



Employment agencies

Consumer Protection Act

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Employment Agencies | Service Alberta and Red Tape Reduction

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This publication is intended to provide general information only and is not a substitute for legal advice.

For more information regarding this content visit: <https://www.alberta.ca/consumer-protection.aspx> or phone 1-877-427-4088

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Employment agencies:

- Assist employers by recruiting employees
- Help people seeking employment find work, or
- Evaluate or test for job related skills for employers seeking employees.

Employment agencies are governed by the *Consumer Protection Act* (CPA) and the Employment Agency Business Licensing Regulation.

What are employment agency business licence classes and requirements?

There are two classes of employment agency business licences:

- National employment agencies
- International employment agencies.

National employment agency businesses are authorized to recruit employees from or assist individuals in Alberta. They can also recruit employees from or assist individuals from other jurisdictions in Canada, who are seeking employment in Alberta.

International employment agency businesses are authorized to recruit employees from outside Canada or assist individuals outside Canada who are seeking employment in Alberta.

An employment agency business may have more than one class of licence.

Licences are issued for 24 months and the fee is \$120 for the licence or renewal. The Director may require applicants to submit a security.

Who requires a licence to operate?

Under the CPA, businesses are required to have an Employment Agency Business Licence if they are working on behalf of employees, employers or both by:

- Finding jobs for Canadians or non-Canadians in Alberta;
- Recruiting workers for Canadian or non-Canadian employers in Alberta; or
- Recruiting non-Canadian workers for Alberta employers or for jobs in Alberta.

You can search for licensed agencies on our website: <http://www.servicealberta.gov.ab.ca/find-if-business-is-licensed.cfm>

Consumer Contact Centre

Edmonton area: Tel: 780-427-4088

Toll-free in Alberta: 1-877-427-4088

Outside Alberta: 1-780-427-4088

What fees are prohibited?

An employment agency cannot directly or indirectly demand or collect a fee from an individual it is helping to find a job or recruiting.

No employment agency may demand or hold a bond or deposit from an individual. It is against the law for any fee to be collected from a person even if it may be refunded later.

An employment agency cannot tell an employer that the employer can recover the costs of the agency's services from the employee.

What fees can be charged?

Employment agencies can charge employers for their services.

Employment agencies can charge individuals fees for services, as long as the services are not for recruitment, but only when the other services are voluntary and the fees are reasonable.

For example, an employment agency may charge an individual for services such as job-skills training and resume preparation. To do this, the employment agency must have a separate written agreement that sets out the fee.

Employment agencies cannot make an individual pay for other services as a condition to help the person find work. An employment agency that charges a fee for other services must ensure the fee is reasonable, in writing, and has the documented consent of the individual before providing the services.

What are the unfair practices in the regulation?

It is an unfair practice to:

- Exploit any fear or lack of experience of a consumer
- Exert undue pressure, threaten or harass a consumer
- Give false, misleading or deceptive information in advertisements, solicitations, negotiations or representations with respect to services provided by the employment agency

- Give false, misleading or deceptive information relating to employment positions, legal rights, immigration, or the general living or working conditions in Alberta
- Fail to enter into a separate agreement for services not directly related to securing employment for an individual (e.g. resume-writing)
- Require a job-seeker to provide a deposit, security or bond
- Directly or indirectly demand or collect a prohibited fee, reward or other compensation.

What are the penalties for breaching the *Consumer Protection Act*?

Committing an offence under the *Consumer Protection Act* may result in a fine of up to \$300,000, a jail term of up to two years, or both. Employment agencies can also be subject to licensing action, administrative penalties, or Director's Order for non-compliance.

Strikes and Lockouts

When there is a strike or lockout in progress, no employment agency is to knowingly send or assist in sending a worker to replace an employee who is on strike or locked out without informing the worker of the strike or lockout.

Does a licence represent government endorsement?

An employment agency cannot represent or imply that an employment agency business licence is an endorsement or approval of the business operator by the Government of Alberta. However, this does not prohibit the employment agency from indicating they are licensed.

Can an employment agency pay a foreign worker's wages on behalf of the worker's employer?

Service Canada has established requirements for employment agencies and employers that want to enter into an arrangement of this nature. For more information, contact Service Canada's Temporary Foreign Worker Program.

<https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>

For more information on the rules governing employment agencies

Please review the Employment Agency Compliance Standards:

<https://open.alberta.ca/publications/employment-agency-compliance-standards>.

What is an immigration representative?

An immigration representative is someone appointed by a foreign worker to conduct business on their behalf with Immigration, Refugees and Citizenship Canada (IRCC), Canada Border Services Agency or the Immigration and Refugee Board of Canada. An immigration representative may, for example, help a person complete their IRCC applications or communicate with IRCC on that person's behalf.

An immigration representative may also be appointed by a foreign worker to conduct business on their behalf with the Alberta Immigrant Nominee Program (AINP). All IRCC and AINP applications are available free of charge and a person is not required to use an immigration representative to complete or submit them.

Who can act as an immigration representative?

There are two types of immigration representatives:

Paid

In order to charge a fee, representatives must be authorized to conduct business for their clients.

The following are examples of authorized representatives:

- A lawyer in good standing with a Canadian provincial or territorial law society or a student-at-law under their supervision.
- An immigration consultant in good standing with the Immigration Consultants of Canada Regulatory Council (ICCRC).
- A notary in good standing with the Chambre des notaires du Quebec or Student-in-law under their supervision.

Unpaid

Immigration representatives who are unpaid may include a family member, friend or a member of a non-governmental or religious organization.

How is an immigration representative different from an employment agency?

A paid immigration representative and an employment agency offer different services. For example, an immigration representative does not usually assist a person in securing employment or in finding employees for an employer. Further, an employment agency cannot communicate with IRCC on a person's behalf unless they are also a lawyer or an Immigration Consultants of Canada Regulatory Council member.

Will using an employment agency or an immigration representative speed the process to hire foreign workers?

No. An employment agency or an immigration representative may assist in completing the necessary application form more efficiently, but once the application is submitted, the agency or immigration representative has no influence over the speed of the process.

Who is responsible for a foreign worker's legal documents and applications?

Employers and individual foreign workers are responsible for checking that all paperwork submitted to and issued by Service Canada and IRCC is correct (e.g. labour market opinion, work permit).

Do not rely on an employment agency or an immigration representative to ensure that all the necessary paperwork has been completed.

(Employers are responsible for ensuring their foreign workers have permission to work in Canada before starting work. Failure to do this is an offence under the *Immigration and Refugee Protection Act* (Canada).)

Passports and Personal Documents

No employment agency or employer may force a foreign worker to hand over their passport, work permit or other personal legal documents.

Does Alberta workplace legislation apply to foreign workers?

Yes. Alberta's laws offer foreign workers the same protection as other workers in the province. Check with Alberta Labour Employment Standards Branch for employment standards and workplace health and safety regulations.

Foreign workers are also covered under the *Workers' Compensation Act*, provided they are working in an industry to which the act applies. Under the act, employers are required to post at

all worksites the 1-2-3 poster that explains how to report a work-related injury. The 1-2-3 poster is available on the Workers' Compensation Board website in 15 languages at <https://www.wcb.ab.ca/resources/for-employers/forms-and-guides/>.

Can an employer send a foreign worker home before their work permit expires?

An employer or employment agency has no legal authority to send a foreign worker home against their will or to prevent them from submitting a complaint. Only the Government of Canada has the legal authority to remove or deport an individual from Canada.

If a Canadian or non-Canadian employee does not carry out the duties agreed to in the employment contract, the employer can give the employee the required notice or pay in lieu of notice.

Foreign workers are entitled to remain in Canada for the full term of their work permit. An employer or an employment agency cannot force a foreign worker to return to their country of origin if an employment contract is terminated before the work permit expires or if the foreign worker decides to find a job with another employer.

For more information

To make complaints about employment agencies, or inquire about employment agency licensing and the *Consumer Protection Act*:

Consumer Contact Centre

Edmonton area: 780-427-4088
Toll-free in Alberta: 1-877-427-4088
Outside Alberta: 1-780-427-4088
<https://www.alberta.ca/file-consumer-complaint.aspx>

King's Printer Bookstore

You may purchase Acts and regulations from the King's Printer Bookstore:
10611 - 98 Avenue, Edmonton, Alberta T5K 2P7
Edmonton: 780-427-4952
Toll-free in Alberta: Dial 310-0000 then 780-427-4952

These are also free for you to download in the "pdf" or "html" formats at <https://www.alberta.ca/alberta-kings-printer.aspx>

Temporary Foreign Worker Advisory Offices:

Temporary Foreign Worker Helpline

Toll-free: 1-877-944-9955
lbr.tfwao@gov.ab.ca

Mediation Services (collective bargaining between employers and union)

Edmonton: 780-427-8301 in Edmonton
Toll-free in Alberta: Dial 310-0000 followed by 780-427-8301

General information

Immigrate to Alberta

<https://www.alberta.ca/immigration>

Temporary Foreign Worker Program Service Canada

Toll-free 1-800-367-5693
<https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>

Work permits and visas

Immigration and citizenship Government of Canada

Toll-free in Canada: 1-888-242-2100
<https://www.canada.ca/en/services/immigration-citizenship.html>

Alberta Employment Standards

Employment Standards Contact Centre

780-427-3731 (Edmonton and area)
Toll-free in Alberta: 1-877-427-3731
Outside Alberta: 1-780-427-3731

Alberta Occupational Health and Safety

Edmonton: 780-415-8690
Toll-free: 1-866-415-8690
General inquiries: (8:15 am to 4:30 pm Monday to Friday)
Emergencies: (24 hours/day, 7 days/week)

Other contacts

Workers' Compensation Board Customer Contact Centre

Edmonton and area: 780-498-3999

Toll-free in Alberta: 1-866-922-9221

Toll-free outside Alberta: 1-800-661-9608

<https://www.wcb.ab.ca/about-wcb/contact-us.html>