

Temporary Foreign Worker Protection Unit



Guide for Clarifying Roles for Recruiters
and their Affiliates, Agents and Partners



The following contains descriptions, examples and scenarios to provide clarity in understanding the differences between a Recruiter, Affiliate, Agent and Partner in the context of Recruiter Licensing under the [Temporary Foreign Worker Protection Act](#) (TFWPA).

Recruiter

Description:

- A recruiter must be licensed in B.C. in order to recruit or offer to recruit employees for employers in B.C.
- A recruiter is a person who, for a fee or compensation, received directly or indirectly, provides recruitment services to foreign workers or employers.
- "Recruitment services" means services that assist a foreign worker to secure employment in B.C. or assist an employer to secure employment in B.C. for a foreign worker. For more information, [see the TFWPA](#).

Recruitment Services and Activities:

- Finding or attempting to find employment in B.C. for a foreign worker.
 - Examples include: assisting in identifying potential employers; finding potential job advertisements.
- Assisting or advising an employer on how to hire a foreign worker.
 - Examples include: advising on or developing job advertisements; assisting in responding or collecting resumes; advising or assisting employers in completing the LMIA process.
- Assisting or advising another person in taking the actions described in the above 2 items.
 - Examples include: training a new recruiter; providing recruitment consulting services.
- Referring a foreign worker to another person who takes the actions described in the first 2 items above.
 - Examples include: referring to translators; referring to immigration consultants.

Recruiters must Disclose their Partners, Agents and Affiliates:

- To become licensed, a recruiter must disclose information about any partners, agents or affiliates who, in partnership with or on behalf of the recruiter, support the provision of recruitment services to a foreign worker or employer. Recruiters will be held accountable for the actions or inactions resulting in non-compliance with the TFWPA or Temporary Foreign Worker Protection Regulation (TFWPR) by their partners, agents or affiliates, regardless of where any of these parties are located.

Affiliate

Description:

- An affiliate is an individual or business that is associated with the recruiter and their recruitment activities.
- An affiliate does not directly or independently provide recruitment services and has a limited role in supporting the recruiter. If an affiliate is providing recruitment services, they must also be licensed as a recruiter.

Affiliate Activities and Services:

- Providing limited services that support the recruiter's business.
 - Examples include: translation services; website design and/or maintenance services; immigration consulting.
- Assisting individuals in filling out forms (administrative).
- Supporting potential employees in preparing their resume and/or for interviews.
- Collecting and forwarding resumes to the recruiter without having screened them (administrative).

Agent

Description:

- An agent is an individual or business formally granted the authority by the recruiter to represent them in support of recruitment activities.
- An agent does not directly provide independent recruitment services for employment in B.C. Recruitment activities are done under the name of the licensed recruiter and the agent does not present themselves as an independent recruiter. If an agent is providing recruitment services under their own name, they must also be licensed as a recruiter.

Agent Activities and Services:

- Initiating, organizing or managing transactions between the recruiter and foreign worker or other parties on behalf of the recruiter.
 - Examples include: limited activities, such as finding potential foreign workers on behalf of the recruiter.

- Providing knowledge or expertise related to employment and recruiting, such as knowledge of particular employment sectors or skill sets.
 - Examples include: providing expert advice to a recruiter about finding workers in a specific country, region, industry, market sector or skill set.
- Assisting with advertising
 - Examples include: collecting and forwarding resumes to the recruiter; screening resumes on behalf of the licensed recruiter.
- Representing the recruiter when dealing with government agencies or organizations related to foreign workers and/or employers.

Partner

Description:

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

Partner Activities and Services:

- Managing or supporting operations of the recruitment business partnership but without providing any independent recruitment activities. If a partner is providing independent recruitment services, they must also be licenced as a recruiter.
- Supporting the hiring of employees of the partnership to support recruitment activities.

Example Scenarios

Example 1:

- Kai performs foreign worker recruitment services for several employers in B.C. and has a website for his business. His niece, Nina, owns her own business that provides administrative support services. Kai has a contract with her 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.

Example 2:

- Haleema, Oskar and Eliza are employees of the same recruiting company. Each provides recruitment services to foreign workers and/or employers in B.C. Only Haleema applied for a recruiter licence and named Oskar and Eliza as her affiliates.
 - In this scenario, Haleema, Oskar and Eliza each need to be licensed recruiters because they each provide recruitment services.

Example 3:

- Cory and Niamh are business partners who both help construction companies in B.C. find temporary 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, as well as to collect resumes.
 - In this scenario, Cory and Niamh would each need to be licensed recruiters. Each would identify the other as a partner, and Anton as an agent.

Example 4:

- Juan runs his own business and assists employers in B.C. to draft and advertise job postings; guides the employer through the LMIA process; gathers and reviews resumes from temporary foreign workers; and sends these resumes to the employer. Juan does not necessarily provide all of these services for any given employer he works with, but collectively, these services are considered recruitment services.
 - In this scenario, Juan must be a licensed recruiter. The exception is if Juan was a lawyer providing legal advice, as he would not require licensing in his capacity as legal counsel to the employer.
 - Variation 1 for this scenario: If Juan only assists and helps to post the job advertisements, listing the employer as the contact person, then Juan is not providing recruitment services.
 - Variation 2 for this scenario: If Juan only prepares, files and/or presents applications and documents related to immigration, then a recruiter licence is not required. However, if Juan provides advice to employers on how to hire foreign workers and assists the employer in the hiring of the foreign workers, then he needs a recruiter licence.

Example 5:

- Lucinda provides assessments and advice at no charge to foreign workers on how to find work in B.C. Lucinda gets referrals and provides immigration services by assisting the foreign workers with immigration papers and settlement processes but not with job searching or hiring.
 - In this scenario, Lucinda is an immigration consultant and would not need to be a licensed recruiter, as long as she does not provide recruitment services.