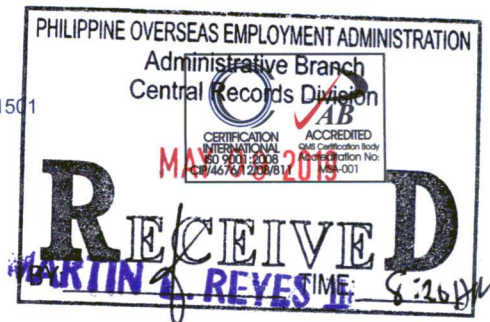




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British Columbia's Temporary Foreign Workers Protection Act

To complement the Temporary Foreign Workers Program (TFWP) of the Federal Government of Canada, the Province of British Columbia passed the Temporary Foreign Workers Protection Act on 08 November 2018.

Under this Act, employers as well as foreign recruiters shall be required to undergo registration and licensing as a pre-requisite for the issuance of a Labour Market Impact Assessment (LMIA). The law will also define prohibited recruitment and deployment practices of employers and foreign recruits through a streamlined-on-line process for registration.

The following is a summary of prohibited activities for employers and foreign workers' recruiters under the Act:

1. Producing or distributing false or misleading information relating to recruitment services, immigration, immigration services, employment, housing for foreign workers or the laws of British Columbia or Canada;
2. Taking possession of or restraining a foreign national's passport or other official documents;
3. Misrepresenting employment opportunities, such as a position, duties, length of employment, wages and benefits or other terms of employment;
4. Threatening deportation or other action for which there is no lawful cause; and
5. Taking action against or threatening to take action against a person for participating in an investigation or proceeding by any government or law enforcement agency or for making a complaint or inquiry to any government or law enforcement agency.

An individual who is found to have breached the Act may be fined for up to \$50,000.00. In certain cases, an individual who has breached the Act may be imprisoned for a term of up to one (1) year, or may face a combination of a fine and term of imprisonment. A corporation who is found to have breached the Act may be liable for a fine of up to \$100,000.00.

The following are the phases of implementation of the Temporary Foreign Workers Protection Act:

Phase 1: Licensing of Foreign Recruiter (Spring 2019)

- Establish information sharing protocols with various stakeholders;
- Develop on-line licensing and registration system and complete user acceptance testing; and
- Create a new website for public awareness.

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Phase 2: Registering Employers seeking to hire TFWs (Fall 2019)

- There are around 10,000 Employers under the TFWP

Phase 3: Full Implementation (Spring 2020)

- Process alignment with the Employment Standards Branch
- Create compliance and enforcement unit

For the implementation of the said Act, an appropriate regulations and procedures will be issued by the government of British Columbia.

For the information and guidance of all concerned.



BERNARD P. OLALIA
Administrator

Source: POLO-Vancouver

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