

August 13, 2024

**CONSULTATION DRAFT**  
**TEMPORARY FOREIGN WORKER PROTECTION ACT**  
**GENERAL REGULATIONS**

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Pursuant to section 77 of the *Temporary Foreign Worker Protection Act* R.S.P.E.I. 1988, Cap. T-1.1, Council made the following regulations:

**1. Definition**

In these regulations, “**Act**” means the *Temporary Foreign Worker Protection Act* R.S.P.E.I. 1988, Cap. T-1.1.

**LICENSES FOR FOREIGN WORKER RECRUITERS**

**2. Exemption**

- (1) For the purposes of clause 4(2)(b) of the Act, subsection 4(1) of the Act does not apply to persons providing recruitment services on the day these regulations come into force until **XXXX**.

**Extension**

- (2) A person referred to in subsection (1) who applies to the director for a licence under subsection 6(1) of the Act on or before **XXXX** continues to be exempt from subsection 4(1) of the Act until
- (a) the day the person is issued a licence; or
  - (b) the day the director informs the person that the person’s application for a licence has been refused.

**3. Licensing requirement**

An applicant for a licence shall provide proof acceptable to the director that the applicant is a member in good standing of

- (a) the law society of a province;
- (b) the Chambre des notaries du Québec; or
- (c) the College of Immigration and Citizenship Consultants, as defined in section 2 of the *College of Immigration and Citizenship Consultants Act* (Canada).

**4. Information to be provided**

For the purposes of clause 6(1)(d) of the Act, an applicant for a licence shall provide the following information to the director:

- (a) the applicant’s home address and telephone number;

- (b) confirmation of whether the applicant will, if issued a licence, provide recruitment services as
  - (i) a self-employed individual, or
  - (ii) an employee of a business owned by a person other than the applicant;
- (c) a detailed description of the business the applicant will operate or be employed by if issued a licence, including
  - (i) the business' business identification number,
  - (ii) every business name the business will operate under, and
  - (iii) the applicant's plan for engaging in recruitment services, which shall include
    - (A) a list of the countries the applicant intends to recruit from, and
    - (B) the types of employment the applicant intends to recruit foreign workers for;
- (d) whether the applicant currently holds a foreign worker recruiter licence in another province;
- (e) the address where the applicant's business records respecting foreign worker recruitment will be kept.

**5. Application fee**

An application for a licence shall be accompanied by a non-refundable application fee in the amount of \$100.

**6. Definition**

- (1) In this section, "licensee" includes a former licensee.

**Filing of security**

- (2) For the purposes of clause 6(1)(b) of the Act, before an applicant may be issued a licence, the applicant shall file security with the director in the amount of \$10,000 Canadian dollars in a form and manner acceptable to the director.

**Retention of security**

- (3) The director may hold the security referred to in subsection (2) while the licensee's licence is valid and, subject to subsection (4), for two years afterwards.

**Extension**

- (4) Where any proceedings relating to the licensee are commenced under Part 7, Part 8 or Part 10 of the Act within the period of time referred to in subsection (3), the director may continue to hold the licensee's security until those proceedings are finally concluded.

## LICENCE RENEWAL

**7. Application to renew licence**

- (1) A licensee may apply to the director to renew a licence in the form and manner approved by the director.

**Form of renewal application**

- (2) An application made under subsection (1) shall be made no later than 60 days prior to the expiry of the licence.

**Renewal requirements**

- (3) On receipt of an application made in accordance with this section, the director may renew the licence if the licensee establishes, to the satisfaction of the director, that the licensee is in compliance with the Act and these regulations.

**Terms and conditions on renewal**

- (4) Subsections 7(2) to (6) of the Act apply, with necessary modifications, to the renewal of a licence under this section in the same manner as to the initial issuance of a licence under subsection 7(1) of the Act.

**8. Renewal fee**

An application for renewal of a licence shall be accompanied by a non-refundable renewal fee in the amount of \$100.

**REGISTRIES****9. Foreign worker recruiter registry**

For the purposes of subclause 29(1)(a)(iv) of the Act, the registry established by the director respecting licensees shall contain, for each licensee,

- (a) a description of any terms or conditions imposed on the licensee's licence by the director under subsection 7(3) of the Act; and
- (b) where, under subsection 8(1) of the Act, the director
- (i) amends the licensee's licence, a description of those amendments,
  - (ii) suspends the licensee's licence, the start and end dates of the suspension, or
  - (iii) cancels the licensee's licence, the date the licence is cancelled.

**ENFORCEMENT****10. Notice of contravention**

A notice of contravention issued by an inspector under section 37 of the Act shall be served in accordance with section 72 of the Act.

**11. Definitions**

- (1) In this section,
- (a) "**complaint**" means a complaint made under subsection 33(1) of the Act;
  - (b) "**order**" means an order of an inspector or the board;
  - (c) "**post-order rate**" means the post-judgment interest rate published in the Gazette under subsection 56(2) of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1;
  - (d) "**pre-order rate**" means the pre-judgment interest rate published in the Gazette under subsection 56(2) of the *Judicature Act*.

**Interest rate on amount owing**

- (2) For the purposes of subsection 47(1) of the Act, the prescribed rate is,
  - (a) from the date of the complaint to the date of the order, the pre-order rate; and
  - (b) from the date of the order to the date of payment, the post-order rate.

**Interest rate on collected and deposited amounts**

- (3) For the purposes of subsection 47(4) of the Act, the prescribed rate is the actual rate of interest of the savings institution that applies to the amount, from time to time, while the amount is held in deposit in the savings institution.

**12. Commencement**

These regulations come into force on .....