

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 408

Approved and Ordered

July 8, 2019

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 1, 2, 4 to 9, 16 (a) and (b), 17 (a) and (b), 18, 19, 24, 28 (1) and (3), 29 (1) (a), 30, 31, 32, 36, 37, 38 (1) and (3) to (7), 39, 40, 42 to 49, 54 (1), (2) and (4), 60 and 73 to 84 of the *Temporary Foreign Worker Protection Act*, S.B.C. 2018, c. 45, are brought into force,
- (b) the Temporary Foreign Worker Protection Regulation set out in the attached Schedule 1 is made, and
- (c) effective October 1, 2019,
 - (i) sections 3, 22, 23, 25, 26 (1), 27, 29 (2), 33 (1) (c) to (f) and (2), 34, 35, 41 (1), 50 to 53, 54 (3), 55 to 57, 62 to 72 and 85 of the *Temporary Foreign Worker Protection Act* are brought into force, and
 - (ii) the Temporary Foreign Worker Protection Regulation is amended as set out in the attached Schedule 2.

DEPOSITED
July 8, 2019
B.C. REG. <u>158/2019</u>

Minister of Labour

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Temporary Foreign Worker Protection Act*, S.B.C. 2018, c. 45, s. 86

Other:

R10335761

SCHEDULE 1

TEMPORARY FOREIGN WORKER PROTECTION REGULATION

Contents

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Definition

- 1 In this regulation, “Act” means the *Temporary Foreign Worker Protection Act*.

Security with licence applications

- 2 For the purposes of section 5 (1) (b) of the Act, security filed by an applicant for a licence must meet the following requirements:
 - (a) the amount of the security must be \$20 000;
 - (b) the security must be posted under the *Bonding Act*;
 - (c) the security must be of a type that is
 - (i) listed in section 8 of the Bonding Regulations, B.C. Reg. 11/68, and
 - (ii) acceptable to the director.

Additional information in licensed foreign worker recruiter registry

- 3 For the purposes of section 29 (1) (a) (iv) of the Act, the registry respecting foreign worker recruiters established and maintained by the director must contain the following prescribed information for each licensee, as applicable:
 - (a) the terms and conditions, if any, specified under section 6 (3) of the Act in the licence of the licensee;
 - (b) amendments, if any, made under section 7 of the Act to the licence of the licensee;
 - (c) if the licence of the licensee is suspended under section 7 of the Act, the start date and end date of the suspension;
 - (d) if the licence of the licensee is cancelled under section 7 of the Act, the date on which the licence is cancelled.

Monetary penalties

- 4 (1) In this section, “**specified requirement**” means a requirement of the Act referred to in section 38 (1) of the Act.
- (2) For the purposes of section 38 (1) (f) of the Act, the following monetary penalties are prescribed:

- (a) unless paragraph (b) or (c) of this subsection applies, a monetary penalty of \$500 if the director determines that the person contravened a specified requirement;
 - (b) unless paragraph (c) of this subsection applies, a monetary penalty of \$2 500 if
 - (i) the director determines that the person contravened a specified requirement,
 - (ii) the director previously made a determination under paragraph (a) that the person contravened the same specified requirement, and
 - (iii) the contravention referred to in subparagraph (i) occurred within 3 years after the contravention referred to in subparagraph (ii);
 - (c) a monetary penalty of \$10 000 if
 - (i) the director determines that the person contravened a specified requirement,
 - (ii) the director previously made a determination under paragraph (b) that the person contravened the same specified requirement, and
 - (iii) the contravention referred to in subparagraph (i) occurred within 3 years after the contravention referred to in subparagraph (ii).
- (3) For the purposes of subsection (2), an act or omission of a person that results in a contravention of a specified requirement is to be treated as a single contravention regardless of the number of persons affected by the contravention.

Payment of administrative penalty

- 5 A person who is required under the Act to pay an administrative penalty must pay the administrative penalty to the Minister of Finance.

SCHEDULE 2

- 1 *The Temporary Foreign Worker Protection Regulation is amended by adding the following sections:*

Interest rate on determinations and tribunal orders

- 6 (1) In this section:
- “**prime lending rate**” means the prime lending rate of the principal banker to the government;
- “**quarter**” means one of the following periods in a year:
- (a) January 1 to March 31;
 - (b) April 1 to June 30;
 - (c) July 1 to September 30;
 - (d) October 1 to December 31.
- (2) For the purposes of section 51 (1) of the Act, the prescribed rate of interest during a quarter is the prime lending rate on the 15th day of the month immediately preceding the quarter.

Interest rate on collected and deposited amounts

- 7 For the purposes of section 51 (4) of the Act, the prescribed rate of interest that applies to an amount referred to in that section 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.

Fee for searching of records

- 8 (1) For the purposes of section 63 of the Act, the prescribed fee is \$35.
- (2) Fees owing under section 63 of the Act must be paid to the director by cheque, draft or money order, payable to the Minister of Finance.