

Foreign Worker Recruitment Licence Information

A licence is required from Employment Standards for persons engaging in foreign worker recruitment in Manitoba under the *Worker Recruitment and Protection Act*. This Act increases protections for foreign workers and provides the criteria and obligations that recruiters must meet to be approved for a license in Manitoba.

What constitutes foreign worker recruitment?

Anyone who assists a foreign worker in seeking or finding a job in Manitoba, or assists an employer in seeking or finding a foreign worker for a job in Manitoba, is engaging in foreign worker recruitment. It does not matter whether or not a fee is charged.

Who needs a licence to engage in foreign worker recruitment?

All foreign worker recruiters must have a licence from Employment Standards unless they fall under an exemption. The offence of recruiting without a licence is subject to fines as high as \$25,000 - \$50,000. The employer hiring the worker will also be held liable, which may result in cancellation of the registration to recruit foreign workers.

The following do not need a licence:

- An agency of the government or a municipality
- A person who finds employees for their employer
- A person who receives no fee to find employment for their family member

Can an employer use a recruiter who is not licensed?

An employer may apply for written permission from the Director of Employment Standards to use an unlicensed recruiter if:

- The employer has applied and is qualified to be registered with Employment Standards to recruit foreign workers, and
- The employer will pay the foreign worker at least two times the Manitoba Average Industrial Wage.

For more information on registering to recruit foreign workers, see the [Employer Registration Information](#) fact sheet.

How do I apply for a Foreign Worker Recruitment Licence?

Download an application form from www.manitoba.ca/labour/standards/forms.html or contact Employment Standards. The application is designed to gather substantial business detail and character background. The completed form can be taken, mailed, or faxed to Employment Standards.

Are there restrictions on who can apply for a foreign worker recruitment licence?

Consideration for a foreign worker recruitment licence will only be given to a person who is a member in good standing of the Law Society of Manitoba, a bar of another province, the Chambre des notaries du Québec, or the Immigration Consultants of Canada Regulatory Council (ICCRC).

How much does a foreign worker recruitment licence cost?

There is an application fee of \$100. The licence is valid for one year and must be renewed annually before it expires.

Are there any other fees?

Applicants who are approved for a licence must also provide an irrevocable letter of credit or cash in the amount of \$10,000 before they receive the licence.

When can recruitment of foreign workers start?

Recruiters may begin recruitment activities once their licence is received. Employers may begin once they receive their notice of registration.

What factors will Employment Standards consider in reviewing the application?

Employment Standards will ensure the applicant provides any information required as part of the application, and will review the applicant's past conduct to assess whether they will behave lawfully, honestly, and in the public interest while carrying out the business of the license or registration.

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.

Can a recruiter charge a worker for services/things that not related to the recruitment process?

Recruiters cannot, either directly or indirectly, charge or collect fees from foreign workers for finding or attempting to find employment for them.

Can employers charge fees to the worker?

No. Employers cannot charge or recover recruitment costs from workers.

What fees can be charged by a lawyer, consultant, or other person offering immigration advice or assistance?

The *Worker Recruitment and Protection Act* regulates the business of employment agencies and foreign worker recruitment and the associated fees, but does not regulate the business of immigration assistance. However, licensees cannot charge foreign workers for immigration assistance **and** be involved in the recruitment process. This would contravene the Act, which prohibits a licensee from charging fees, either directly or indirectly, from foreign workers.

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, either directly or indirectly, to the recruitment activity, if fees are charged to the worker. The worker can seek services from an individual who provided them recruitment services, but any associated fees would need to be paid by the employer.

Can a person providing immigration advice or assistance help clients find a job?

Because licensees can never receive any money (directly or indirectly) or any other benefit from a worker they assist with employment, it would contravene the Act to collect a fee from that same worker for immigration assistance. Clients looking for help finding a job may be referred to the National Job Bank website: www.jobbank.gc.ca

How are workers protected from being charged fees?

Employment Standards conducts inspections and investigations to ensure employees are not being charged fees.

In situations where an employee has been charged a fee, it will be ordered to be repaid. The licence could also be revoked and the licence holder could be subject to fines as high as \$25,000 - \$50,000. Directors and officers of a corporation will also be subject to a \$25,000 fine.

How many people does the licence cover?

A licence to recruit foreign workers is not transferable and applies only to the applicant.

What records must I keep as a licensee engaged in foreign worker recruitment?

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

- A list of each person the licensee assisted to find workers
- A list of each worker the licensee assisted with employment
- A copy of the Labour Market Impact Assessment
- A copy of any contracts/agreements entered into related to each foreign worker

How do I renew my Licence?

Download a renewal application form from the website at www.manitoba.ca/labour/standards/forms.html or contact Employment Standards. **This renewal application can be used only if there have been NO CHANGES to any of the information provided in the last approved application form.** The completed renewal form can be

taken, mailed, or faxed to the Employment Standards office.

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 King'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.

Is the information provided on the application confidential?

Employment Standards may ask for permission to collect or disclose information with government officials, law enforcement agencies, and other regulators to evaluate the applicant for licensing. This will be used to verify information provided in the licence application and to investigate the character, financial history, and competence of an applicant.

For more information contact Employment Standards:

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

Fax: 204-948-3046

Website: 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 Employment Standards Code, The Construction Industry Wages Act , The Worker Recruitment and Protection Act, or contact Employment Standards.

**Available in alternate formats
upon request.**

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