NOVA SCOTIA

Foreign Worker Recruitment
Employer Registration Certificate
Business Application

There are no fees associated with this application.

Who must complete this application form

The Labour Standards Code requires most employers who wish to recruit and hire a foreign worker to work in Nova Scotia to obtain an Employer Registration Certificate from the Director of Labour Standards. It is an offence for an employer to recruit or hire a foreign worker without a valid registration.

You must obtain an Employer Registration Certificate if you intend to employ a foreign worker to work for you:

- in a proprietorship, corporation or other entity, or in a partnership, or
- as a caregiver or nanny in your home or the home of a dependent

Some employers may be exempt from the registration requirements. See the Labour Standards website at **novascotia.ca/lae/employmentrights/FW/nsfwprogexemptions.asp#qemployers**

Who is a foreign worker

Under the Labour Standards Code, a foreign worker is defined as a person who:

- is not a Canadian citizen, or a permanent resident within the meaning of the Canadian Immigration and Refugee Protection Act (IRPA), and
- is recruited to become employed in Nova Scotia, regardless of whether or not the person does become employed.

Certain groups of foreign workers are not included in the definition, for example, independent contractors. For more information see the Labour Standards website at **novascotia.ca/lae/employmentrights/FW/nsfwprogexemptions.asp#qDefexemptions**

Employer's responsibilities

As an employer you have clear obligations related to record keeping, maintaining accurate and current information with Labour Standards, not reducing the wages of a foreign worker and not reducing or eliminating any other benefit, term or condition of a foreign worker's employment that the employer undertook to provide as a result of participating in the recruitment of a foreign worker. You must also uphold all other provisions of the Labour Standards Code and the General Labour Standards Code Regulations. It's important that you know your responsibilities in order to avoid liability.

I understand that the Labour Standards Code prohibits me, as an employer, as well as any third party who assists me with recruitment, from charging fees to workers, directly or indirectly, as part of a recruitment process. This applies to all workers, including foreign workers.

I understand that if I am (or my employee is) not the recruiter of a foreign worker to be employed by me, there must be a recruiter licensed by the Director of Labour Standards involved in any foreign worker recruitment activity. Some exemptions may apply. See the Labour Standards website at **novascotia.ca/lae/employmentrights/FW/nsfwprogexemptions.asp**

I understand that I can, and should, verify that an individual holds a valid foreign worker recruitment licence by checking the Public Registry of Licensees on the Labour Standards website **novascotia.ca/lae/employmentrights/FW/LicensedRecruiters.asp**

I understand that if I use the services of an unlicensed recruiter, I can be held liable to repay all potential recruitment fees charged, directly or indirectly, to the foreign worker.

I understand that I must maintain complete and accurate records of all expenses incurred, directly or indirectly, by me (and, if applicable, by my employee acting on my behalf) in recruiting a foreign worker; any contract or agreement with a foreign worker recruiter; and, any employment or other contract or agreement entered into with a foreign worker. All must be kept for three (3) years.

I understand that if I violate or have violated the legislation of the Code or the Regulations, I could have my application for a registration certificate refused; I could have a current registration certificate suspended or cancelled; and/or I could lose the right to apply for a registration certificate in the future.

I understand that an offence of non-compliance under the Code is subject to fines of up to $25,000. Further, I acknowledge that recruiting a foreign worker without having a valid registration certificate, using the assistance of an unlicensed recruiter, charging recruitment fees to any workers, or providing false information to the Director of Labour Standards are all offences of non-compliance under the Code.

I understand that the Government of Nova Scotia encourages employers to hire Canadian citizens and permanent residents whenever possible.

Before you begin

You will need to provide information about yourself and/or your business and the type(s) of position(s) you are seeking to recruit. You will also be required to provide information about third-party agencies and/or individuals that will be assisting you in the recruitment process.

Before completing this application form, you should have the following information on hand:

- Position title and anticipated start date for each foreign worker you are seeking to recruit.
- The National Occupational Classification (NOC) 2011 code for each position title of foreign worker(s) you are seeking to recruit. See the federal website: **www5.hrsdc.gc.ca/NOC/English/NOC/2011/Welcome.aspx**
- Name, contact information and licence number of any third-party that is assisting you with recruitment of foreign worker(s). View the Public Registry of Licensees on our website **novascotia.ca/lae/employmentrights/FW/LicensedRecruiters.asp**
- Name and contact information of any third-party being sub-contracted by you or your foreign worker recruiter to assist with the recruitment of foreign worker(s).

In determining whether the applicant for an Employer Registration Certificate meets the requirements for granting the registration, the Director of Labour Standards may make inquiries about whether the employer is carrying on activities that are in violation of the Code or Regulations; whether the employer has had previous violations under the Code or Regulations; and whether the employer has been found to be in breach of the Occupational Health and Safety Act, by final order or decision made under that Act, or has been convicted of an offence under the Act. The Director may collect information beyond what is provided in this application form.

Information collected may be:

- disclosed to the Departments of Employment and Social Development Canada (Service Canada) and Immigration, Refugees and Citizenship Canada (IRCC), another department or agency of the Province of Nova Scotia or of another province/territory of Canada, in accordance with S.14A of the Code.
- used for aggregate statistics in policy analysis, research and/or evaluation in relation to the entry and hiring of foreign workers to Nova Scotia or in relation to the Code. Authority to collect the information is provided in S.89U of the Code.

There are no fees associated with this application.

Privacy notice: Personal information collected on this form will only be used for the purpose of employer registration under the Nova Scotia Foreign Worker Program and for the purpose of administering and enforcing the Labour Standards Code and the General Labour Standards Code Regulations. This information will only be disclosed in keeping with provisions of the Labour Standards Code (s.14A), the Nova Scotia Freedom of Information and Protection of Privacy Act and the Nova Scotia Personal Information International Disclosure Protection Act. To access or correct any personal information in the custody or control of Nova Scotia Labour and Advanced Education, contact the departmental Information Access and Privacy Manager at **LAEaccess@novascotia.ca** or by phone **902.424.8472**.

If you have questions about employer registration, please contact Labour Standards at **902.424.4311** or **1.888.315.0110** (toll free in Nova Scotia) or **LSTFWP@novascotia.ca**.

About the applicant

1 Indicate if you are the employer or the employer's representative

☐ I am the **employer**. (Proceed to Question 2)

☐ I am the **employer's representative**.

1.1 Give your personal information and information about your relationship to the employer

Last name (family name): _____ First given name: _____

Other name(s): _____

Your relationship to the employer: _____

The company/business name, if applicable: _____

Your job title, if applicable: _____

Mailing address: _____

_____ Postal code: _____

Phone number: _____ Ext: _____ Fax number: _____

Email address: _____

Please explain your role in assisting the employer with the recruitment of foreign workers

_____

Note: Anywhere in the remainder of this application form where there is reference to the employer in the first person, (e.g., "you", "your", "I"), it will be implied that you are acting and answering on the employer's behalf.

About the employment

2 Confirm where the worker(s) will be employed

☐ The foreign worker(s) being recruited will be employed by a company/business or other entity.

☐ The foreign worker(s) being recruited will be employed as a caregiver or nanny in the employer's private home or the home of the employer's dependant. (There is a different form for this situation. Please contact us for the form)

There are no fees associated with this application.

About the Business

3 Give your business information

Legal name of company: _____

Business / Operating name (if different from legal name): _____

Business telephone number: _____

Is the telephone number also the employer's personal telephone number? ☐ **YES** ☐ **NO**

Civic address: _____

_____

_____ Postal code: _____

Contact's last name (family name): _____ Contact's first name: _____

Contact's job title: _____

Contact's phone number: _____ Ext: _____ Fax number: _____

Contact's e-mail address: _____

Is this e-mail address also the contact's personal e-mail address? ☐ **YES** ☐ **NO**

Company/business website: _____

Mailing address (if different from civic address): _____

_____

_____ Postal code: _____

3.1 Is the business registered and up to date with the Nova Scotia Registry of Joint Stock Companies (RJSC)?

☐ **YES**

☐ **NO** Please explain: _____

Please note that if the business is required to be registered with RJSC, and is not, or the registration has expired, there may be a delay in processing or the application may be denied.

3.2 Is the business federally regulated?

☐ **YES**

☐ **NO**

3.3 Describe the principal activities of the business and indicate what type of industry the foreign worker(s) will be working in

_____

4 Have Employer Registration Certificates been issued to the business in the past?

☐ **YES** Previous Employer Registration Certificate Numbers _____

☐ **NO**

Recruitment activities

5 Are you using a recruiter to assist in recruitment of foreign worker(s)?

You must complete this information even if the company/individual operates outside of Nova Scotia.

☐ **YES**

☐ **NO** (Proceed to Question 6)

5.1 Give information about the foreign worker recruiter assisting you and acting on your behalf

Recruiter's last name (family name): _____ Recruiter's first name: _____

Company/business name, if applicable: _____

Recruiter's mailing address: _____

_____

_____ Postal code: _____

Recruiter's phone number: _____ Recruiter's fax number: _____

Recruiter's email address: _____

5.2 Indicate what service(s) you expect the foreign worker recruiter to provide

☐ Advertising job(s)

☐ Collecting and filing applications

☐ Pre-screening workers

☐ Testing and analyzing workers' skills or knowledge

☐ Arranging interviews with workers

☐ Confirming that workers meet federal qualifications to work in Canada

☐ Negotiating wages or salaries that reflect the employer's needs and the requirements under federal and provincial legislation

☐ Other (Please explain): _____

5.3 Is the individual you are using to help you recruit foreign workers licensed in Nova Scotia?

☐ **YES** ☐ **NO** ☐ **I DON'T KNOW**

Give their Foreign Worker Recruiter Licence number: _____

5.4 Name any other third parties helping you with the process (e.g. immigration consultants) and describe the activities they are doing

_____

About the foreign worker(s) being recruited and source country(ies)

6 Give the position detials

For National Occupational Classification (NOC) 2011 codes, see the federal website **www5.hrsdc.gc.ca/NOC/English/NOC/2011/Welcome.aspx**

Position Title: _____

NOC Code (if known): _____ Number of workers for this position: _____

List the main job duties of this position:

_____

What is the anticipated start date for this position title?: _____

What is the anticipated duration of employment for this position?: _____

If you are recruiting or hiring for more than one position please attach an additional page with the above information for each additional position.

7 What source countries are the foreign workers from (e.g., Thailand, Philippines, Mexico, etc)?

Country: _____

8 How will you find the foreign worker(s)?

- ☐ Through the services of a recruiter
- ☐ Through an advertisement (attach a copy of job ad to this application)
- ☐ Through F.A.R.M.S. (Foreign Agricultural Resource Management Services)
- ☐ Foreign worker(s) is currently working for employer
- ☐ Other – please explain: _____

There are no fees associated with this application.

9 What do you intend to do with your Employer Registration Certificate?

- ☐ apply for a Labour Market Impact Assessment (LMIA) through Service Canada's Temporary Foreign Worker Program to hire a new foreign worker
- ☐ apply for a Labour Market Impact Assessment (LMIA) through Service Canada's Temporary Foreign Worker Program to extend an expiring work permit. Give the worker(s) name(s)

  _____
- ☐ apply for a Labour Market Impact Assessment (LMIA) through the Government of Canada's Seasonal Agricultural Worker Program (S.A.W.P.)
- ☐ support an application for permanent residence through the Federal Government
- ☐ support an application for the Provincial Nominee Program. Give the worker(s) name(s)

  _____
- ☐ Other – please explain: _____

Acknowledgement and certification

10 Click the box next to each statement to indicate that you have read and agree with it

- ☐ **I have read and understand** the "Employer's Responsibilities" at the beginning of this application form.
- ☐ **I understand** that if the Director of Labour Standards proposes to reject my application for registration or cancel my registration then I may request to be heard by the Director within 21 days of receiving notification of a proposed action. Where the Director proposes to cancel my registration, the Director may also order an immediate suspension of my registration if it is considered to be in the public's interest to do so. The suspension will remain in place until a decision is made on whether or not to cancel the registration.
- ☐ **I understand** that if a decision to refuse or cancel my registration is made after I have been heard by the Director, then I may appeal the decision by filing an application with the Nova Scotia Labour Board within 10 days after a copy of the decision has been served.
- ☐ **I certify** that the information I have provided on this application form is complete, true and accurate.

Name of employer completing this application form or name of employer's representative:

_____

Job title of employer's representative (if applicable): _____

Date (DD/MM/YYYY): _____

11 Your completed application can be submitted by:

- Scanning and emailing it to: **LSTFWP@novascotia.ca**
- Fax to **902-424-0648**
- Mail to PO Box 697 Halifax, NS B3J 2T8

12 Once the Director of Labour Standards assesses this application, you will be notified of the decision

Labour Standards will not generally communicate with anyone but you or your designated contact (e.g., third party recruiter) regarding this application.

Questions: Call 902-424-4311 **or** 1-888-315-0110 (toll free in Nova Scotia)