



► Private Employment Agencies in Somalia: Procedure and General Services



Supported by:



International
Labour
Organization



Better
Regional
Migration
Management



▶ **Private Employment Agencies in Somalia: Procedure and General Services**

**Prepared by: Ministry of Labour & Social Affairs,
Government of the Federal Republic of Somalia, 2025.**

© International Labour Organization 2026.

First published 2026.



Attribution 4.0 International (CC BY 4.0)

This work is licensed under the Creative Commons Attribution 4.0 International. See: creativecommons.org/licenses/by/4.0. The user is allowed to reuse, share (copy and redistribute), adapt (remix, transform and build upon the original work) as detailed in the licence. The user must clearly credit the ILO as the source of the material and indicate if changes were made to the original content. Use of the emblem, name and logo of the ILO is not permitted in connection with translations, adaptations or other derivative works.

Attribution – The user must indicate if changes were made and must cite the work as follows: *Private employment agencies in Somalia: Procedure and general services*, Geneva: International Labour Office, 2026. © ILO.

Translations – In case of a translation of this work, the following disclaimer must be added along with the attribution: *This is a translation of a copyrighted work of the International Labour Organization (ILO). This translation has not been prepared, reviewed or endorsed by the ILO and should not be considered an official ILO translation. The ILO disclaims all responsibility for its content and accuracy. Responsibility rests solely with the author(s) of the translation.*

Adaptations – In case of an adaptation of this work, the following disclaimer must be added along with the attribution: *This is an adaptation of a copyrighted work of the International Labour Organization (ILO). This adaptation has not been prepared, reviewed or endorsed by the ILO and should not be considered an official ILO adaptation. The ILO disclaims all responsibility for its content and accuracy. Responsibility rests solely with the author(s) of the adaptation.*

Third-party materials – This Creative Commons licence does not apply to non-ILO copyright materials included in this publication. If the material is attributed to a third party, the user of such material is solely responsible for clearing the rights with the rights holder and for any claims of infringement.

Any dispute arising under this licence that cannot be settled amicably shall be referred to arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of such a dispute.

For details on rights and licensing, contact: rights@ilo.org. For details on ILO publications and digital products, visit: www.ilo.org/publns.

ISBN: 9789220421598 (print); 9789220421604 (web PDF)

DOI: <https://doi.org/10.54394/EYKK0851>

Also available in English: Somali ISBN 9789220436295 (print); 9789220436301 (web PDF)

The designations employed in ILO publications and databases, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the ILO concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers or boundaries. See: www.ilo.org/disclaimer.

The opinions and views expressed in this publication are those of the author(s) and do not necessarily reflect the opinions, views or policies of the ILO.

Reference to names of firms and commercial products and processes does not imply their endorsement by the ILO, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Printed in Ethiopia

Photo credits
Cover: © ILO

► Table of Contents

Foreword.....	4
Introduction	5
1. General Definitions.....	6
2. Employment and Recruitment Services and Prevention of Irregular Labour Migration.....	8
Section One	
Recruitment Services and Functions:	8
Section Two	
Education, Training, and Health Screening	10
Section Three	
Recruitment Fees and Related Costs.....	11
Section Four	
Procedure for Recruitment	11
Section Five	
Supervisory Committee.....	12
3. Working Conditions.....	14
Section One	
Employment Contract.....	14
Section Two	
Monitoring and Enforcement Services	16
4. Agencies/Organizations Engaged in Overseas Employment Services.....	18
Section One	
PEA Eligible for Overseas Employment Licenses.....	18
Section Two	
Responsibilities of the PEA.....	20
Section Three	
Recruitment Activities and Procedures.....	21
5. Violations and complaints	24
Section One	
Violations by PEAs and Actions Taken	24
6. Services of concern	28
Section One	
Financial Guarantees and Insurance.....	28
Section Two	
Employee Assistance.....	29
Section Three	
Dispute Resolution and Repatriation of Employees	29
Section Four	
Violations by Employers and Appropriate Measures.....	30
7. Miscellaneous provisions.....	32

► Foreword

The Federal Government of Somalia remains committed to promoting safe, orderly, and regular labour migration while ensuring the protection of the rights and welfare of Somali workers at all stages of the migration cycle. As labour mobility and overseas employment opportunities for Somali workers continue to expand, strengthening governance mechanisms for recruitment and employment services has become an important national priority.

This document, *"Private Employment Agencies in Somalia: Procedures and General Services"*, represents a significant step toward establishing a transparent, accountable, and rights-based framework for the regulation and oversight of Private Employment Agencies (PrEAs) in Somalia. The framework aims to support fair recruitment practices, enhance labour market governance, and contribute to improved employment outcomes for Somali migrant workers.

Grounded in the principles of decent work, non-discrimination, transparency, accountability and the protection of migrant workers' rights, the Procedures and General Services provide practical guidance for the licensing, operation, monitoring, and supervision of PEAs. The document outlines standards and procedures related to ethical recruitment, employment contracts, worker orientation, medical screening, complaints and grievance handling, inspections, repatriation responsibilities, and enforcement measures. It also strengthens institutional coordination through the roles of labour inspectors, supervisory mechanisms, and overseas labour representation structures.

The development of this framework was undertaken through a broad consultative process involving government institutions, workers' and employers' organizations, private sector representatives, civil society actors, and development partners. The document reflects Somalia's commitment to aligning national labour migration governance systems with international labour standards and regional frameworks, including relevant International Labour Organization (ILO) Conventions and the ILO General Principles and Operational Guidelines for Fair Recruitment.

The Ministry acknowledges with appreciation the technical support provided by the International Labour Organization (ILO), through the Better Regional Migration Management (BRMM II) Programme, funded by the UK Foreign, Commonwealth & Development Office (FCDO). This partnership has played an important role in advancing Somalia's labour migration reform agenda, strengthening institutional capacities, and promoting regional cooperation under the IGAD framework.

The Ministry of Labour and Social Affairs proudly presents this framework as part of the Government's broader efforts to strengthen labour migration governance, enhance public confidence in recruitment systems, and expand access to safe and regular employment for Somali workers. The framework complements ongoing national initiatives, including the development of the National Labour Migration Policy, and reinforces Somalia's commitment to protecting the dignity, rights, and welfare of all workers.


Prof. Salim Alio Ibro
Minister of Labour and Social Affairs
Federal Republic of Somalia



► Introduction

- Recognising the demand for foreign employment opportunities among Somali job seekers, the government must establish a structured system to facilitate efficient access to these opportunities.
- This system aims to reduce domestic unemployment, protect the rights, safety, and dignity of Somali workers abroad, and leverage their skills and qualifications.
- The revival of bilateral agreements between the Federal Republic of Somalia (FRS) and labour-receiving countries is crucial for strengthening overseas employment procedures and preventing the unregulated outflow of Somali workers.
- Private Employment Agencies play a vital role in labour market facilitation and mitigation, including enabling formalization. The effective regulation, implementation, monitoring, and enforcement of PEA activities are essential, based on the definitions of the “General principles and operational guidelines for fair recruitment and definition of recruitment fees & related costs.”
- The Somali government must monitor supervise, and evaluate various employment services for Somali workers abroad and in Somalia, as well as foreign workers in Somalia. This necessitates the establishment of a comprehensive framework and procedures for the future management of employment services provided by Private Employment Agencies (PEAs)

The procedures and general services for PEAs comprises seven chapters:

Chapter One: General Provisions:

- Definitions, the scope of application, and terminology used throughout the document.

Chapter Two: Employment and Recruitment Services and Prevention of Irregular Labour: Migration

- Employment recruitment activities, responsibilities, report preparations, educational and skill assessments, orientation and awareness programmes, health checks, service fees, general procedures, administrative processes, and the appointment of Labour Attachés and committees involved in employment in Somalia and abroad.

Chapter Three: Working Conditions, Employment Contracts, and Decision-Making Authority:

- Employment conditions, sample contracts, general services, decision-making powers, and worker rights protection.

Chapter Four: Licensing Requirements and Procedures:

- Conditions for obtaining and renewing licences for employment agencies, registration requirements, the validity and renewal of licences, mandatory obligations for agencies, and procedures for preparing workers for departure.

Chapter Five: Violations, Sanctions, and Complaint Handling

- This chapter details the types of illegal practices, administrative actions, and measures for temporary violations, complaint submission processes, and enforcement of decisions.

Chapter Six: Financial Guarantees, Insurance, and Monitoring

- This chapter discusses financial guarantees, employee insurance, responsibilities, performance enhancement, leave monitoring, mediation, repatriation, and consequences of legal infractions by workers or employers.

Chapter Seven: Determination of Employment Agencies and Dispute Resolution

- This chapter outlines the determination of the dispute resolution mechanisms, the duration of employment disputes and the power to issue regulatory orders.

These chapters collectively establish a robust framework for the regulation, management, and facilitation of employment services for Somali and foreign workers, ensuring their rights and safety while promoting opportunities abroad.

1

General Definitions

1. For the purpose of this procedure, the following definitions shall apply: Name, Scope of this Procedure, and General Services:

- ▶ This procedure shall be referred to as: “Private Employment Agencies in Somalia: Procedure and General Services.”
- ▶ Scope of the Procedure: This procedure and general service for employment shall apply to all job seekers using the services of PEAs.
- ▶ The objective of this procedure is to facilitate the overseas employment of Somali workers and employment of Somali and foreign job seekers in Somalia without discrimination or exclusion based on: race, tribe, clan or place of origin, gender, national extraction, colour, pregnancy or childbirth, marital status; family responsibilities, age, religion, political opinion, disability or persons with special needs, health status, including HIV/AIDS, membership in a trade union or participation in trade union activities. Employment shall be based solely on merit, skill, experience, and efficiency.
- ▶ This procedure proposes the following:
 - ▶ Creation and encouragement of local companies/agencies to facilitate overseas and national employment of Somali workers and foreign workers in a fair and transparent manner.
 - ▶ Appointment of Labour Attachés in countries with which the Federal Government of Somalia (FGS) has Bilateral Labour Agreements.
 - ▶ Exclusion of those under 18 years of age from overseas employment opportunities.

- Establishment of a Supervisory Committee composed of Cabinet members, particularly those ministries directly or indirectly involved in employment, including overseas employment. The most representative workers' and employers' organizations shall be full members of the Supervisory Committee. A representative from the most representative association of PEAs shall be a member with consultative status.

2. Definitions:

- Unless otherwise defined in the text, the following terms shall have the meanings assigned to them:

- **Private Recruitment Agency:** Refers to any private recruitment agency that prepares workers for overseas and/or national employment in compliance with this procedure and the general service of PEAs.
- **Authority:** Refers to the ministry, department or institution authorized by the Federal Government of Somalia to issue, monitor and withdraw licenses.
- **Bilateral Labour Agreement:** Refers to an agreement between the Federal Republic of Somalia and another country aiming at recruiting and employing Somali workers.
- **Certificate of Professional Competence:** Refers to a recognition certificate issued by an agency accredited by the FGS, confirming the holder's competence in performing specific tasks.
- **Direct Employment:** Refers to employment directly between the employer and the employee, without the involvement of a governmental or private agency.
- **Employee:** Refers to an individual with an employment contract with an employer, agency, or company in accordance with this procedure and the general service of PEAs.
- **Employer:** Refers to any person who employs one or more individuals.
- **Family:** Refers to the worker or jobseekers' spouse, children, and parents.
- **Licence:** Refers to the approval for job placement, including overseas employment, issued by the Authority.
- **Ministry:** Refers to the Ministry of Labour and Social Affairs.
- **Mission:** Refers to Somali Embassies, permanent missions, consular offices, commercial offices, and labour attachés offices abroad.
- **Occupational Incident or Accident:** Shall be interpreted as defined in the Somali Labour Code or in the relevant laws in the country of placement, if not Somalia.



2

Employment and Recruitment Services and Prevention of Irregular Labour Migration

Section One Recruitment Services and Functions:

3. Recruitment:

- ▶ The Authority shall facilitate overseas employment services in coordination with the agencies of receiving countries, based on the Bilateral Labour Agreement (BLA) between the two governments.
- ▶ The Authority shall collaborate with other government agencies for overseas employment when direct cooperation is necessary.

4. Types of Services:

- ▶ The Authority's responsibilities, as detailed in this procedure and the general service of PEAs, include monitoring the activities of PEAs such as selection, facilitation of medical screening, employment, pre-departure orientation and awareness programmes, facilitation of travel of selected workers and other services related to safe and fair employment.

5. Prohibition of Illegal Recruitment:

- ▶ Direct recruitment of workers without going through a licenced PEA is prohibited.
- ▶ No agency can recruit workers without a valid license issued by the Authority.

- The Authority exclusively provides for direct recruitment abroad under the following conditions:
 - If the employer is a Somali mission abroad.
 - If the employer is an international organization.
 - If the job seeker individually secures a job opportunity.
- Only the Authority may advertise and announce job vacancies from governments requesting direct employment.

6. Essential Functions for PEAs in Relation to Overseas Employment:

- All parties involved in overseas employment of Somali workers must comply with national labour laws in the destination country, this procedure, and the general service of PEAs for Somali workers.
- Employment contracts between workers and employers must reflect and comply with the provisions of the Somali labour laws or the laws of the country of destination, as relevant.
- This procedure and the general service welcome additional rights provided to workers not mentioned in the respective labour laws.

7. Reporting Obligations:

- Each PEA must prepare and submit detailed and timely reports on the status of overseas employment and the placement of workers in the respective countries of destination to the Authority.
- The Authority shall establish a format and schedule for submitting reports.
- The Authority shall compile the data and share it with relevant agencies concerned with the general social and economic policies of the country.

Section Two

Education, Training, and Health Screening

8. Educational Standards and Assessment of Professional or Technical Competence

- Any worker seeking overseas employment must:
 - Be literate in Somali, considering other languages as well.
 - Hold at least a certificate demonstrating their professional/technical competence from a training institution recognized by the FGS.
 - For workers with higher education degrees, their certificates must be authenticated by the Ministry of Heritage and Higher Education and the Ministry of Foreign Affairs of the Federal Republic of Somalia.
 - Fulfill other requirements specified by the employer.

9. Preparation of Orientation and Awareness Programme

- The Authority must ensure that:
 - The PEAs provide pre-departure orientation and awareness to workers selected for overseas employment, covering job description, rights, and obligations.
 - The PEAs provide information and awareness to workers placed in jobs in Somalia covering job description, rights, and obligations, including basic rights as per the Labour Code.
 - Information campaigns about overseas employment conditions, benefits, and potential challenges are implemented continuously.
 - Orientation and guidance are provided to the management of PEAs, especially those involved in overseas employment.
 - The Authority engages in awareness and guidance initiatives to attract the interest of foreign employers, focusing on the working conditions, services, procedures, standards, and employment levels for Somali workers.

10. Medical Screening

- The medical screening of workers shall be conducted by a health institution jointly selected by the Authority and the PEA facilitating the job placement. Somali workers placed in jobs in Somalia are exempted from medical screening if this is not required by other legislation due to the character of the job.
- The PEA facilitating overseas employment will send the worker for a medical check after the worker meets all the specified requirements.
- If a worker needs to undergo more than one medical screening, the additional costs will be covered by the PEA.

Section Three Recruitment Fees and Related Costs

11. Covered Fees and Costs

- The Employer shall cover the following fees:
 - Visa fee for the destination country
 - Travel ticket costs (for return tickets)
 - Work permit fee
 - Resident permit fee
 - Document authentication costs

12. Worker's Expenses

- The Worker shall cover the following expenses:
 - Passport issuance fee
 - Criminal clearance certificate fee
 - Initial medical examination fee
 - Vaccination fee
 - Issuance fee for birth certificate
 - Various fees for the certificate of professional/technical competence and educational qualifications

13. Ministry Service Fee

- The PEA shall pay the Ministry a service fee for the approval and certification of employment contracts if such are requested for Somali and foreign workers.

Section Four Procedure for Recruitment

14. General Recruitment Process and Service

- The general procedure and service for PEAs shall be formalized into a BLA if such is signed between the FRS and the country of destination.

15. Detailed Administrative Procedure

- The Authority will issue a detailed administrative procedure outlining the execution of duties and responsibilities of PEAs in the general process of overseas and domestic employment.

16. Appointment of Labour Attaché

- The Authority shall appoint a Labour Attaché to the Somali mission in the destination country to ensure the protection of the rights, safety, and dignity of Somali workers abroad.
- The Ministry of Foreign Affairs shall facilitate the completion of the appointment process for Labour Attachés to Somali missions abroad.
- The duties of the Labour Attaché will be further specified by the Authority.
- The PEAs must engage in close cooperation with the Labour Attachés in the specific countries of job placement.

Section Five Supervisory Committee

17. Committees on PEAs Recruitment Activities

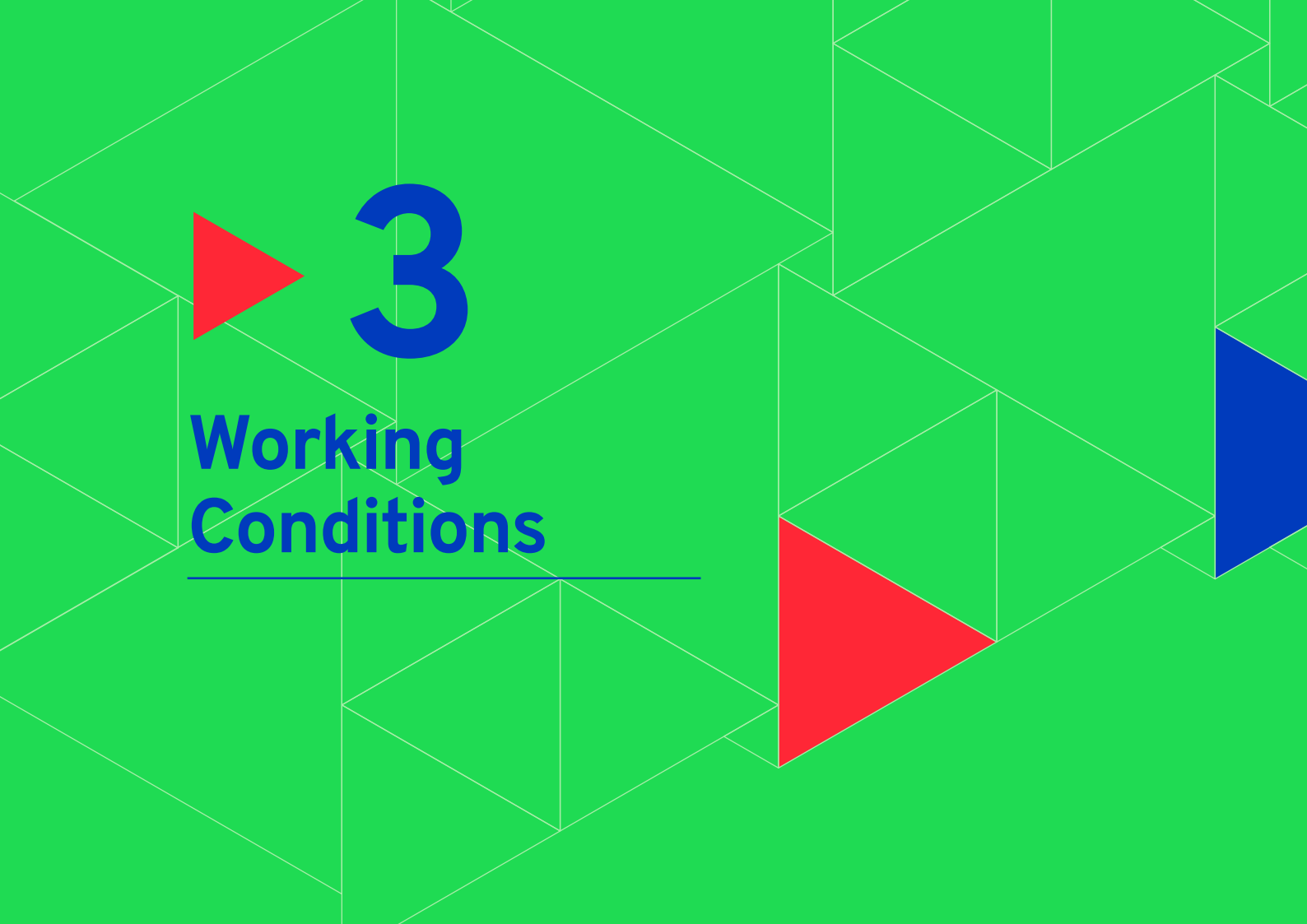
- A Supervisory Committee, consisting of Ministries and the most representative workers and employers' organizations, shall be established to coordinate the monitoring of PEA activities, with the aim to protect the rights and dignity of Somali and foreign workers, and prevent irregular migration.

18. Responsibilities of the Supervisory Committee

- The Supervisory Committee shall comprise:
 - Minister of Labour and Social Affairs (Chair)
 - Minister of Foreign Affairs and International Cooperation (Deputy Chair)
 - Minister of Finance (Member)
 - Minister of Security (Member)
 - Minister of Education and Higher Learning (Member)
 - A lawyer from the Attorney General's Office (Member)
 - A representative from the most representative employers' organization (Member)
 - A representative from the most representative workers' organization (Member)
 - A representative from the most representative association of PEAs shall be a member with consultative status.
- The Secretariat for the Supervisory Committee will be provided by the Ministry of Labour and Social Affairs (Directorate of Legal Affairs and Labour Relations). The Committee's powers and duties include:
 - Ensuring the proper implementation of the various provisions of the PEAs overseas and domestic employment processes for Somali and foreign workers.
 - Monitoring PEAs preparation, including training of workers for overseas employment.
 - Conducting studies on forming new BLAs, especially with countries hiring Somali workers, to create more overseas job opportunities for job-seeking Somali workers and for foreign workers seeking employment in Somalia.

- Enhancing cooperation between the Authority and PEAs to prevent violations and illegal activities affecting the rights, dignity, and safety of workers.
- Encouraging overseas employment opportunities to reduce irregular labour migration.
- Public awareness campaigns to halt illegal recruitment activities.
- Facilitating and organizing the establishment of a modern, equipped centre for storing data and information on overseas employment activities and the job market in Somalia.
- Handling complaints from employees and employers using the services of PEAs.
- Handling complaints from PEAs sanctioned for misconduct or violations of the regulations for PEA activities.





3

Working Conditions

Section One Employment Contract

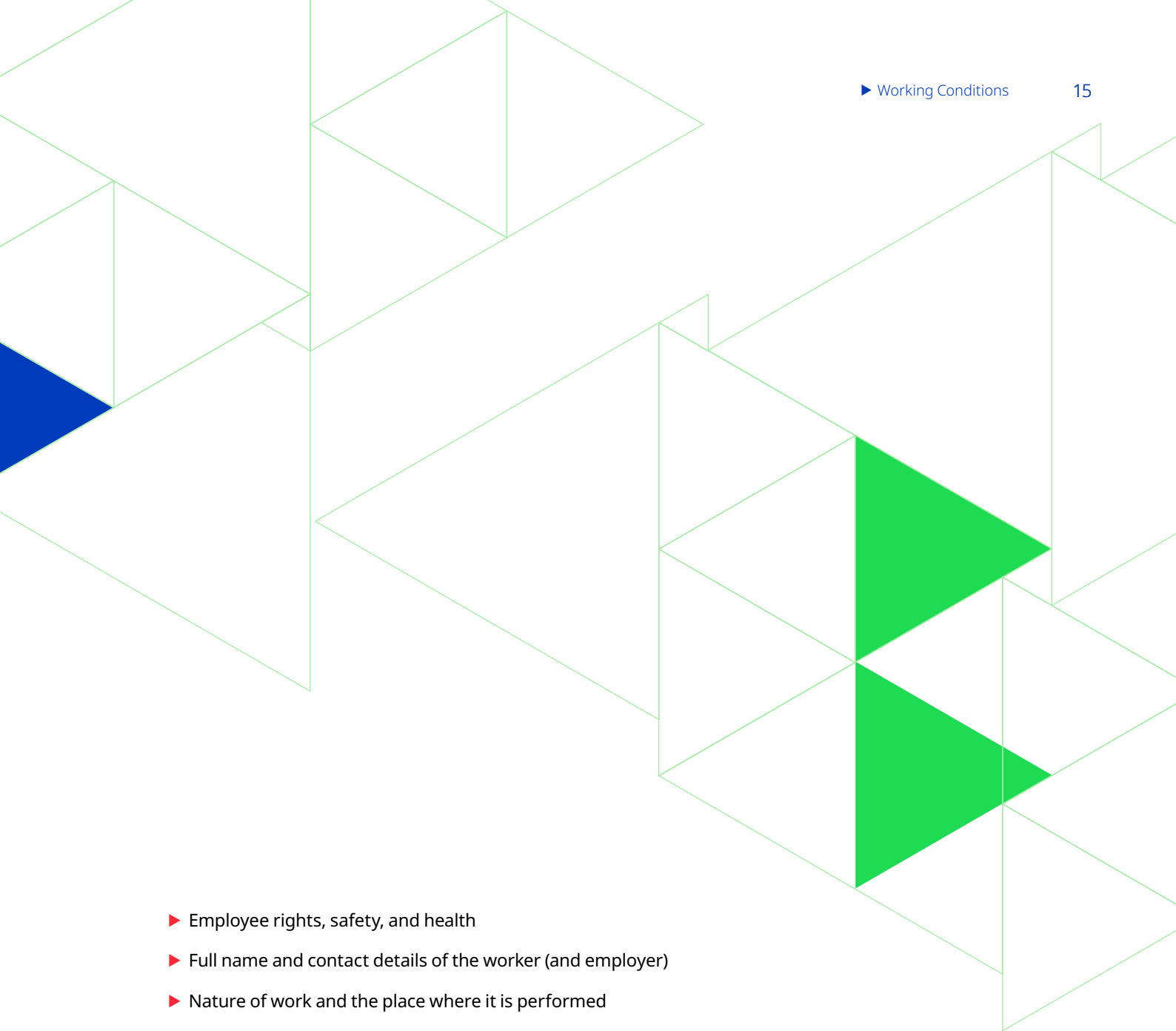
19. Working Conditions

The Authority shall issue official directives concerning working conditions related to the labour market and social matters, in accordance with the Somali Labour Code.

20. Structure of Standard Employment Contract

The Authority shall prepare a “Standard Employment Contract,” which PEAs will be obliged to use, no other Employment Contract format will be valid. The fundamental elements include:

- ▶ Starting date and duration of the employment
- ▶ Working hours and schedule
- ▶ Minimum wage of the host country
- ▶ Employee leave entitlements
- ▶ Transport and communication facilities
- ▶ Insurance, health, and life coverage
- ▶ Accommodation, meals, and other welfare provisions (if provided by the employer)

- 
- ▶ Employee rights, safety, and health
 - ▶ Full name and contact details of the worker (and employer)
 - ▶ Nature of work and the place where it is performed
 - ▶ Occupational category
 - ▶ Remuneration for ordinary hours of work, overtime, night work and holidays and the medium for wage payment
 - ▶ Bonuses, indemnities and allowances (if any)
 - ▶ Conditions under which and extent to which the employer may be authorized to make any deductions from remunerations.
 - ▶ Conditions under which entry and residence in the territory of immigration are permitted.
 - ▶ The method of meeting the expense of the journey of the migrant and the members of his family
 - ▶ In case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration (as appropriate)
 - ▶ Grounds on which a contract may be prematurely terminated

20.1 Preparation of Standard Employment Contract

When preparing the essential elements of the employment contract as specified in section 18, the following should be considered:

- Culture, customs, lifestyle, labour laws, and social matters of the host country, while respecting the culture, religion, and dignity of Somali workers.
- Bilateral Labour Agreements between the Federal Republic of Somalia and host countries, as well as international agreements on labour migration and International Labour Standards.
- Labour market conditions in the Federal Republic of Somalia.

Section Two Monitoring and Enforcement Services

21. General Services

21.1 It is the responsibility of the PEA to ensure and verify that workers going abroad for employment do not have outstanding issues with the Somali authorities.

21.2 The Authority shall appoint a Labour Inspector for day-to-day monitoring of the work of PEAs.

22. Access to an Efficient Complaint Mechanism

22.1 The Authority will hear and decide on administrative matters related to violations of this procedure involving employers or representatives of PEAs or workers (as appropriate).

22.2 The Authority must ensure that migrant workers have (easy) access to free, rapid complaint and dispute settlement mechanisms and effective remedies, including compensation, without fear of retaliatory measures.

22.3 The Authority may order the return of funds unlawfully taken from Somali workers.

22.4 The Authority strives to ensure compliance with licensing requirements as stipulated in this overall procedure, including for overseas employment.

23. Protection of Workers' Rights

- The Authority, along with the Ministry of Foreign Affairs, will contribute to ensuring and protecting the rights, safety, dignity of Somali workers employed abroad.
- The Authority shall assist workers in addressing their grievances and gain access to justice.
- In collaboration with relevant authorities, the Authority must create an environment of trust and integration among all workers, especially those employed abroad.
- The Authority shall provide legal assistance and advice to workers experiencing difficulties abroad during their employment and by that contribute to securing their access to justice.

23.1 Powers and Duties of Labour Inspectors

Labour Inspector appointed by the Authority shall have the following powers and duties:

- Inspect and verify that the PEA has a functional office equipped with necessary equipment and materials.
- Ensure the PEA has a suitable venue for meeting with workers, conducting interviews and tests, and providing awareness and guidance sessions.

- ▶ Confirm that the PEA meets all requirements mentioned above before granting or renewing licenses or any changes in address or office location.
- ▶ Ensure the PEA maintains a modern information storage office where employee records are easily accessible.
- ▶ Verify that the PEA provides guidance on general working conditions, the destination country's situation, and pre- and post-employment conditions.
- ▶ Conduct comprehensive inspections whenever feasible or notified of a violation of this procedure and overall service relating to overseas employment.
- ▶ Perform periodic follow-ups, inspections, and general assessments to prevent breaches of the Regulations
- ▶ The Labour Inspector may access the offices of PEAs at any time during working hours to evaluate the records and documentation maintained.
- ▶ Labour Inspectors may also access the premises of a PEA without prior notification.
- ▶ PEAs placing workers in employment in Somalia be monitored by the Labour Inspection under the MoLSA in accordance with the Somali Labour Code.

23.2 Responsibilities of Labour Inspectors

Labour Inspectors shall:

- ▶ Carry identification and present it if necessary while performing their duties.
- ▶ Prepare and submit monthly reports on labour inspections.
- ▶ Report findings of labour inspections to the Authority, including legal recommendations and necessary actions.
- ▶ The Authority shall issue corrective recommendations to address errors discovered during inspections and guide future procedures.
- ▶ Labour Inspectors will be held accountable for any misuse of the authority granted by this procedure.
- ▶ The Labour Inspection reports will be shared with and discussed in the tri-partite Supervisory Committee.

4

Agencies/ Organizations Engaged in Overseas Employment Services

Section One PEA Eligible for Overseas Employment Licenses

24. Conditions for Licence Eligibility

24.1 To be eligible for a licence for providing employment services including overseas employment, a PEA must:

- ▶ Be a legally established company.
- ▶ Possess a licence from the Ministry of Commerce.
- ▶ Have a unique name and logo not shared with any other entity.
- ▶ Maintain an official office and legal address.
- ▶ Hold a current account with a recognized commercial bank.
- ▶ Have a capital equivalent to US \$25,000 in Somali Shillings, evident from bank statements over the last three months or from the date of registration of the company.
- ▶ Be free of any government tax liabilities.
- ▶ Have a legal structure and management system.

- Ensure that its majority shareholders (51%) and senior management are Somali nationals.
- Not have previously been denied or had a licence for facilitating employment revoked.
- Not have any final or pending court judgments against it.

24.2 Government officials responsible for implementing this general procedure are not eligible to receive a license for overseas employment if they have direct or indirect interests in the Authority, Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Immigration and Naturalization Department, Security Forces, Somali Diaspora, or Embassies, including their families.

24.3 Agencies are permitted to obtain only one license for their activities.

24.4 Senior management and directors of a PEA are prohibited from being part of or having direct or indirect interests in another PEA.

25. Approval of PEA Licence

Any company that meets the conditions outlined in section (22) and applies for a PEA license for overseas employment of Somalis and/or employment of foreign workers in Somalia must:

- Complete the Authority's application form and submit it along with the following documents:
 - General information about the PEA (Profile).
 - Names of the chairman, vice-chairman, members of the Board of Directors and management of the PEA.
- Submit the application to the Authority.
- Pay a licence fee as defined in 24.1.

26. Registration of the PEA

26.1 The PEA must pay a registration fee equivalent to US \$1,000 in Somali Shillings.

27. Licence Duration

The PEA licence is valid for one (1) year from the date of issuance by the Authority.

28. Licence Ineligibility

The following situations will result in license ineligibility:

28.1 Violations of the laws, bylaws, and orders of the Authority:

- Any PEA with a temporarily suspended or revoked licence.
- Any PEA with a licence that has been suspended/terminated more than three times.
- Any PEA whose licence has been revoked due to unresolved complaints such as violations of workers' rights, safety, dignity, and honour.
- Any PEA with a final court judgement against it.

Section Two Responsibilities of the PEA

29. Every PEA must:

- Display a copy of its licence in a visible and appropriate place.
- Notify the Authority within seven (7) days of any changes in management and administration of the PEA involved in overseas employment.
- Publicize any changes in general management and the Board of Directors of the PEA within ten (10) days and inform its clients.
- Inform the Authority if it intends to open additional offices.
- Notify the Authority of any changes to the agency/organization's official business address.

30. Each PEA is responsible for raising awareness among employers, respecting, and evaluating the Employment Contracts of employees successfully employed abroad.

31. Licence Renewal

31.1 A licence issued under this procedure can be renewed annually.

31.2 Each PEA must submit its renewal application 50 days before the license expires.

31.3 Each PEA must complete the renewal application form and submit it to the Authority along with the following documents:

- Proof of the deposit amount required by this procedure.
- Verified financial statements showing no outstanding government taxes by providing a Tax Clearance Certificate.

- A police clearance certificate for the manager of the PEA.
- A general report in a format provided by the Authority on the conditions of previously deployed workers in Somalia and abroad, including their living and health conditions.
- The completion status of other required documents as specified by the Authority.

31.4 If the PEA fails to renew the licence within the specified time, it must apply for a new licence as per this procedure.

32. Issuance of Certificates and Appropriate Incentives

The Authority can issue guidelines and orders to improve the implementation of this procedure and annually award certificates and incentives to PEAs that excel in employment services for Somali and foreign workers.

Section Three Recruitment Activities and Procedures

33. Advertisement and Recruitment Conditions

33.1 Every PEA must notify the Authority and obtain permission before advertising job vacancies in Somalia for foreign workers.

33.2 The PEA must provide a copy of the advertisement to the Ministry.

33.3 When advertising overseas job vacancies, the PEA must:

- Advertise vacant positions in official government and private media outlets.
- Use government radio and television.
- Use private daily newspapers, television, and radio stations.
- Use various social media platforms.
- Post on the Ministry's and the PEA's websites.

33.4 The advertisement must clearly state:

- Full name, license number and address of the recruiting PEA.
- Full name and address of the employing establishment and its legal registration number.
- Number of workers, positions, and required skills.
- Conditions attached to the vacant positions.
- Starting date and duration of the contract.

33.5 The advertisement must be published for at least ten (10) consecutive days.

33.6 Conditions under 32.1 to 32.5 do not apply for placement of Somali workers in Somalia.

34. Recruitment Procedures for Overseas Employment:

34.1 The PEA must appoint staff with the necessary knowledge, experience, skills, and competence for selecting workers with needed skills and competences.

34.2 The recruitment examination can be conducted at the PEA headquarters or another agreed location.

34.3 The PEA or its official representative must be present during the examination.

34.4 All documents of the job seekers must be brought to the recruitment site for verification by the PEA staff.

34.5 The recruiting PEA must ensure the security of the examination site, if needed with the help of security forces.

35. Approval of Employment Contracts

35.1 The Authority ensures the Employment Contract template complies with this procedure and national labour laws.

35.2 Employment Contract template must be approved by MOLSA and the Ministry of Foreign Affairs.

35.3 The employer's signature and attached documents must be verified by the Labour Attaché /Mission of Federal Republic of Somalia or as per BLA if in place.

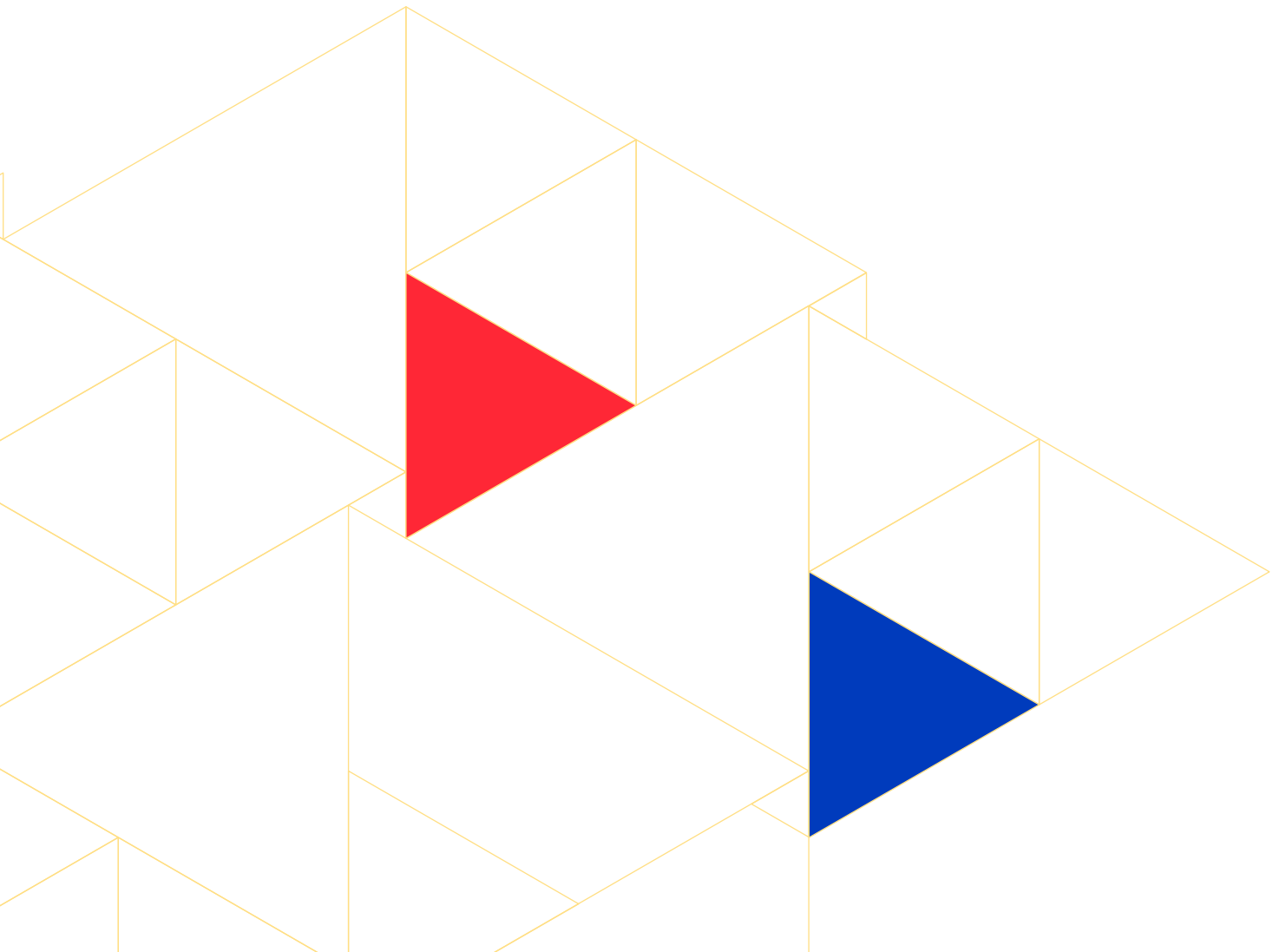
36. Preparation for Workers' Departure and Their Information

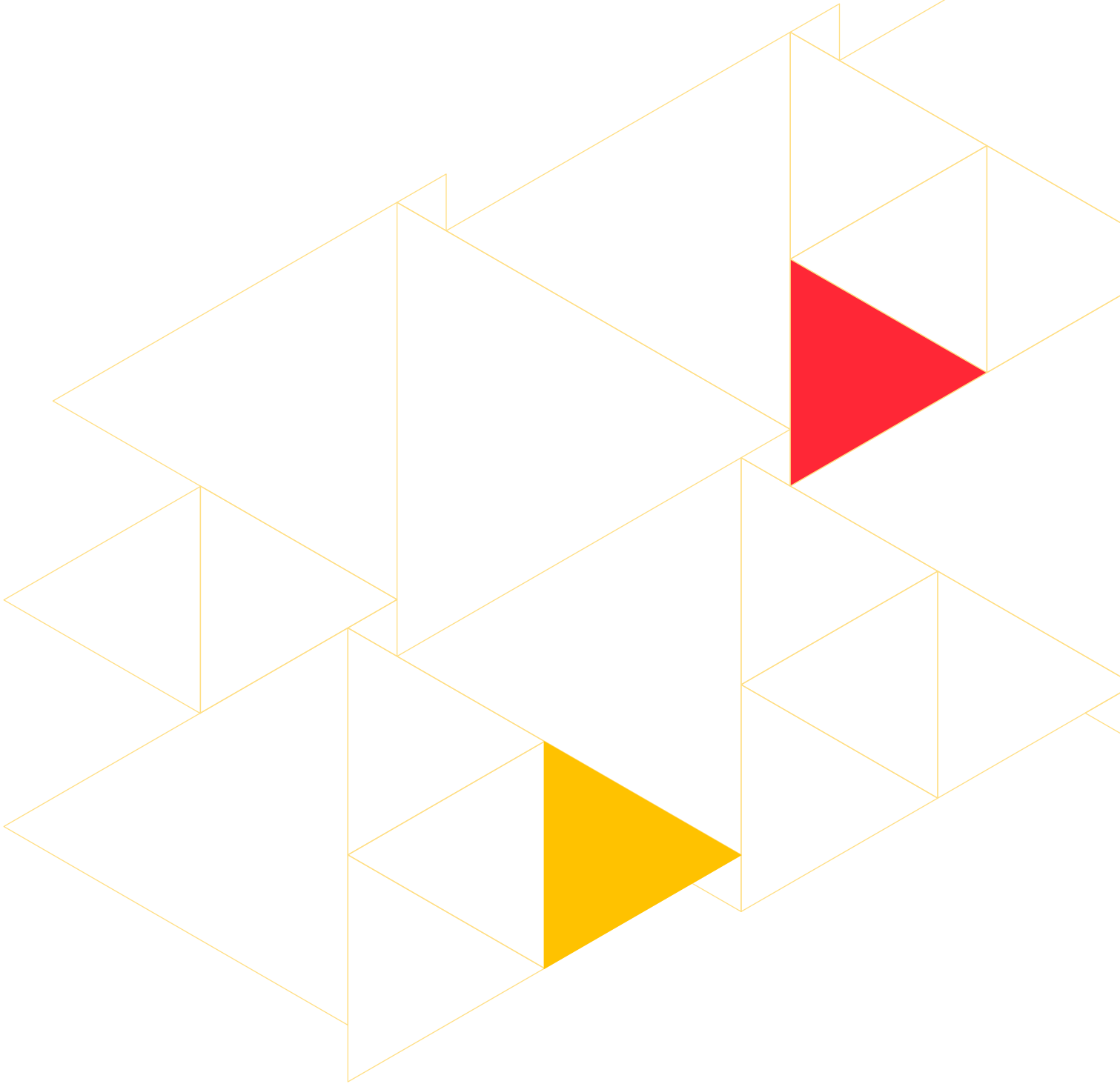
36.1 Once the Employment Contract is verified the PEA must prepare the workers' travel documents and job placement within the timeframe given.

36.2 The PEA must ensure registration of the placed workers with the Somali Mission in the destination country within fifteen (15) days.

36.3 Any PEA sending Somali workers abroad must ensure they have work permits and residency permits as per national law in the host country.

36.4 Any PEA must provide the Authority with a comprehensive report on the status of activities with a frequency determined by the Authority.







5

Violations and complaints

Section One **Violations by PEAs and Actions Taken**

37. Violations leading to suspension and revocation of license

The following actions can result in the suspension or revocation of a PEA licence:

- a.** Obstructing or interfering with Labour Inspectors assigned by the Ministry or the Authority.
- b.** Failing to notify the Ministry within five (5) working days of changes in senior management.
- c.** Employing staff without required qualifications, competency levels, or occupational certificates from a Ministry-recognized institution.
- d.** Influencing or compelling employers to hire workers outside those registered with the PEA.
- e.** Failing to rectify previous employee-related violations, such as workers' rights, safety, and dignity.
- f.** Failing to prepare workers for overseas employment within the stipulated timeframe without a valid reason.
- g.** Disregarding Authority orders, notices, or prescribed procedures.

- h.** Failing to submit reports related to worker preparation and placement to the Authority in a timely manner.
- i.** Failing to submit lists of workers whose contracts have ended and other reports requested by the Ministry.
- j.** Failing to prominently display a copy of the licence in all offices.
- k.** Failing to provide appropriate services, including those outlined in this procedure.
- l.** Delaying or withholding workers' wages or money sent by workers under the PEA's name.
- m.** Charging labour migrants fees for employment services.
- n.** Failing to provide pre-departure orientation training (PDOT) and guidance to workers.
- o.** Non-compliance with Section 35 of this procedure and general service provisions.
- p.** Failing to investigate and report serious injuries or deaths of workers to the Authority.

38. Types of Illegal Acts and Irregularities Leading to cancellation and revocation

The following errors and illegal actions can lead to the cancellation and revocation of a PEA's license:

- a.** Direct or indirect involvement of the owner, general manager, or staff in activities of another licensed PEA.
- b.** Failure to renew the licence within the period specified in Section 30.2 of this procedure.
- c.** Employment or facilitation of employment of individuals under 18 years of age for overseas work.
- d.** Holding or renewing a licence based on fraudulent documents.
- e.** Employment or sending employees to countries prohibited by the Authority or the Ministry of Foreign Affairs (MFA).
- f.** Employment or sending of employees to work in conditions that harm their health, dignity, or the country's reputation.
- g.** Transfer or change of ownership of the licence without prior notification to and approval from the Authority.

- h.** Acceptance of cash or other payments from workers in exchange for facilitating employment.
- i.** Sending workers abroad without using the Standard Employment Contract template approved by the Authority.
- j.** Sending employees to destinations not specified in the Employment Contract.
- k.** Assignment of employees to different employers than those mentioned in the Employment Contract.
- l.** Use or advertisement of services without permission to prepare or send workers abroad.
- m.** Withholding or delaying travel documents and other information from placed employees
- n.** Forgery or alteration of placed employees' travel documents.
- o.** Coercion of employees to exploit their rights and benefits through deception, denial, threats, or intimidation.

39. Interim Measures and Standards

39.1 The Authority will suspend the licence of a PEA that fails to provide a reasonable response to pending complaints related to violations of this procedure and the general guidelines issued by the Authority.

39.2 The Authority will suspend and delay the renewal of the licence of a PEA until a full response is received, based on the following:

- a.** Failure to respond to a previously received and officially acknowledged complaint.
- b.** Ongoing activities resulting in additional violations or exploitation of placed employees, affecting international relations or national interests.
- c.** Substantial evidence of violations of this procedure and the Authority's general guidelines.

40. Administrative Actions

40.1 If a PEA commits errors listed in Section 37 within the last twelve 12 months, it will result in:

- a.** Suspension of the licence for three (3) months for a first-time violation.
- b.** Suspension of the licence for six (6) months for a second-time violation.

40.2 A third-time violation of Section 37 will result in the revocation and cancellation of the license.

40.3 Any sanction imposed under Sections 39.1 and 39.2 can be appealed to the Supervisory Committee within five working days.

41. Consequences of License Suspension or Revocation

41.1 A PEA with a suspended or revoked license must immediately cease all employment services.

41.2 The PEA must return the suspended or revoked license to the Authority within five 5 working days.

41.3 The cancellation of the license will be publicly announced through government and private media.

41.4 The suspension or revocation of the license does not absolve the PEA of its responsibility to respond to legal inquiries related to the general condition of the employees.

42. Filing Complaints

42.1 Any worker subject to unlawful exploitation or other misconduct, or their official representative, may submit their complaint orally or in writing to the Authority. The complaint must pertain to violations of this procedure and other applicable national laws.

42.2 If the complaint is submitted orally, the Authority will explain the procedure for submitting a written complaint.

42.3 Upon reviewing the written complaint and related information, the Authority will follow the process outlined in this procedure and the applicable Labour Code.

42.4 If the misconduct occurs in a foreign country, the Authority through the Somali mission, will assist in filing a case with labour or civil court, as appropriate, in the foreign country or in line with a signed BLA.

43. Content of Complaints

Complaints must adhere to section (41) above and include:

- a. The full name and address of the complainant.
- b. The name, address and licence number of the PEA against whom the complaint is made.
- c. The full name and address of the employer signing the Employment Contract.
- d. The nature of the complaint and the underlying reason.
- e. Any additional documentation required.

44. Hearing of Complaints

44.1 The Authority will open a case file for the complaint, following section (41) of this procedure, to ensure that complaints are heard and investigated.

44.2 Upon receiving the complaint, the Authority will issue a summons to the PEA, attaching a copy of the complaint, and allowing the PEA ten 10 working days to respond.

44.3 If the PEA fails to comply with the summons or provide a response as required, the Authority will proceed according to this procedure.

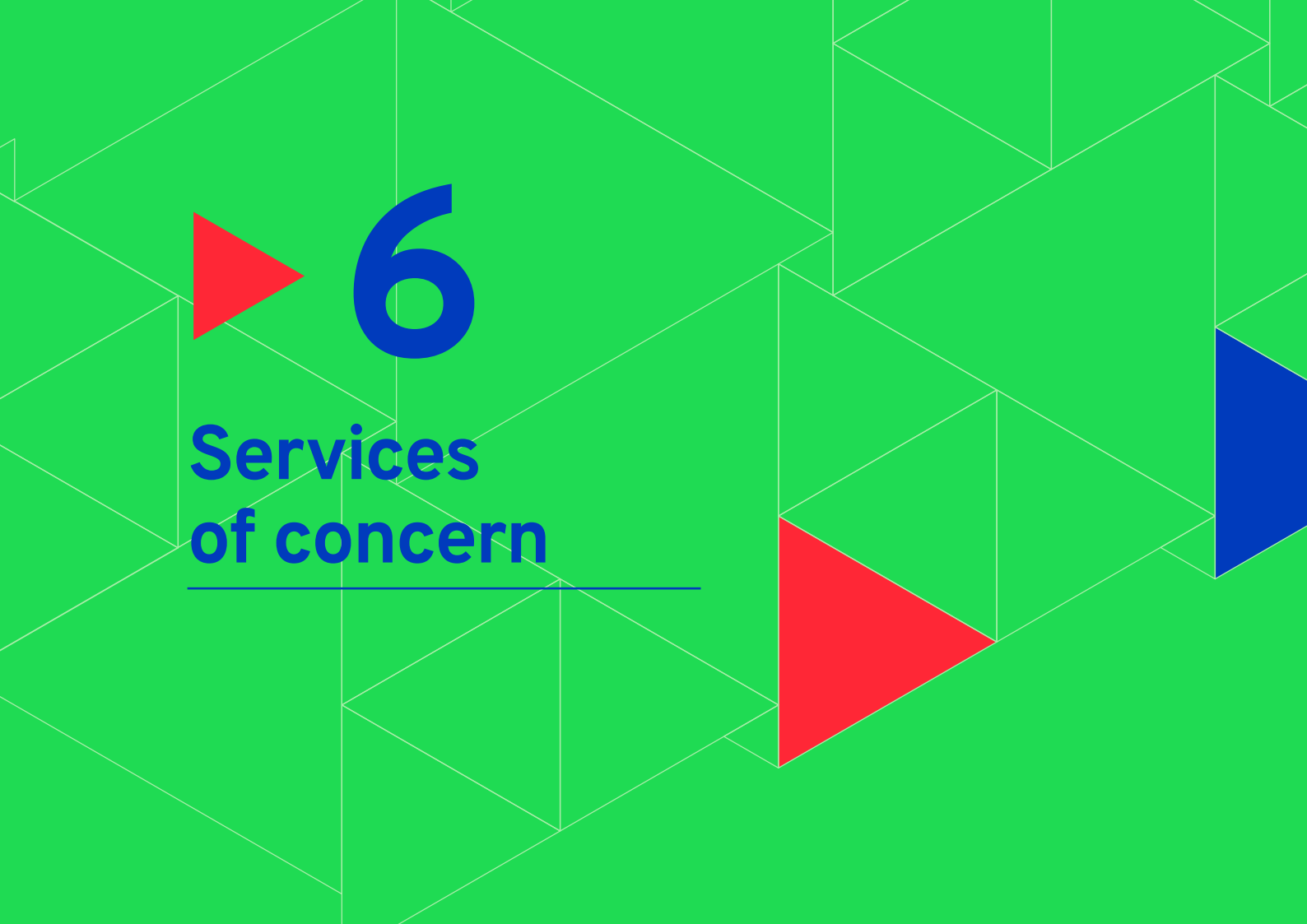
44.4 If the complainant withdraws the complaint within two weeks (14 days), they must submit a written withdrawal notice to the Authority, specifying the reasons.

44.5 The Authority will record the withdrawal of the complaint and file the complete documentation in the general records.

45. Implementation of Decisions

The Authority will issue an enforcement order to the PEA to comply with the decision as outlined in this procedure and the General Services.

45.1 The PEA must comply with the Authority's orders and decisions within two weeks (14 days).



6

Services of concern

Section One Financial Guarantees and Insurance

46. Financial Guarantees

46.1 Every PEA dealing with overseas employment must deposit a security of USD 25,000 (Twenty-Five Thousand) or equivalent in Somali Shillings in a closed account with a recognised Somali bank. This amount is intended to safeguard the rights and safety of the posted employees.

46.2 PEAs solely licensed for placement of Somali workers in Somalia are exempted from the rules outlined in 45.1.

46.3 The amount deposited in the closed bank account cannot be withdrawn without prior written approval from the Authority.

46.4 If a PEA fails to fulfil its obligations as stipulated in Section Three (51.3) of this procedure, the Authority will order the payment of costs for the repatriation of a deceased employee and their belongings from the security deposit.

47. Employee Insurance

47.1 Every PEA is responsible for ensuring that health, accident, life, and disability insurance for employees placed in overseas employment is in place.

47.2 Every PEA must, upon request and without delay, submit a complete copy of the Employment Contract and the employee insurance policy document to the Authority.

Section Two Employee Assistance

48. Responsibilities

48.1 The Authority and the Ministry of Foreign Affairs are responsible for monitoring and protecting the rights, safety, dignity, and honour of employees employed overseas.

48.2 Every PEA is responsible for informing the employer to respect and adhere to the Employment Contract.

48.3 The Authority, in fulfilling its duties, will continually strengthen the assistance provided to employees working in a foreign country to address their complaints.

49. Diaspora

49.1 The Authority, in collaboration with relevant stakeholders, will endeavour to create strong integration among Somali employees employed overseas, in line with the National Diaspora Policy. The Authority will provide additional details on this matter, given its importance, in accordance with this Procedure and General Services.

50. Employee Leave Monitoring

Every PEA placed employee returning to the country for short leave can register with the Somali Mission in the country where they are employed before departing.

Section Three Dispute Resolution and Repatriation of Employees

51. Resolving Disputes between Workers and Employers

Disputes between workers and employers in the country of destination will be resolved as follows:

51.1 Mediation: Employees and employers can mutually agree on a trusted mediator to resolve the dispute.

51.2 If mediation fails to satisfy either party, the dispute will follow the conflict resolution procedures of the country of destination.

51.3 If the host country's mediation procedures fail, both parties can take the matter to the relevant court in the host country.

51.4 If not directly forbidden by law, the employee is encouraged to seek assistance from a workers' organization in the host country.

51.5 The Authority, through the Labour Attachés /Missions, will monitor labour disputes between Somali employees and overseas employers.

51.6 The PEA is expected to make every effort to contribute to resolving disputes between employers and employees.

52. Repatriation of Migrant Workers

52.1 In the following situations, the PEA is responsible for ensuring that the employer meets the obligations to repatriate the employee and their personal belongings to the home country, covering all associated costs as per the signed Employment Contract:

- a.** Expiry of the employment contract.
- b.** Death of the employee, including:
 - i) Death Certificate
 - ii) Request from the family to repatriate the deceased.
 - iii) Family consent for burial at the place of death.
- c.** Employer no longer requires the employee's services/early termination of Employment Contract.
- d.** Severe injury or illness, certified by a doctor, that prevents the employee from working.

52.2 The repatriation process and related procedures must be completed within ten (10) days.

52.3 A PEA involved in overseas employment in Somalia must:

- a.** Ensure repatriation of the worker and their personal effects at the end of the employment contract
- b.** Repatriate the deceased and their personal effects to a location determined by the Authority, accompanied by a certified death certificate within fifteen (15) days.

Repatriation in case of death

52.4 In case of death, the procedures of return shall be completed within ten (10) days after the body has been released by the authorities.

- In the event of a worker's death, repatriate the deceased and their personal effects to a location determined by the Authority, accompanied by a certified death certificate within fifteen (15) days.

Section Four Violations by Employers and Appropriate Measures

53. Reasons for termination of Employment Contract

The following violations are sufficient grounds for the employee to terminate early the Employment Contract with full compensation and for the PEA to impose appropriate measures against an employer and interrupt the cooperation with the employer:

53.1 Repeated non-compliance with the obligations as per the Employment Contract.

53.2 Failure of the company to fulfil its duties.

53.3 Withholding or denying employees their legal travel/identification documents.

53.4 Delaying or withholding employees' wages and other entitlements.

53.5 Failure to address serious injuries, health issues, or death of employees/workers.

53.6 Conduct that disrespects the dignity, honour, and morale of employees.

53.7 Engaging in sexual and other forms of harassment of employees.

53.8 Participating in unlawful activities is not compliant with this general procedure.

54. Legal Consequences Based on Decision Making

The Authority will conduct investigations and follow-up on complaints from employees, particularly regarding employers and PEAs, which may result in:

54.1 Banning the employer from employing people in Somalia and PEA from offering job opportunities in Somalia.

54.2 Banning PEAs and their senior representatives from participating in overseas employment activities in Somalia.

54.3 Holding the employer or PEA representative accountable for compensating the employee as per the unlawful acts committed, as outlined in Article (52) of this procedure and General Services.

55. Employee Misconduct

The following misconduct acts by employees are grounds for imposing appropriate measures:

55.1 Failure to perform job duties as per the Employment Contract.

55.2 Committing criminal acts punishable under Somali law or the laws of the host country.

55.3 Disrespecting the religion, culture, or customs of Somalia or the host country.

55.4 Submitting forged documents during the employment process.

55.5 Abruptly terminating the Employment Contract in a way that is not compliant with the termination conditions of the contract.

56. Disciplinary Actions Against Employees in Overseas Employment

In accordance with the general procedure for overseas employment and applicable laws, the following administrative measures are appropriate:

56.1 A written warning, to be recorded in the employee's employment file at the PEA, for the first offence.

56.2 For Somali employees, a three (3) month suspension from overseas employment for the second offence. For foreign employees, a written second warning, to be recorded in the employee's employment file at the PEA, for the second offence.

56.3 A full six (6) month suspension from participating in overseas employment for Somali employees for the third offence. For foreign employees' termination of the Employment Contract and repatriation.

56.4 If the employee disagrees with the administrative measures outlined in paragraphs (55.2, 55.3), they may appeal to the Authority and to the Supervisory Committee.



Miscellaneous provisions

57. Resolution of Employment Disputes and Grievances

The Authority will establish an office dedicated to contributing to resolving complaints/disputes between employers and employees that arise in the country of destination, in accordance with this procedure and the labour laws of both countries.

58. Duration of Employment Disputes

Any claim for rights that has exceeded the statutory period of three (3) years, as stipulated by Somali labour law, will be considered invalid, starting from the date of the offence or violation.

59. Authority to Issue Administrative Regulations

59.1 The Minister of the Ministry of Labour and Social Affairs may issue orders and guidelines related to the effective implementation of this procedure, General Services, and administrative regulations.

60. Duties and Cooperation

60.1 Every PEA and citizen is obligated to support the implementation of this procedure and General Services.

61. Restrictions

61.1 Previous overseas employment licenses issued before the implementation of this procedure and General Services are invalid.

61.2 Only companies holding a licence are allowed to call themselves: “Licenced Private Employment Agency”, “Private Employment Agency” or “Employment Agency”.

61.3 A Private Employment Agency is not permitted to use or benefit from the services of independent brokers. The use of such services shall be regarded as a serious breach of the licensing conditions and may result in enforcement action in accordance with these Regulations.

61.4 A PEA can employ qualified staff to represent them at the local level. However, the PEA will be responsible for their job-related conduct.

