

Summary of what's new in 2009

On April 1, 2009, *The Worker Recruitment and Protection Act* replaced *The Employment Services Act*. The new Act expands coverage to include protection for foreign workers and children working in the talent industry. *The Worker Recruitment and Protection Act* strictly prohibits charging fees to people seeking or finding work. This page highlights the changes.

Employment Agency Business Licence

By April 1, 2009, employment agency businesses in Manitoba must renew their licence under the new *Worker Recruitment and Protection Act*.

The annual fee for a licence is \$100.00. The licence, unless suspended or cancelled is valid for one year from the day it is used. In addition you are no longer required to hold a licence if you are:

- an agency of the government or a municipality
- a person who finds employees for their employer

This Licence does not cover companies and individuals that recruit internationally. Anyone who recruits foreign workers must have an additional, individual licence, before they recruit a foreign worker to Manitoba. More information about foreign worker recruitment can be found on the [Foreign Worker Recruitment](#) page.

Employer Registration

Starting on April 1, 2009, all Manitoba employers wanting to recruit foreign workers will first be required to register with the Employment Standards Branch, Business Registration Unit. The immigration application of a foreign worker will not proceed unless the employer hiring them is registered.

When registering, employers will be required to provide information about their company, the types of positions they are recruiting, and information about any third parties that will be involved in the recruitment process. Any third party used to recruit must be licensed as a foreign worker recruiter by the Employment Standards Branch or exempt from the legislation.

Employers are responsible for paying any recruitment fees. More information about employer registration can be found on the [Employer Registration Information](#) page.

Foreign Worker Recruitment Licence

As of April 1, 2009, anyone engaged in foreign worker recruitment in Manitoba is required to have a licence from the Employment Standards Branch. The offence of recruiting without a licence is subject to fines as high as \$50,000.00.

Licenses must be either a member in good standing of a provincial or territorial bar association, the Chambre des notaires du Québec, or the Canadian Society of Immigration Consultants. The fee for a licence is \$100.00. The licence has an expiry date and must be renewed annually before it expires.

The following do not need a licence to recruit internationally:

- 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

More information about the foreign worker recruitment license can be found on the [Foreign Worker Recruitment License](#) page.

Increased Protection for Foreign Workers

Neither a recruiter nor an employer can ever charge or collect a fee (directly or indirectly) from a foreign worker. The Employment Standards Branch will conduct inspections and investigations to ensure fees are not connected to seeking or finding work. If it is discovered a worker is charged, either the recruiter or the employer will be ordered to repay the fees.

In addition to repayment, if the recruiter was involved they will lose their licence and be subject to fines as high as \$50,000.00. If an employer is involved, their recruitment registration will be cancelled.

Child Performer Permits

As of April 1, 2009, all children promoted by a talent or modeling agency must have Child Performer Permit from the Employment Standards Branch. There is no fee for a Child Performer Permit.

Permits are given one time per child, per agency and are valid as long as the child works with that agency (or until the child turns 17). If the agency changes, the child and the new agency need a new permit. More information about Child Performer Permits can be found on the [Child Performers Permit](#) page.

Code of Conduct for Working with Child Performers

A code of conduct was developed by the Canadian Centre for Child Protection and law enforcement officials who are experts in issues related to the exploitation of children. It outlines the shared responsibility between parents/guardians and agencies that work with child performers to protect children. It also requires parents/guardians to be present at the job location or readily available to their children when they are working as performers. Anyone seeking a licence to work with child performers will be required to follow the code of conduct.

If a person or business contravenes the legislation or the code of conduct, Employment Standards will suspend or revoke a licence or permit, and take whatever action is necessary to protect the child's interest.

More information about the code of conduct and the responsibilities of parents/guardians can be found on the [Guide for Parents/Guardians of Child Performers](#) page.

Talent Agency Licence

As of April 1, 2009, all businesses engaged in promoting child performers are required to have a licence from the Employment Standards Branch. Each child that will be promoted also requires a Child Performer Permit. The offence of operating without a licence or contravening the legislation is subject to fines as high as \$50,000.00.

The application fee is \$100.00. The licence has an expiry date and must be renewed annually before it expires. Consideration for this licence will only be given to legitimate businesses that Employment Standards believes will operate with professionalism and have measures in place to ensure the safety and well-being of the children with whom they work.

No fees may be charged to a child performer, or a family member on his or her behalf, related (directly or indirectly) to seeking or finding work. More information about child talent agency licence can be found on the [Child Talent Agency Licence](#) page.

Child Performer Recruitment Licence

As of April 1, 2009, all businesses engaged in child performer recruitment must have a licence from the Employment Standards Branch before they can audition, scout or recruit a child performer. The offence of operating without a licence or contravening the legislation is subject to fines as high as \$50,000.00.

The application fee is \$100.00. The licence has an expiry date and must be renewed annually before it expires. Consideration for this licence will only be given to legitimate businesses that Employment Standards believes will operate with professionalism and have measures in place to ensure the safety and well-being of the children with whom they work.

In addition to obtaining a licence to engage in child performer recruitment, a recruiter must provide specific information to the Employment Standards Branch, at least two weeks before advertising to audition, scout or recruit in Manitoba. More information about child performer recruitment can be found on the [Child Performer Recruitment Licence](#) page.

Licence Registry

The names of all individuals or businesses holding a valid licence from Employment Standards will be accessible to the public. Names will be posted on the Employment Standards website at www.manitoba.ca/labour/standards. If they are not on the list, they are not licensed. You can also contact the Employment Standards Branch for this information.

For more information contact the Employment Standards Branch:

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

Fax: 204-948-3046

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

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