



# Foreign Recruiter and Employer Registry New Legislation

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**To:** Employers **Date:** July 14, 2019  
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It is well known that there have been serious issues with recruiters in the temporary foreign workers industry. It is widely recognized that when recruiters charge illegal fees to employees, there is additional opportunity for the recruiter to extort money and this criminal activity often leads to human trafficking. The BCAC and associations obviously do not support recruiters or employers charging a fee to obtain a job, as this often leads to other, more serious problems.

Last Fall, the Province of B.C. passed legislation to help enforce laws that prevent the collection of fees by recruiters. Regulations are being developed. Information sessions on the new law and the scope of the proposed regulations have been held with the Western Agriculture Labour Initiative (WALI).

The legislation establishes the framework for:

- A new licensing requirement for foreign worker recruiters.
- A new registration requirement for those wishing to hire foreign nationals.

## Foreign Worker Recruiter Licenses

In order for the government to regulate worker recruiters operating in BC; only individuals are licensed, not corporations. If recruiters are illegally collecting fees from workers, then they risk the suspension or cancellation of their licence, may also be required to pay a fine and will be required to repay the illegally-charged fees (without a license, the recruiter would no longer be able to conduct their business legally in BC). The recruiter licensing is being introduced this summer 2019. Foreign governments and employers are exempt from being required to hold a license as a recruiter. However, the same law remains in place that it is illegal for anyone to collect a fee from a worker in return for the promise of work. There is no fee to obtain a license, there is a requirement to post a surety.

## Licences are NOT required for:

- A person who recruits for employment with the person's own business or for employment with the person's employer;
  - A person who provides recruitment services for a foreign national who is a member of the person's family;
  - A person who acts on behalf of a college, institution or university;
  - A person who acts on behalf of the government of Canada, a province, the governing body of a first nation or a local government or a government outside Canada.
- Licences will be published online and will form the "registry" of foreign worker recruiters, which can be searched.
  - Licensees must disclose their partners, agents and affiliates inside and outside of BC, and will be responsible for ensuring that they also comply with the Act.

**Employer Registrations**

As part of the legislation, the government has decided to create a registry of employers of Temporary Foreign Workers in agriculture. The government intends to use this as a way of following up on the foreign worker recruiters. The registry is likely to be based on a registry currently in place in Manitoba and other areas. It is described by Manitoba farmers as a simple, 10 minute on-line process. The employer registry is expected in the Fall 2019 (after harvest) and government will undertake a consultation process. More information will be provided on the B.C. Ministry of Labour website and at [www.walicanada.ca](http://www.walicanada.ca) , when the regulations are finalized and before licensing or registration is required.