Employer Registration - The Worker Recruitment and Protection Act

February 20, 2010

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 alphanumeric 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)
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_registration_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/)

February 2010