



Employer Registration - The Worker Recruitment and Protection Act

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Sarah Graham Leon
Program Coordinator

Labour Market and Strategic Initiatives Branch
Manitoba Labour and Immigration



Provincial Challenges with TFW Employment

1. Recruiters that charge recruitment fees.
2. Lack of information on TFWs.
3. Employers that breach the conditions of their employment contracts (reduction of wages, hours, etc).
4. TFWs unaware of their rights and responsibilities.

Worker Recruitment and Protection Act (WRAPA)

- Replace the existing *Employment Services Act*, which governs the activities of third-party placement agencies (recruiters/labour brokers).
- Strengthens, modernizes, and expands coverage to encompass two increasingly important issues - protection of:
 1. **foreign workers from unscrupulous recruiters and employers**
 2. children in the modeling industry from sexual exploitation

Worker Recruitment and Protection Act (WRAPA)

Key Provisions of WRAPA:

- requires employment service agencies to be licensed.
- requires foreign worker recruiters to be licensed;
- requires employers recruiting foreign workers to first register with Manitoba Labour and Immigration; and
- strengthens enforcement provisions to ensure employers and recruiters comply with its terms and requirements.

When Should Employers Apply

- To ensure there are no delays in the processing of their applications to both provincial and federal immigration program, employers should apply for registration **before:**
 - applying for a Labour Market Opinion
 - applying for an Arranged Employment Opinion (Federal Skilled Worker Program)
 - submitting an Employment Contract to the Provincial Nominee Program (in connection with a job offer for an approved PN)
- A **valid original** Certificate of Registration will be required to process any of the applications listed above.

Exclusions

- In accordance with IRPR, some employers may not be required to register:
 - (a) section 186 (no permit required)
 - (b) section 204 (international agreements)
 - (c) section 205 (Canadian interests);
 - (d) section 206 (no other means of support);
 - (e) section 207 (applicants in Canada), except clause 207(a);
 - (f) section 208 (humanitarian reasons).

Steps for Registration

Online Application:

- Employers apply to register online through the Employment Standards website:

www.manitoba.ca/labour/standards

Application Process

- Employer required to provide:
 - Basic Employer Information;
 - Positions being recruited;
 - Number of workers being recruited;
 - All local and international recruiters involved in the recruitment process;
 - Source country; and
 - Selection methods.

Application Assessment

- Is this an excluded occupation/situation?
- Does this employer have a good history of compliance with Manitoba's *Employment Standards Code*?
- Does this employer have a good history of compliance with Manitoba's *Worker Recruitment and Protection Act*?
- Where the employer is using a foreign worker recruiter, is the recruiter licensed?

Application Assessment (cont'd)

- **Approval of Applications**
 - Certificate of Registration is issued with a perforated Employment Standards Seal.
 - Letter of Approval is issued.
- **Denial of Applications**
 - Letter of Denial is issued.
 - Appeal Process is outlined.

Certificates of Registration

- Terms and Conditions:
 - Certificate # (unique alpha-numeric code)
 - Job Title(s)
 - Number of workers approved
 - Source country(ies)
 - Foreign Worker Recruiter
 - Certificate of Registration Expiry Date (usually 6 months from date of issue)



Certificate #: AB123456
Expiry date: April 1, 2009

CERTIFICATE OF REGISTRATION

Date of issuance:

Business Name:
Address:
City/town, NB Postal code:

This Certificate of Registration confirms that Name of Employer has been approved under The Worker Recruitment and Protection Act to recruit foreign workers, in accordance with the following terms and conditions:

Job Title(s):
National Occupational Classification (NOC):
Number of workers approved:
Source country(ies):
Foreign Worker Recruiter:
Certificate of Registration Expiry Date:

In addition to the terms and conditions stipulated above, as a condition of registration, section 14(1)(a) of The Worker Recruitment and Protection Regulation requires you to provide Employment Standards with the name, address, telephone number, job title and location of work for the foreign worker you have hired. In addition, section 14(1)(a) of The Worker Recruitment and Protection Regulation stipulates that certain information may be requested from you by the Director of Employment Standards, as a condition of your registration. This section of The Worker Recruitment and Protection Regulation is enclosed with your Certificate of Registration, for your reference.

You are reminded that section 15(4) and 16(1) of The Worker Recruitment and Protection Act strictly prohibits foreign worker recruiters and employers from charging workers any fees as part of a recruitment process. In accordance with section 28(2), any individual or employer found to be in contravention of the Act is liable, upon summary conviction, of a fine up to \$25,000 for individuals and \$50,000 for corporations. Also note that section 28(3) of The Worker Recruitment and Protection Act allows Employment Standards to recover any illegal fees charged to workers directly from employers.

Receipt of a valid Certificate of Registration does not determine whether an employer is eligible to receive a positive or neutral Labour Market Opinion. This is solely determined by HRSD/CISDC, in accordance with the Temporary Foreign Worker Program criteria.

Karan Sharma
A/Manager, Employer Registration Unit

Date:

Enclosure

What Should Employers Do with their Certificate?

- Employers should attach their valid **original** Certificate of Registration to their application for a Labour Market Opinion or Arranged Employment Opinion, or to the Job Offer they are submitting to the Manitoba Provincial Nominee Program (when hiring an approved PN).
- Employers may want to keep a copy of their Certificate of Registration for their records

Employer Responsibilities

- Upon request of Employment Standards, registered employers must be able to provide accurate records relating to:
 - any expenses incurred, directly or indirectly, by the employer in recruiting a foreign worker,
 - any expenses incurred, directly or indirectly, by an employee of the employer who, on behalf of the employer, engages in activities to find one or more foreign workers for the employer,
 - any contract or agreement under which the employer retains or directs an individual licensed to engage in foreign worker recruitment, and
 - any contract or agreement that the employer has entered into with a foreign worker; and
- Employers must maintain these records for at least three years.

Employer Responsibilities (cont'd)

- Employers must provide Employment Standards with the name, address, telephone number, job title and location of work for the foreign worker(s) they have hired.
- Reminder notice and information form will automatically be distributed to employers after 6 months of registration.

Additional Supports for Employers

- Employer Registration will allow employers to request additional supports and services through the Labour Market and Strategic Initiatives Branch, Manitoba Labour and Immigration.

What Supports are Available?

- An officer can help employers by:
 - Answering questions about the foreign worker recruitment process
 - Assisting them with the development of an international recruitment plan;
 - Connecting them with international recruitment initiatives organized or endorsed by Manitoba Labour and Immigration

What Supports are Available?

- Connecting them with immigrants who are already in Manitoba and may be looking for employment;
- Connecting them with English language training supports;
- Connecting them with Inter-Cultural Training Services; and
- Connecting them with academic credentials assessment and recognition programming

Links

Immigration Division:

<http://www.immigratemanitoba.com>

Employment Standards Division:

<http://www.manitoba.ca/labour/standards/>

Contact

Sarah Graham Leon

(204) 945-7439

Sarah.GrahamLeon@gov.mb.ca

Steps to hire a Temporary Foreign Worker

1. Make an on-line Employer Registration application to Manitoba Labour and Immigration.
(http://www.gov.mb.ca/labour/standards/asset_library/forms/wrapa_er_registratiion_app.pdf)
2. Make a Labour Market Opinion (LMO) application to Service Canada.
(http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/temp_workers.shtml)
3. The Worker applies to Citizenship and Immigration Canada for a Work Permit, usually at a Canadian Embassy, but sometimes at the airport or land border upon entry to Canada.
(<http://www.cic.gc.ca/english/work/index.asp>)
4. To employ your Temporary Foreign Worker permanently, the worker can apply to the Manitoba Provincial Nominee Program (MPNP) for permanent residence after working for you for six months.
(<http://www2.immigratemanitoba.com/browse/howtoimmigrate/pnp/>)