



## Employment Standards Act

### Application for Employment Agency Licence

(PLEASE PRINT)

Legal Name of Applicant:			
Trade or Operating Name ( <i>if different</i> ):			
Operating address:	City/town and province:	Postal Code:	
Mailing address:	City/town and province:	Postal Code:	
Telephone number: ( )	Fax number: ( )		
Email address:	Website:		

If this application covers more than one operating location, please provide those locations:

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Please provide the information requested below for all persons who are involved with the agency, as partners, associates or directors/officers, and indicate who should be contacted with respect to this application:

Name	Relationship to Agency	Address (Including Postal Code)	Email Address	Telephone Number

Name and phone number of person to be contacted regarding this application:

If you or any of the above-named individuals have been issued an employment agency licence in the past please provide details including the name on the licence, location, and year of licence:

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What industry or industries are you recruiting for? \_\_\_\_\_

Will you be recruiting from other countries?       yes       no

If yes, which countries? \_\_\_\_\_

How will you be recruiting? \_\_\_\_\_

Describe all the services you offer: \_\_\_\_\_

I undertake to comply with the requirements of the *Employment Standards Act*. I understand that this licence may be cancelled if:

- I make any false or misleading statements in applying for this licence;
- I do not operate in the best interests of employers and persons seeking employment;
- I place a domestic with an employer and fail to inform that employer of the requirement to register the domestic with the Employment Standards Branch.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

When complete, this form and attached questionnaire must be mailed to the Employment Standards Branch at 102 – 1577 7th Avenue, Prince George, B.C., V2L 3P5, or faxed to (250) 645-4044, together with a non-refundable fee of \$100.00 payable to the Director of Employment Standards.

Please keep a copy of your application and completed questionnaire for your records, as you will be contacted by a delegate of the Director to review your application. Employment agency licences are issued for one year and must be renewed annually. Renewal reminders are not sent. It is recommended that you apply for a renewal 30 days prior to the expiry date to avoid having your licence lapse. When renewing, you may be asked to provide names of employees you have placed and employers you have placed them with.

Part 2 of the *Employment Standards Act* and Part 2 of the Regulation cover the registration and operation of Employment Agencies. They are attached for your information.

The information on this form is collected by the Employment Standards Branch under Section 26(c) of the *Freedom of Information and Protection of Privacy Act* and will be used to process your application. Should you have any questions about the collection of this information, please contact the Prince George office at 1-250-565-6120.



Employment Standards Branch  
Employment Agency Licencing

# FAX

Date: _____
Number of pages sent _____
<b>To: Employment Agency Licencing</b> Employment Standards Branch
Fax: 250 645-4044

<b>From:</b> _____
_____
<b>Phone:</b> _____
_____
<b>Fax:</b> _____
_____
<b>Email:</b> _____
_____

Include this page if you are paying by credit card and send only by **fax** or **mail**.

Please bill my VISA _____ MASTERCARD _____ AMEX _____ Total Amount \$ _____
Signature: _____
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Card Number: _____ Expiry Date ____/____
<i>Please remit by fax (250-645-4044) or by mail (102 – 1577 7th Avenue, Prince George B.C. V2L 3P5)</i>
<i>The credit card information provided on this form will not be retained. Upon authorization of the payment request all credit card information will be destroyed.</i>
<b><u>Any credit card information sent by email will not be processed.</u></b>

## Employment Agency Licence Questionnaire

### Part 1 True/False

1. An Employment Agency can charge a person seeking employment a fee for finding them a position.  
 True                       False
  
2. An Employment Agency can charge a person seeking employment a fee for providing information about employers who are hiring employees.  
 True                       False
  
3. An Employment Agency can charge an employer a fee for placing an employee with them.  
 True                       False
  
4. A newspaper can charge an employer for advertising their positions in the paper.  
 True                       False
  
5. If it is found that a person seeking employment was charged a payment for obtaining employment, it is considered to be wages owing and is recoverable under the Act.  
 True                       False
  
6. An employment agency is permitted to pay an employer or a third party for help in finding employment for someone who is looking for a job.  
 True                       False
  
7. A person must not operate an employment agency unless the person is licensed under the Employment Standards Act.  
 True                       False
  
8. Employment agencies that recruit for only one employer are not required to be licensed under the Act.  
 True                       False
  
9. An employment agency can require a person seeking employment to use the Agency's immigration services and pay for them.  
 True                       False
  
10. An employment agency can require a person seeking employment to pay fees before they come to Canada.  
 True                       False
  
11. An employment agency can charge fees to a person seeking employment if the person refuses a placement with an employer or doesn't remain there for a certain length of time.  
 True                       False

Part 2 Multiple Choice

12. An employer must not induce, influence or persuade a person to become an employee, or to work or to be available for work, by misrepresenting:
- (a) the availability of a position;
  - (b) the type of work;
  - (c) the wages;
  - (d) the conditions of employment;
  - (e) all of the above.
13. Persons seeking employment are not permitted or required to make a payment to:
- (a) an employer to give them job;
  - (b) an employment agency to find them a job;
  - (c) anyone for information about employers seeking employees;
  - (d) all of the above;
  - (e) none of the above.
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Part 3 Domestic

14. An employer must provide a domestic with a copy of an employment contract.
- True                       False
15. A domestic is entitled to overtime pay if they work more than 8 hours in a day.
- True                       False
16. A domestic must be registered with the Employment Standards Branch.
- True                       False
17. An employment agency must tell an employer about their obligation to register a domestic with the Employment Standards Branch.
- True                       False
18. When is an employer **not** permitted to charge a domestic for room and board, and when is an employer permitted to charge? When charging for room and board is permissible, what is the maximum amount?

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19. List 4 things that must be contained in an employment contract for a domestic:

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## Employment Standards Act

### Part 2 Hiring Employees

#### Section 10 No charge for hiring or providing information

- (1) A person must not request, charge or receive, directly or indirectly, from a person seeking employment a payment for
  - (a) employing or obtaining employment for the person seeking employment, or
  - (b) providing information about employers seeking employees.
- (2) A person does not contravene this section by requesting, charging or receiving payment for any form of advertisement from the person who placed the advertisement.
- (3) A payment received by a person in contravention of this section is deemed to be wages owing and this Act applies to the recovery of the payment.

#### Section 11 No fees to other persons

- (1) An employment agency must not make a payment, directly or indirectly, to a person for obtaining or assisting in obtaining employment for someone else.
- (2) A farm labour contractor must not make a payment, directly or indirectly, to a person for whom the farm labour contractor's employees work.
- (3) A person does not contravene this section by paying for any form of advertisement placed by that person.

#### Section 12 Employment and talent agencies must be licensed

- (1) A person must not operate an employment agency or a talent agency unless the person is licensed under this Act.
- (2) Subsection (1) does not apply to a person operating an employment agency for the sole purpose of hiring employees exclusively for one employer.

#### Section 14 Written employment contract required for domestics

- (1) On employing a domestic, the employer must provide the domestic with a copy of the employment contract.
- (2) The copy of the employment contract provided to the domestic must clearly state the conditions of employment, including
  - (a) the duties the domestic is to perform,
  - (b) the hours of work,
  - (c) the wages, and
  - (d) the charges for room and board.
- (3) If an employer requires a domestic to work during any pay period any hours other than those stated in the employment contract, the employer must add those hours to the hours worked during that pay period under the employment contract.

#### Section 15 Register of employees working in residences

An employer must provide to the director, in accordance with the regulations, any information required for establishing and maintaining a register of employees working in private residences.

## Employment Standards Regulation

### Part 2 – Employment Agencies

#### Section 2 Licensing of employment agencies

- (1) An application for a licence to operate an employment agency must
  - (a) be made to the director, and
  - (b) be accompanied by a fee of \$100.
- (2) The director may issue an employment agency licence only if the applicant has
  - (a) completed a written application in a form required by the director,
  - (b) paid the licence fee, and
  - (c) satisfied the director that the applicant will operate an employment agency in the best interests of employers and persons seeking employment.
- (3) The director may refuse to issue a licence to an applicant who has had a previous licence cancelled.

#### Section 3 Employment agency records

- (1) An employment agency must keep a record of the following:
  - (a) the name and address of each employer for whom the employment agency provides a service;
  - (b) the name, occupation and address of each person who is directed to an employer for the purpose of being hired or who is provided with information about employers seeking employees.
- (2) The record must
  - (a) be in English,
  - (b) be kept at the employment agency's principal place of business in British Columbia, and
  - (c) be retained by the employment agency for 2 years.

#### Section 4 Cancellation or suspension of employment agency licence

The director may cancel or suspend an employment agency's licence if the employment agency

- (a) makes a false or misleading statement in an application for a licence,
- (b) contravenes the Act or this regulation,
- (c) is operating or has operated the employment agency contrary to the best interests of employers and persons seeking employment, or
- (d) is placing a domestic with an employer and does not inform the employer of the requirement to register the domestic with the Employment Standards Branch in accordance with section 15 of the Act and section 13 of this regulation.

#### Section 9 Rules about licences

- (1) A licence issued under this regulation
  - (a) is valid for one year after the date on which it was issued, and
  - (b) is not transferable or assignable.
- (2) Despite subsection (1) (a), effective January 1, 2000, the director may issue a licence under this regulation for a 3 year term if the farm labour contractor
  - (a) renews its irrevocable letter of credit for each year of the term, and
  - (b) has not had a licence under this regulation cancelled by the director.

#### Section 10 If a licence is refused, cancelled or suspended

On making a determination to refuse to issue, or to cancel or suspend, a licence under this regulation, the director must serve the person who applied for or held the licence with a copy of the determination that includes

- (a) the reasons for the determination, and
- (b) the time limit and process for appealing the determination to the tribunal.

### **Section 11 Surrender of licence**

When served with a copy of a determination cancelling or suspending a licence issued under this regulation, the licence holder must immediately surrender the licence to the director.

### **Section 12 Appeals from the refusal, cancellation and suspension of a licence**

- (1) A person who is served with a determination under section 10 may appeal the determination to the tribunal by delivering to its office a written request that includes the reasons for the appeal.
- (2) The request must be delivered to the tribunal within
  - (a) 30 days after the date of service, if the person was served by registered mail, and
  - (b) 21 days after the date of service, if the person was personally served or served under section 122 (3) of the Act.
- (3) For an appeal under this section,
  - (a) the tribunal has the same powers as under sections 114 to 116 of the Act, and
  - (b) sections 108, 109 (b) to (h) and 111 of the Act apply.

## **Part 3 — Employees Working in Residences**

### **Section 13 Registry information**

- (1) An employer of a domestic or a textile worker must provide the director with the following information:
  - (a) the employer's name, address, telephone number and fax number;
  - (b) the employee's name, address and telephone number;
  - (c) whether the employee is a domestic or a textile worker.
- (2) The employer must provide the information required under subsection (1) in writing to the director
  - (a) within 30 days after the date the employee was hired,
  - (b) in the case of an employee hired before November 1, 1995, by January 1, 1996, or
  - (c) in the case of an employee who is to be employed as a domestic and who is coming to Canada from another country, before the employee is hired and before making an application to bring the employee to Canada.
- (3) An employer who is aware of any change in the information provided under subsection (1) must, each 6 months after January 1, 1996, provide the director with a written list of the changes.

### **Section 14 Maximum room and board rates for domestics**

If federal requirements do not prohibit employers from charging for room and board, an employer must not charge a domestic more than \$325 per month.