



*Temporary Foreign Worker Protection Act*  
**TEMPORARY FOREIGN WORKER  
PROTECTION REGULATION**  
**B.C. Reg. 158/2019**

Deposited and effective July 8, 2019  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 158/2019 (O.C. 408/2019), deposited and effective July 8, 2019, is made under the *Temporary Foreign Worker Protection Act*, S.B.C. 2018, c. 45, s. 82.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

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*Temporary Foreign Worker Protection Act*

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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.

**Prescribed classes of employers for which  
certificate of registration not required**

- 2.1** For the purposes of section 10 (2) of the Act, the following classes of employers are prescribed:
  - (a) employers who recruit foreign nationals who, under section 186 of the Immigration and Refugee Protection Regulations (Canada), may work in Canada without a work permit;
  - (b) employers who recruit foreign nationals for whom an officer is not required to make a determination under section 203 (1) of the Immigration and Refugee Protection Regulations (Canada), not including those employers who recruit foreign nationals to perform the work of a caregiver through
    - (i) the Home Child Care Provider Pilot Project or Home Support Worker Pilot Project established under section 205 of the Immigration and Refugee Protection Regulations (Canada), or
    - (ii) any program established under section 205 of the Immigration and Refugee Protection Regulations (Canada) that results from, and is

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significantly similar to, either pilot project referred to in subparagraph (i) of this paragraph.

[en. B.C. Reg. 231/2020, Sch.]

#### **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.

#### 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.

[en. B.C. Reg. 158/2019, Sch. 2.]

#### 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.

[en. B.C. Reg. 158/2019, Sch. 2.]

#### 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.

[en. B.C. Reg. 158/2019, Sch. 2.]