or accept any form of payment, reward, or consideration for its services that would, in effect, restrict or prevent workers, from obtaining employment for which they are duly qualified.

(3) A recruitment agency may charge any client or employer a fee for providing recruitment services.

8. Suspension and/or cancellation of license

(1) If the Commissioner is satisfied after adequate investigation and upon affording the licensee or recruitment agency an opportunity to be heard, he may by notice, suspend or cancel the license of any recruitment agency for any of the following reasons:—

(a) the license was obtained through false information or through fraudulent means;

(b) the conditions of the license were violated;

(c) the licensee or recruitment agency has breached any provision of these regulations, including circumstances where a recruitment agency is carrying on business without a license;

(d) the licensee has been convicted of a criminal offence;

(e) the licensee recruits or employs a worker for a job which involve unacceptable hazards, unsafe environment, risks or abusive or discriminatory treatment of any kind and human trafficking;

(f) the licensee does not comply or fulfill its obligations under the Occupational Safety and Health Act and its Regulations;

(g) the licensee has provided confirmation that they are not providing recruitment services and submission of outstanding quarterly reports if any, to the Commissioner; and

(h) any other reason that the Commissioner deems serious.

(2) Any license suspended under sub-regulation (1) may be reinstated if the recruitment agency complies with the conditions specified in the suspension notice.

(3) If the license of any recruitment agency is suspended under sub-regulation (1), that recruitment agency must not carry out any action related to recruitment

(4) If a license is suspended or cancelled, the recruitment agency may, within 30 days of such suspension or cancellation, appeal to the Minster for a review and the Minister shall review the case within 60 days of the appeal; the decision of the Minister in this regard shall be final.

(5) If any license of a recruitment agency is suspended or cancelled under this section, the Commissioner shall take appropriate measures to protect the rights and interests of those persons who may have enlisted for recruitment related services with that recruitment agency.

(6) If any license of a recruitment agency is suspended or cancelled under this section, the Commissioner may take legal action against that recruitment agency.

9. Revocation of license for the public interest

Notwithstanding anything to the contrary contained in other provisions of these Regulations, the Commissioner may, by notification through the official Gazette, withdraw a license if he/she considers it to be-for the interests of the public.

10. Branch offices

(1) A recruitment agency, with prior approval from the Commissioner, may run one or more branch offices on the same island under the same license.

(2) A recruitment agency shall notify the Commissioner, in advance and in writing, of its intention to open a branch office to operate under the same license.

(3) Recruitment agency licenses are not transferable between branch offices on different Islands.

11. Duties and obligations of recruitment agency to the Commissioner

(1) The duties and obligations of a recruitment agency shall include the following: —

(a) to protect the interest of the workers;

(b) to facilitate the employment of workers under a contract of service in accordance with the conditions set out in such contract of service and in compliance with the Code, and to maintain communication with the employer for these purposes;

(c) submit quarterly reports to the Commissioner on areas required including immediate reporting on any issues arising from time to time;

(d) provide timely assistance or intervention by all possible means on any issues affecting or potentially affecting the health and safety of the worker in the course of employment, including labour exploitation and human trafficking;

(e) to provide services without discrimination consistent with section 107 of the Code

(f) to ensure that all workers understand all aspects of their contract of service prior to signature and afford an opportunity for a worker to consult with a trade union, legal representative or other person for advice, in their own language and with translation services available, wherever possible;

(g) to keep records of all recruitments including workers' profiles and present this information to the Commissioner as requested; and

(h) to provide quarterly reports to the Commissioner comprising:

i. list of recruited workers and their occupation;
ii. issues relating to recruitment;
iii. written contracts signed by workers; and
iv. medical reports (if required)

(i) to arrange for repatriation of their workers at the end of their contracts (where a worker is not working in his/her country of citizenship) and to facilitate the payment of repatriation costs by the employer.

(2) For the purpose of this part, a recruitment agency who fail to comply with its obligation under sub-regulation 1(c), shall pay an administrative fine in accordance with Schedule 2.

12. Transfer of license, change of address and such others

(1) The recruitment agency license issued under this Regulation is not transferrable.

(2) If the recruitment agency is an individual, upon the death of that individual, the concerned license shall not devolve upon the children and other family of the deceased and shall be cancelled.

(3) If the recruitment agency is a company, organization, partnership, firm, or any other legal entity, any partner or any member thereof, as the case may be, is not permitted to transfer individual part or share in the recruitment agency without the approval of the Commissioner.

(4) If the recruitment agency is a company, organization, partnership firm, or any other legal entity, the license shall be cancelled if the licensee is duly wound up or dissolved.

(5) A recruitment agency shall advise the Commissioner of any change in address. A recruitment agency who fails to comply with this obligation shall be dealt with under regulation 18.

13. Forfeiture of Surety, and such others

(1) If a license is cancelled or revoked under Regulations 8 or 9, the Commissioner may confiscate the whole or part of the surety money paid by the recruitment agency concerned.

(2) The Commissioner may direct that the surety money paid by the recruitment agency is used to pay: -

(a) For the repatriation of any worker to or from Kiribati, who was recruited by the recruitment agency; and

(b) Compensation to any affected migrant worker or to reimburse any worker for financial loss he or she has sustained as the result of being recruited by the recruitment agency. or the cost of return/repatriation of a worker who was sent overseas by the recruitment agency concerned may be paid from the surety money confiscated under the subregulation (1).

(3) If the recruitment agency's surety money is inadequate to pay compensation to the affected migrant worker or any worker to ensure return/repatriation to or from overseas, the Ministry may direct the concerned recruitment agency to pay an appropriate amount of additional compensation, if the repatriation costs cannot first be recovered from the employer.

(4) If any recruitment agency fails to pay the money directed to be paid under the sub-regulation (3), the Ministry may recover it from that recruitment agency.

PART III

OBLIGATIONS FOR RECRUITERS IN SEAFARING AND FISHERIES SECTORS

14. Requirements for application of a license to recruit workers in the seafaring or fishing industry

(1) Any recruitment agency whose main business is to recruit workers for the seafaring or the fishing industry, when applying for a license under Regulation 4 shall:

(a) show evidence of a trust account for the purpose of receiving and distributing money sent by the worker;

(b) have valid insurance cover to provide for workers injured in the course of their employment;

(c) only recruit workers who have completed studies at the Marine Training Centre, or equivalent institution, unless specifically exempted by the Commissioner from this requirement and will confirm this requirement in an affidavit

(d) negotiate with the employer to finalise an acceptable template for a contract of service from each country where I-Kiribati workers will be employed on such country's flagged vessels.

15. Obligations of a recruitment agency recruiting workers in the seafaring and fisheries industry

Any recruitment agency whose main business is to recruit workers for seafaring or fishing industry shall also comply with the following:

(a) ensure that provision has been made by the employer for the recruited worker, which covers all travelling arrangements, which includes but not limited to a return ticket, visas, medical check-up and per diem upon transit at no cost to the recruited worker;

(b) arrange transportation for the worker to be able to board the vessel at the next port of call and in such a way which does not compromise the safety of the worker; and

(c) organize a briefing for all recruited workers at least three days (3) before departure, covering:

(i) payment of allotments;
(ii) travelling arrangements;
(iii) employment contract;
(iv) pastoral care arrangements, grievance and referral mechanisms for the worker;
(v) health and safety onboard the vessel; and
(vi) any other matters that the Commissioner shall deem relevant from time to time

(d) shall not confiscate worker passports, certificates or other valuable documents or ensure that workers' passports, certificates and other valuable documents are not confiscated by the employer if not strictly necessary for immigration procedures.

(e) when securing jobs with new employers overseas, submit new template employment contracts to the Commissioner for assessment prior to recruiting new workers

(f) must be always available for an inspection and/ or audit as may be arranged by appointed inspectors and/ or auditors from time to time; and

(g) facilitate repatriation of workers at the end of their contracts.

PART IV

OBLIGATIONS FOR RECRUITERS EMPLOYING WORKERS IN RECOGNIZED EMPLOYERS IN KIRIBATI

16. Requirements for application of a license to recruit workers for a third party in Kiribati

Any recruitment agency whose main business is to recruit workers for employers in Kiribati who provide outsourced services, when applying for a license under section Regulation 4 shall:

(a) prove that the training will/has been provided to individuals for their designated positions;

(b) if unable to provide requirements in (a), ensure that prospective workers have been trained and have obtained qualifications essential for their designated positions from a recognized institution;
(c) ensure that the relevant employment contract complies with minimum standards as specified in the EIRC and OHS Act;
(d) ensure that the contract of employment has been assessed and endorsed by the Commissioner;
(e) ensure there is a valid insurance cover to provide for workers injured in the course of their employment; and
(f) submit quarterly reports in the form provided in Schedule 4.

17. Obligations of a recruitment agency employing workers for a third party in Kiribati

The recruitment agency recruiting workers for a third party in Kiribati shall comply with the following: -

(a) provide Personal Protective Equipment for employees working in hazardous working environment in line with Occupational Health and Safety regulation;
(b) to offer decent working conditions in line with the EIRC 2015;
(c) to facilitate a briefing to all new workers explaining;
    i. contract of employment
    ii. any legal deductions to their pay
    iii. complaint and dispute mechanism

(d) must always be available for inspection and/or audit as may be carried out by appointed inspectors/ auditors from time to time;

(e) to ensure that the employer complies with an employment contract, minimum wage order and other minimum standards of EIRC and OHS Acts.

PART V

MISCELLANEOUS

18. Offence and penalty

A recruitment officer who fails to comply with any provision of this regulation, commits an offence and the same penalty provided in section 77(3) of the Act applies.

19. Amendment of the regulation

The Minister may amend this Regulation at any time when he/she considers necessary.

Dated this.....25.....day of .....August....., 2026.

Hon. AURIA KITINA

MINISTER FOR EMPLOYMENT AND HUMAN RESOURCES

Published by exbihition at the Public Office of the Beretitenti, this 2nd day of .....Sept.....2026.

Dr NAOMI BIRIBO

Secretary to the Cabinet