

## **Employer Registration Information**

Starting on April 1, 2009, all Manitoba employers wanting to recruit foreign workers will first be required to register with the Employment Standards Branch, Business Registration Unit. This requirement results from the new *Worker Recruitment and Protection Act*, which improves protections for foreign workers. This page summarizes what's new for employers, with more detailed information available by April 1, 2009.

### **What is the process for employer registration?**

Starting April 1, 2009, employers will be able to download a [registration form](#) from the Employment Standards website. Employers will be required to provide information about their company and the types of positions they are recruiting. They will also need to provide information about the third-party agencies and individuals that will be involved in the recruitment process.

The immigration application of the foreign worker will not proceed unless the employer hiring them is registered with Employment Standards.

### **How much does registration cost and when does an employer need to register?**

There is no fee for employer registration. An employer must register before each application for a Labour Market Opinion or when they make a job offer as part of the Manitoba Provincial Nominee Program application process.

### **What factors will Employment Standards consider in reviewing the application?**

To approve an application, Employment Standards must be satisfied that the applicant meets the qualifications of the legislation. The applicant's past conduct will also be reviewed to assess whether they will behave lawfully, honestly and in the public interest while carrying out the business of the licence or registration.

### **What if I don't register before recruiting internationally?**

Employers, who submit a Labour Market Opinion application to the federal government without supplying a Certificate of Registration, will be referred back to Employment Standards for registration. The offence of recruiting without registering is subject to fines as high as \$25,000.00 – \$50,000.00.

## **What is the process for recruiting foreign workers?**

For more information about recruiting foreign workers, please visit the Immigration and Multiculturalism Division's web site at [www.immigratemanitoba.com](http://www.immigratemanitoba.com) or the Government of Canada's Temporary Foreign Worker Program web site at <http://www.hrsdc.gc.ca/eng/workplaceskills/foreignworkers/index.html>

## **When can I begin recruiting foreign workers?**

A recruiter may begin once their licence is received. An employer may begin once they receive notice of registration.

## **Can I use a third party to recruit foreign workers?**

Yes, provided the third party is licensed as a foreign worker recruiter by the Employment Standards Branch, or is exempt from the legislation.

## **As an Employer, am I required to do anything once I employ a foreign worker ?**

You are required to provide, to the Director of Employment Standards, the following information:

- the foreign worker's name, address and telephone number
- the foreign worker's job title
- the location where the foreign worker performs the majority of their job duties

You may also be required to provide additional information, as outlined in the regulations, if requested by the Director.

## **How do I know if someone is licensed?**

The only way to know for sure is to check the web site at [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards) or by contacting the Employment Standards Branch. The names of all people or companies holding a valid licence will be posted on our web site. If they are not on the list, they are not licensed.

## **Can fees be charged to a worker?**

No. Neither a recruiter nor an employer can ever charge or collect a fee (directly or indirectly) from the worker.

## **How are workers protected from being charged fees?**

The Employment Standards Branch will conduct inspections and investigations to ensure fees are not connected to seeking or finding work.

If it is discovered a worker is charged, either the recruiter or the employer will be ordered to repay the fees. In

addition to repayment, if the recruiter was involved they will lose their licence and be subject to fines as high as \$25,000.00 – \$50,000.00. Directors and officers of a corporation will also be subject to a \$25,000.00 fine. If an employer is involved, their recruitment registration will be cancelled.

## **Who pays the fees associated with recruiting foreign workers?**

Employers are responsible for paying any recruitment fees. *The Worker Recruitment and Protection Act* strictly prohibits charging fees to workers as part of a recruitment process.

## **Who pays the fees associated with immigration assistance?**

Foreign workers coming to Manitoba under employer directed recruitment are given all necessary application forms and help directly by either Citizenship and Immigration Canada or the Manitoba Provincial Nominee Program.

If further help is required, the worker is responsible for choosing the services. Services cannot be provided by a person that is linked (directly or indirectly) to the recruitment activity.

## **Can the terms and conditions of a foreign worker's job be changed?**

Foreign workers, including workers with temporary status, have the same rights as all other workers in Manitoba.

Foreign workers are further protected by the conditions upon which they were allowed to work in Manitoba. This means employers cannot reduce the terms and conditions of the employment contract or Labour Market Opinion, even if the worker agrees. Employment Standards will enforce the negotiated rate of pay and benefits as the minimum standards.

## **If I hire a temporary foreign worker and need to lay them off, what happens?**

If you are laying off a temporary foreign worker, please contact the Employment Standards Division to discuss what steps should be taken to inform and support the worker. You should also notify Service Canada and Citizenship and Immigration Canada.

## **What if there is no job when the foreign worker arrives?**

The registration process requires employers to immediately report any changes to Employment Standards. Employers are responsible for paying any benefits promised during the recruitment process such as transportation costs to and from Manitoba. You should also notify Service Canada and Citizenship and Immigration Canada.

## **What records must I keep as an employer recruiting a foreign worker?**

Complete and accurate financial operations records must be kept for at least three years, as well as records that show:

- the workers name, address and telephone number, job title and the location where they do most of their work
- expenses incurred (directly or indirectly) by the employer, or an employee of the employer, during a recruiting process
- a copy of the Labour Market Opinion and all contract/agreements entered into with foreign workers and recruiters

## **How does an employer protect themselves from unscrupulous recruiters when recruiting foreign workers?**

1. If you are contacted by someone offering to find foreign workers for your company, check the web site at [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards) to make certain the person is licensed.
2. If you are contacted by a foreign worker seeking a job, ensure there is not an unlicensed recruiter involved.
3. Invest in the process for selecting a foreign worker to help lower chances for a third-party to exploit workers
4. Be aware that it contravenes the Act for an Immigration lawyer or consultant to charge a worker a fee and then seek or find them employment.
5. If you are solicited by an unlicensed recruiter contact the Employment Standards, Employer Registration Unit for assistance.

## **Can I appeal?**

Applicants can appeal a refusal, cancelation or suspension related to a licence or registration under the Worker Recruitment and Protection Act to the Court of Queen's Bench. Applicants who wish to appeal must file a Notice of Application (form 14B at the Statutory Publications Office) with the court within 14 days of receiving the decision.

Along with the decision, Employment Standards will provide the applicant with complete information about appealing a decision, and will answer any questions.

## **For more information contact the Employer Registration Unit:**

Phone: 204-945-3352; or toll free 1-800-821-4307

Fax: 204-948-2882

E-mail: [Employmentstandards@gov.mb.ca](mailto:Employmentstandards@gov.mb.ca)

Website: [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Worker Recruitment and Protection Act*, or contact the Employment Standards Branch to ask for advice.

Date Published: May 24, 2011