

EMPLOYER

Temporary Foreign Worker

.....
Guide for Employers using Employment Agencies
.....



Alberta

Table of contents

Introduction	1
Contracting an Employment Agency	3
Reviewing the Contract	9
Employer Checklist (pull out).....	10
Monitoring the Agency	13
Screening and Selecting Employees	15
Preparing for Arrival (Orientation).....	17
Resources.....	19

Introduction

As an Alberta employer planning to recruit temporary foreign workers through the Government of Canada's Temporary Foreign Worker Program, you may be thinking about using the services of an employment agency. An employment agency is a business that helps employers find workers. It may also help people who want to work find jobs.

An employment agency will charge an employer fees for recruitment services. An employment agency cannot charge a worker a fee to find them a job in Alberta.

Under Alberta's *Fair Trading Act*, any business acting as an employment agency must have a provincial employment agency business licence.

This booklet provides guidelines and tools for employers who are considering using the services of an employment agency.

This information should not be considered a substitute for legal advice.





photo

The Fair Trading Act protects consumers from unfair business practices before, during or after a consumer transaction.

Contracting an Employment Agency

What is Alberta's Fair Trading Act?

The *Fair Trading Act* protects consumers from unfair business practices before, during or after a consumer transaction. An unfair practice may occur even if a consumer transaction was not entered into or concluded.

Under the *Fair Trading Act*, businesses are required to have an employment agency business licence if they are:

1. Finding jobs in Alberta for people;
2. Finding workers for employers in Alberta; and
3. Testing or evaluating individuals for job-related skills on behalf of an employer.

Employment agencies that fail to comply with the *Fair Trading Act* may be subject to administrative action or prosecution that can result in fines of up to \$100,000, a jail term of up to two years, or both.



Employment Agency Business Licence

When selecting an employment agency, insist on seeing the agency's provincial employment agency business licence. It is a good business practice to do so before you enter into a contract.

While an agency may have a valid business licence, this is no guarantee that it will meet its contractual obligations or the regulatory requirements set out by the federal or provincial governments.

To check if an employment agency is licenced, contact:

Consumer Contact Centre
Service Alberta

Tel: **780-427-4088**
(Edmonton and area)

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

Outside Alberta: **780-427-4088**

www.servicealberta.ca

Client references

Before entering into a contract with an employment agency, ask for references and contact them. Previous clients can tell you how the company operates, its level of service and customer satisfaction and if it meets its contractual obligations.



Questions you might ask when conducting a reference check:

- What type of recruiting did the agency conduct for your business?
- Did the agency clearly understand your recruitment needs?
- Was the agency knowledgeable about trades or other certification requirements?
- How would you characterize your business relationship with the agency?
- Did the agency successfully recruit the types of workers that were required?
- Were there any surprises during the recruitment process?
- Did the agency clearly communicate to the worker the roles and responsibilities of the employer?
- Did you consider the agency fees to be reasonable for the service provided?



You may also want to consider contacting the Better Business Bureau. The Better Business Bureau can tell you if disputes between the employment agency and previous clients have been reported.

Costs

Employment agencies charge the employer a fee for recruiting each worker. This fee is negotiated between the employer and employment agency. You will not be able to recover the cost of this service from the employee. Any agency that indicates this is possible is wrong. Fees cannot be charged to potential or recruited workers to find a job.

Depending on the National Occupation Classification (NOC) code of the temporary foreign worker, you may have to arrange suitable accommodation and provide essential household items. You may also be required to pay for transportation for the temporary foreign workers. Review your Labour Market Opinion (LMO) so you know what your responsibilities are.

To understand NOC codes visit:

www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml

The Recruitment Process

The more involved you are in the recruitment process, the more likely it is that you will get employees that meet your needs and expectations. Ask the agency what it expects from employers during the recruitment process. You can choose to play a very active role or to rely on the services provided by the agency.



When determining your level of involvement, remember that the more active you are in screening and interviewing applicants the better you can ensure the workers know what to expect and that your requirements are met.

Although an employment agency may have experience in completing necessary application forms as well as other expertise when it comes to recruiting workers, it has no influence over the speed of the processing of foreign worker applications.

It is important that you understand Canada's temporary foreign worker process before entering into any contract with an employment agency.

A Labour Market Opinion will allow you to recruit temporary foreign workers and will establish your obligations to the worker and the required wage. For more information, visit www.hrsdc.gc.ca/en/workplace_skills/foreign_workers/index.shtml.





iStockphoto™

It is important that you have a contract in place with the employment agency to help protect both your company and the worker that you are recruiting.

Reviewing the Contract

It is important that you have a contract in place with the employment agency to help protect both your company and the worker that you are recruiting. Practice the same due diligence in a contract with an employment agency as you would with any other business.

At a minimum, the following should be clearly addressed in the contract:

- Services to be provided by the agency;
- Roles and responsibilities;
- Your level of involvement in the selection process;
- Fee structure and if it includes all costs;
- How and when the agency will update you of its progress; and
- Wages, benefits and services to be offered.

The contract should identify who will prepare the application for the Labour Market Opinion, if one is required. Service Canada must issue an LMO before a temporary foreign worker can enter Canada. Ensure that you review the LMO before a worker

enters an employment contract with you so that you clearly understand your obligations.

You will also want to make sure that the agency's timeline to bring a temporary foreign worker to Alberta meets the requirements of your business. Consider if a delay might create a conflict with any other contractual obligations you may have.

Carefully review and be sure you are completely satisfied with all terms of the contract, including services, responsibilities and associated fees before signing.

Temporary Foreign Worker: Guide for Employers using Employment Agencies.

Employer Checklist

- Have you attended a “How to Hire Foreign Workers” seminar?
- Does the employment agency have a current provincial employment agency business licence?
- Have you conducted reference checks for the employment agency?
- Have you discussed with the agency your level of involvement in the recruitment process?
- Do you know how much you will pay to recruit the worker(s) that you require?
- Have you carefully reviewed all aspects of the contract including details of roles, responsibilities, services to be provided and associated fees?
- Are you comfortable with the fees and what they include?
- Do you know how you will be involved in recruiting the workers?
- Do you know when the agency expects to have the required worker(s) in Alberta?
- Does the worker’s expected arrival time meet your requirements?
- Are you monitoring the agency to ensure it meets its contractual agreements?

Preparing for Arrival

- Have you arranged for accommodation for the worker(s), if necessary?
- Have you paid the security deposit and first month's rent, if necessary?
- If you are acting as landlord, do you understand the rights and responsibilities of both the landlord and tenant as outlined in the *Residential Tenancies Act*?
- Have you arranged to have the worker(s) met at the airport, if necessary?

Orientation for Employees

- Have you provided basic household necessities for the worker(s), if necessary?
- Have you explained to the workers their rights and responsibilities as an employee?
- Have you explained to the workers their rights and responsibilities as a tenant?
- Have you provided the worker with information on the community?



When an employment agency is acting on your behalf, it is your responsibility to monitor the work they are doing for you.

Monitoring the Agency

When an employment agency is acting on your behalf, it is your responsibility to monitor the work they are doing for you. Have the employment agency provide regular reports on the activities it has undertaken and progress made on recruitment.

As with any agreement, all parties should be aware of their obligations and the potential consequences if the contract is breached.

If an agency has not met the requirements established by the provincial or federal governments, you may want to contact Service Alberta, Service Canada, or Citizenship and Immigration Canada to report these breaches.

Because situations are unique for each employer, it is your responsibility to determine the appropriateness of using an employment agency to meet your needs. The Government of Alberta offers “How to Hire Foreign Workers” seminars to help employers understand all aspects of bringing in foreign workers. For more information contact the Alberta Foreign Worker Hotline **1-877-427-6419**.





By participating in the screening and interviewing process, you have the opportunity to ensure that the worker has a clear understanding of the job and other expectations before they arrive, and to ensure that your expectations will be met.

Screening and Selecting Employees

By participating in the screening and interviewing process, you have the opportunity to ensure that the worker has a clear understanding of the job and other expectations before they arrive, and to ensure that your expectations will be met.

For example, either you or the employment agency must ensure that the worker understands:

- The job is temporary;
- The responsibilities and working conditions of the job;
- Skill expectations, including language;
- Wages and benefits;
- Pay deductions like healthcare premiums and taxes; and
- The worker may be required to share accommodation with other workers.

You will also want to ask if the worker has paid any fees to the employment agency and what promises have been made to the worker by the agency. If a worker paid a fee to the agency, contact Service Alberta to clarify and determine possible courses of action. If promises were made on your behalf by the agency,

determine if you are able and want to fulfill these promises.

Employment agencies are responsible for breaches of the *Fair Trading Act* during the recruitment process, not the employers they act on behalf of. Service Alberta does not investigate employers in these circumstances.

To contact Service Alberta, call:

Consumer Contact Centre
Service Alberta

Tel: **780-427-4088**
(Edmonton and area)

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

Outside Alberta: **780-427-4088**

www.servicealberta.ca



Temporary foreign workers coming to Alberta often need settlement assistance. You may wish to help directly or contract these services to an agency.

Preparing for Arrival (Orientation)

Temporary foreign workers coming to Alberta often need settlement assistance. You may wish to help directly or contract these services to an agency.

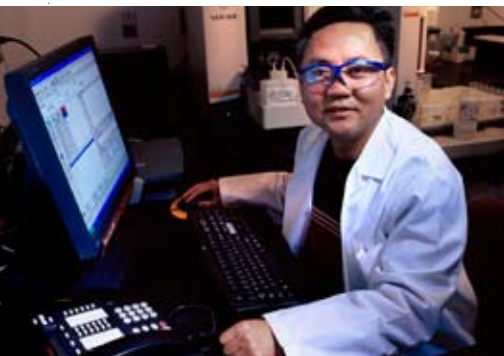
You may want to meet the worker at the airport, arrange for a place for the worker to live, provide basic household necessities, and/or pay their security deposit and first month's rent.

If you are acting as the landlord ensure that you and the employee understand the rights and responsibilities of both the landlord and tenant as set out in the Government of Alberta's *Residential Tenancies Act* (www.servicealberta.ca).

Keep in mind that any person who is new to Alberta may need help to become familiar with the community and locate services such as:

- Cultural organizations;
- Religious worship houses and social support groups;
- Settlement services;
- Hospitals and medical services; and
- Day-to-day living needs (e.g., banking service, grocery stores, shopping centres, etc.)

Being actively involved in a worker's integration into Alberta can ensure a content worker and a good employee/employer relationship. Identifying a mentor within the workplace who can answer questions for workers can help integration into the workplace and Alberta.



You may also want to help the worker to:

- Obtain Alberta Health Care, a Social Insurance Number and set up bank accounts;
- Arrange for telephone and Internet services;
- Understand transportation options, schedules and fees; and
- Learn about our climate.

It is important to provide the worker with an orientation on rights and responsibilities about employment standards, workplace health and safety, the Workers' Compensation Board, and Canadian human rights.

The worker may also need information about:

- Expectations for renewal of the employment contract;
- Leaving the country for a vacation;
- Citizenship options;
- Landlord and tenant issues; and
- The Temporary Foreign Worker Helpline: 1-877-944-9955.



Publications available to assist with orientation include:

Temporary Foreign Worker-Guide for Employees

http://employment.alberta.ca/documents/WIA/WIA-IM_tfw_employee.pdf

Temporary Foreign Worker-Guide for Employers

http://employment.alberta.ca/documents/WIA/WIA-IM_tfw_employer.pdf

Welcome to Alberta

www.alis.alberta.ca/careershop/showproduct.asp?DisplayCode=PRODUCT&EntityKey=3532

Resources

Alberta

Alberta Foreign Worker Hotline

Call: Toll-free in Alberta
1-877-427-6419

Outside of Alberta 780-427-6419

Email:

immigration.info@gov.ab.ca

www.albertacanada.com/immigration

www.albertacanada.com/jobs

Alberta Health Care Insurance Plan

www.health.gov.ab.ca/ahcip/AHCIP.html

Alberta Provincial Nominee Program

www.albertacanada.com/pnp

Alberta Temporary Foreign Worker Helpline

Call: 780-644-9955
(Edmonton local calling area)
or 1-877-944-9955 from
anywhere in North America

Employment Standards

Call: (780) 427-3731
(toll-free in Alberta by dialing
3 10-0000 first)

www.employment.alberta.ca/es

How to Hire Foreign Workers Seminars

www.alberta-canada.com/immigration/howToHireForeignWorkers/index.cfm

Service Alberta

Fair Trading Act and Residential Tenancies Act

Consumer Contact Centre Service Alberta

Call: 780-427-4088
(Edmonton and area)

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

Outside Alberta 780-427-4088

www.servicealberta.ca

Temporary Foreign Worker Advisory Office

North Location

2nd Floor, 10242 - 105 Street
Edmonton, AB T5J 3L5

South Location

5th Floor, Century Park Place
855 - 8th Avenue S.W.
Calgary, AB T2P 3P1

Email:

tfwadvisory.office@gov.ab.ca

To contact an advisor, call the Alberta Temporary Foreign Worker Helpline.

Using Employment Agencies in Alberta and Canada

[www.albertacanada.com/
immigration/usingEmployment
AgenciesInAlbertaAndCanada/
index.cfm](http://www.albertacanada.com/immigration/usingEmploymentAgenciesInAlbertaAndCanada/index.cfm)

WCB Alberta

Call: Toll-free in Alberta
1-866-WCB-WCB1
(1-866-922-9221)

Outside of Alberta
1-800-661-9608

Email: contactcentre@wcb.ab.ca

www.wcb.ab.ca

Workplace Health and Safety

Call: 1-866-415-8690

www.employment.alberta.ca/whs

Canada

Citizenship and Immigration Canada

Call: 1-800-242-2100

www.cic.gc.ca

Government of Canada

www.canada.gc.ca

Service Canada: Temporary Foreign Worker Program

[www1.servicecanada.gc.ca/
en/workplaceskills/foreign_
workers/temp_workers.shtml](http://www1.servicecanada.gc.ca/en/workplaceskills/foreign_workers/temp_workers.shtml)

To provide feedback to this publication, e-mail your comments to:

tfwadvisory.office@gov.ab.ca

Prepared by Employment and Immigration.

Call the Alberta Temporary Foreign Worker Helpline at **(780) 644-9955**
(Edmonton local calling area) or **1-877-944-9955** (from anywhere in North America).

This material may be used, reproduced, stored or transmitted for non-commercial purposes. The source of this material must be acknowledged. This material is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta. This material is not for resale unless licensed with the Government of Alberta.

Guide for Employers of Temporary Foreign Workers

This publication has information about:

Working with Employment Agencies