

These descriptions and examples are meant to clarify the differences between recruiters, affiliates, agents and partners in the context of recruiter licensing under the [Temporary Foreign Worker Protection Act](#) (TFWPA) and [Regulation](#) (TFWPR).

RECRUITER

Recruiters must be licensed in B.C. to recruit or offer to recruit employees for employers in B.C.

A recruiter is someone who provides recruitment services to foreign workers or employers for a fee or compensation (received directly or indirectly).

RECRUITMENT SERVICES

“Recruitment services” are services that:

- Help a foreign worker secure employment in B.C.
- Help an employer secure employment in B.C. for a foreign worker

For more information, see the [TFWPA](#).

Foreign workers can’t be charged for recruitment services. Employers must pay any recruitment costs.

Recruitment services are often offered in addition to other services, such as supporting a work permit application or completing immigration paperwork. If a foreign worker is offered any recruitment services:

- The worker can’t be charged a fee for the recruitment services
- The recruitment services should be clearly separated from any other services

Because most foreign workers need help finding an employer in B.C., Employment Standards broadly interprets many actions related to recruiting foreign workers as “recruitment services”. This can include any aid provided to foreign workers to help them find employment in B.C.

Recruitment services include:

- Finding or attempting to find employment in B.C. for foreign workers, including:
 - Helping to identify potential employers
 - Finding job advertisements or employment opportunities
- Helping or advising employers about hiring foreign workers, including:
 - Creating or advising on job advertisements
 - Responding to candidates
 - Collecting resumes
 - Advising or helping employers to complete the LMIA process
- Helping or advising someone else to do any of these actions, such as:
 - Training new recruiters
 - Providing recruitment consulting services
- Referring foreign workers to someone else who does any of these actions

DISCLOSING INFORMATION

To become licensed, recruiters need to disclose information about any partners, agents or affiliates who support the recruitment services they provide to foreign workers or employers.

No matter where they are, recruiters are held accountable for any action or inaction by their partners, affiliates or agents that results in non-compliance with the TFWPA or TFWPR.

PARTNER

A partner is an individual or business in a formal business partnership with the recruiter to carry on recruitment-related business together (rather than a single corporation or sole proprietorship). Partners often have shared assets, liabilities and records.

If a partner provides independent recruitment services, **they must also be licensed as a recruiter.**

PARTNER ACTIVITIES AND SERVICES

- Managing or supporting the recruitment business partnership’s operations (without providing any independent recruitment services)
- Supporting the partnership in hiring employees to support recruitment services

AFFILIATE

An affiliate is an individual or business associated with the recruiter and their recruitment services. They don’t provide recruitment services themselves, and they have a limited role in supporting the recruiter. If an affiliate provides recruitment services, **they must also be licensed as a recruiter.**

AFFILIATE ACTIVITIES AND SERVICES

- Providing limited services to support the recruiter’s business, including:
 - Translation
 - Website design and/or maintenance
 - Immigration consulting
- Administrative tasks, including:
 - Helping individuals to fill out forms
 - Helping potential employees to write their resumes and prepare for interviews
 - Collecting and forwarding resumes to the recruiter without screening them

AGENT

An agent is an individual or business formally authorized to represent a recruiter in support of recruitment services.

An agent doesn’t directly provide independent recruitment services. They don’t present themselves as an independent recruiter, and they act under a licensed recruiter’s name. If an agent provides recruitment services under their own name, **they must also be licensed as a recruiter.**

AGENT ACTIVITIES AND SERVICES

- Initiating, organizing or managing transactions between recruiters and foreign workers or anyone else on behalf of recruiters, including:
 - Finding potential foreign workers on behalf of recruiters
- Providing knowledge or expertise related to employment and recruiting, including:
 - Knowledge of employment sectors or skill sets
 - Providing recruiters with expert advice about finding workers in specific places or industries
- Advertisement assistance, including:
 - Collecting and forwarding resumes to recruiters
 - Screening resumes on behalf of recruiters
- Representing recruiters when dealing with government agencies or organizations related to foreign workers or employers

EXAMPLE SCENARIOS

Scenario 1: Kai performs foreign worker recruitment services for several employers in B.C. He has a website for his business. His niece, Nina, owns her own business providing administrative support services. Kai has a contract with Nina to provide recruitment-related administrative services and post job information to his website.

In this scenario, Kai is a recruiter and Nina is an affiliate.

Scenario 2: Haleema, Oskar and Eliza are employees of the same recruiting company. They each provide recruitment services to foreign workers and employers in B.C. Haleema applied for a recruiter licence and named Oskar and Eliza as her affiliates.

In this scenario, Haleema, Oskar and Eliza **all** need to be licensed recruiters, because they all provide recruitment services.

Scenario 3: Cory and Niamh are business partners who both help construction companies in B.C. find foreign workers with specific construction-related skills. Niamh’s cousin Anton lives overseas and works in the construction industry. Anton has a formal agreement to act on behalf of Cory and Niamh to find foreign workers with the desired skill set and to collect resumes.

In this scenario, Cory and Niamh **both** need to be licensed recruiters. They would each identify the other as a partner, and Anton as an agent.

Scenario 4: Juan runs his own business assisting B.C. employers to draft and advertise job postings. He also guides employers through the LMIA process, gathers and reviews resumes from temporary foreign workers, and sends these resumes to employers. Juan does not necessarily provide all these services to any given employer he works with.

In this scenario, Juan’s services are collectively considered recruitment services, even if he doesn’t provide them all to every employer. He needs to be a licensed recruiter.

If Juan **only** helps post a job advertisement listing an employer as a contact person, then he doesn’t provide recruitment services for that employer.

If Juan **only** prepares, files and presents applications and documents related to immigration, then he doesn’t provide recruitment services and he doesn’t need a recruiter licence.

If Juan provides advice to employers about hiring foreign workers and assists employers to hire them, then he needs a recruiter licence.

Scenario 5: Lucinda provides assessments and advice at no charge to foreign workers about finding work in B.C. She gets referrals and provides immigration services by assisting foreign workers with immigration papers and settlement processes. She doesn’t help with job searches or hiring.

In this scenario, Lucinda is an immigration consultant. She doesn’t need to be a licensed recruiter unless she provides recruitment services.