

Employer Registration Information

All employers wanting to recruit foreign workers in Manitoba will first be required to register with Employment Standards. This requirement results from *The Worker Recruitment and Protection Act*, which improves protections for foreign workers.

What is the process for employer registration?

Employer Registration Forms can be downloaded from the Employment Standards website. Employers are required to provide information about their company and the types of positions for which they are recruiting. They also need to provide information about any third-party agencies and all individuals who will be involved in the recruitment process.

The immigration application of the foreign worker will not proceed until the employer hiring them is registered with Employment Standards. For more information about hiring a Manitoba Provincial nominee, please visit <http://www.immigratemanitoba.com/information-for-employers/retain-tfws/>.

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

There is no fee for employer registration. Employers must register with Employment Standards before applying for a Labour Market Impact Assessment from the Government of Canada or making a job offer as part of the Manitoba Provincial Nominee Program application process.

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.

What if an employer does not register before recruiting internationally?

Employers who submit a Labour Market Impact Assessment 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 - \$50,000.

What is the process for recruiting foreign workers?

For more information about recruiting foreign workers, please visit the Immigration and Multiculturalism Division's website at <http://www.immigratemanitoba.com/> or the Government of Canada's [Temporary Foreign Worker Program website](#).

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.

Can a third party be used to recruit foreign workers?

Foreign workers can only be recruited by a third party who is licensed by Employment Standards or falls 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, resulting in their recruitment registration being cancelled.

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.

What information is an employer required to provide once a foreign worker is employed?

Employers are required to provide the following information to Employment Standards:

- 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

Employers 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 website at www.manitoba.ca/labour/standards or by contacting Employment Standards. The names of all people or companies holding a valid licence are posted on our website. 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?

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.

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.

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.

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 Impact Assessment, even if the worker agrees. Employment Standards will enforce the negotiated rate of pay and benefits as the minimum standards.

If an employer hires a temporary foreign worker and needs to lay them off, what happens?

If an employer lays off a temporary foreign worker, it is necessary to contact Employment Standards to discuss what steps should be taken to inform and support the worker. Employment Skills Development Canada and Citizenship and Immigration Canada must also be notified.

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

Employers are required 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. Employment Skills Development Canada and Citizenship and Immigration Canada must also be notified.

What records must an employer keep when 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 worker's 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 Impact Assessment and all contract/agreements entered into with foreign workers and recruiters

How do employers protect themselves from unscrupulous recruiters when recruiting foreign workers?

- If you are contacted by someone offering to find foreign workers for your business or if you are considering hiring a recruiter, check under WRAPA Valid Licence Holders at www.manitoba.ca/labour/standards to make sure the person is licensed.
- If you are contacted by a foreign worker seeking a job, ensure there is not an unlicensed recruiter involved.
- Be aware it contravenes the Act for an Immigration lawyer or consultant to charge a worker a fee and then seek or find them employment.

- If you are solicited by an unlicensed recruiter, report it to Employment Standards.

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 in Canada 1-800-821-4307

Fax: 204-948-2882

E-mail: employmentstandards@gov.mb.ca

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 Worker Recruitment and Protection Act*, or contact the Employment Standards Branch to ask for advice.

**Available in alternate formats
upon request.**

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