

2026 Bill 26

Second Session, 31st Legislature, 4 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

IMMIGRATION OVERSIGHT ACT

THE MINISTER OF JOBS, ECONOMY, TRADE AND IMMIGRATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 26

2026

IMMIGRATION OVERSIGHT ACT

(Assented to , 2026)

Table of Contents

Part 1 Interpretation

- 1 Definitions

Part 2 Administration

- 2 Directors

Part 3 Registration of Employers of Foreign Nationals

- 3 Certificate of registration required — employers
- 4 Application for certificate of registration
- 5 Issuance of certificate of registration
- 6 Terms and conditions — certificate of registration
- 7 Notice of decision — issuance of certificate of registration
- 8 Renewal of certificate of registration
- 9 Notice of decision — renewal of certificate of registration
- 10 Certificate of registration not transferable
- 11 Suspension or cancellation of certificate of registration
- 12 Effect of suspension or cancellation of certificate of registration

Part 4 Licensing of Foreign Worker Recruiters and Immigration Consultants

- 13 Licence required
- 14 Application for licence

- 15 Issuance of licence
- 16 Terms and conditions — licences
- 17 Notice of decision — issuance of licence
- 18 Renewal of licence
- 19 Notice of decision — renewal of licence
- 20 Licence not transferable
- 21 Suspension or cancellation of licence
- 22 Effect of suspension or cancellation of licence

Part 5
**Codes of Conduct, Prohibited Practices,
Disclosure Obligations and Contracts**

- 23 Codes of conduct
- 24 Authorizing or enforcement instruments
- 25 Prohibited practices
- 26 No charge for hiring or providing information
- 27 Recruitment fees, contracts and cost recovery
- 28 Disclosure of referral fee
- 29 Disclosure if individual provides both recruitment and immigration services
- 30 Partners, affiliates and agents
- 31 Contract requirements
- 32 Prohibition on requiring foreign workers to use a specific immigration consultant
- 33 Contracts governed by Alberta law
- 34 No waiver of rights

Part 6
**Registries, Records, Sharing of Information and
Agreements**

- 35 Registry
- 36 Records
- 37 Sharing and collection of information

Part 7
Complaints

- 38 Definition
- 39 Complaint to director

Part 8 Investigations and Enforcement

Division 1 Investigations and Notices

- 40 Investigations
- 41 Audit of compliance
- 42 Assistance to director
- 43 Application to Court
- 44 Notices relating to administration and enforcement
- 45 Certification of copies

Division 2 Offences and Penalties

- 46 Offences
- 47 Evidence — certificate of director
- 48 Vicarious liability
- 49 Limitation on prosecutions
- 50 Administrative penalties

Division 3 Enforcement

- 51 No power to commence proceedings
- 52 Compliance order
- 53 Compensation order or reinstatement order

Part 9 Decisions and Reviews

- 54 Corrections and amendments
- 55 Immediate amendment, suspension or cancellation of certificate of registration or licence
- 56 Internal reviews by reviewing director

Part 10 Selection Programs

- 57 Selection programs
- 58 Fees — selection programs

**Part 11
General**

- 59 Exemptions
- 60 Reporting — registered employers
- 61 Service of documents
- 62 Protection from liability
- 63 Fees
- 64 Regulations

**Part 12
Transitional Provisions and Coming into Force**

- 65 Definitions
- 66 Transitional — exemption from requirements
- 67 Transitional — disclosure of information
- 68 Transitional — regulations
- 69 Coming into force

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**Part 1
Interpretation**

Definitions

1 In this Act,

- (a) “certificate of registration” means a certificate of registration issued under section 5 or renewed under section 8;
- (b) “director” means a director appointed under section 2(1);
- (c) “foreign national” means a foreign national as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* (Canada);
- (d) “foreign worker” means a foreign national working or seeking employment in Alberta;
- (e) “foreign worker recruiter” means an individual who
 - (i) provides recruitment services, and

- (ii) requests or receives from or charges to a person a fee, payment, expense or other compensation for the individual's recruitment services;
- (f) "immigration consultant" means an individual who
 - (i) provides immigration services, and
 - (ii) requests or receives from or charges to a person a fee, payment, expense or other compensation for the individual's immigration services;
- (g) "immigration services" means services that assist a foreign national in immigrating to Alberta, including directly or indirectly
 - (i) advising on immigration opportunities, laws or processes,
 - (ii) preparing or assisting in the preparation of applications and documents relating to immigration,
 - (iii) filing or assisting in the filing of applications and documents relating to immigration,
 - (iv) presenting or assisting in the presentation of applications and documents relating to immigration,
 - (v) representing or assisting in the representation of a foreign national to or before immigration authorities,
 - (vi) providing or procuring, or assisting with the provision or procurement of, settlement services, and
 - (vii) providing other prescribed services;
- (h) "internal review" means a review of a decision conducted under section 56;
- (i) "licence" means a licence issued under section 15 or renewed under section 18;
- (j) "licensee" means an individual who holds a subsisting licence;

- (k) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (l) “personal information” means personal information as defined in the *Protection of Privacy Act*;
- (m) “prescribed” means, unless the context indicates otherwise, prescribed by regulation;
- (n) “recruitment services” means services that assist an employer in recruiting or hiring a foreign national or that assist a foreign national in securing employment in Alberta, including directly or indirectly
 - (i) finding or attempting to find or assisting with finding or attempting to find employment in Alberta for a foreign national,
 - (ii) advising an employer in respect of the recruitment or hiring of a foreign national,
 - (iii) providing or procuring, or assisting with the provision or procurement of, settlement services, and
 - (iv) providing other prescribed services;
- (o) “registered employer” means an employer that holds a subsisting certificate of registration;
- (p) “reviewing director” means a reviewing director designated under section 2(2);
- (q) “selection program” means a program that the Government of Alberta is authorized to establish or continue under an agreement entered into between the Government of Alberta and the Government of Canada under subsection 8(1) of the *Immigration and Refugee Protection Act* (Canada);
- (r) “settlement services” means services that assist a foreign national in
 - (i) adapting to Alberta’s society or economy, or
 - (ii) obtaining access to social, economic, government or community programs, networks and services.

Part 2 Administration

Directors

2(1) The Minister may, in accordance with the *Public Service Act*, appoint one or more directors or other employees as necessary for the administration of this Act.

(2) The Minister may designate one or more directors as reviewing directors for the purposes of administering this Act.

(3) A director or reviewing director must, in accordance with the regulations, exercise or perform their powers, duties and functions under this Act and the regulations.

(4) The Minister may, in writing, designate an employee of the Crown in right of Alberta as a person who may exercise or perform all or part of the powers, duties and functions of a director.

(5) A director may, in writing, delegate the exercise or performance of a power, duty or function of the director to one or more employees of the Crown in right of Alberta, except the power to delegate under this section.

(6) A delegation by a director

- (a) may be general or specific to one or more powers, duties or functions of a director,
- (b) is subject to terms and conditions specified by the director, and
- (c) is applicable in the circumstances specified by the director.

Part 3 Registration of Employers of Foreign Nationals

Certificate of registration required — employers

3(1) Subject to subsection (2), an employer must not

- (a) recruit or hire a foreign national for employment, either directly or through the services of another person, without holding a subsisting certificate of registration, or

- (b) use a name other than the name shown on the employer's certificate of registration when recruiting or hiring a foreign national for employment.

(2) Subsection (1) does not apply to the following:

- (a) prescribed classes of employers;
- (b) employers recruiting or hiring prescribed classes of foreign nationals;
- (c) employers exempted by a ministerial order made under section 59.

Application for certificate of registration

4 Subject to an exemption under section 59, an applicant for a certificate of registration must

- (a) apply to a director in the form and manner specified by the director,
- (b) provide the director with the applicant's legal name and the name under which the applicant carries on business,
- (c) provide information and materials that, in the opinion of the director, are reasonably required to assess the application, including any information that must be disclosed under section 30,
- (d) pay any prescribed application fees, and
- (e) meet other prescribed qualifications and requirements.

Issuance of certificate of registration

5(1) On receipt of an application made under section 4, a director may register the applicant and issue a certificate of registration to the applicant if the director is satisfied that

- (a) the applicant has complied with each qualification or requirement established under section 4 unless the applicant is exempt from that qualification or requirement, and
- (b) it is not contrary to the public interest to issue the certificate of registration.

(2) For the purposes of subsection (1)(b), the director may consider whether the following apply when determining if an applicant should be registered and issued a certificate of registration:

- (a) the applicant has failed to comply with this Act or the regulations or will be in contravention of this Act or the regulations if the certificate of registration is issued;
- (b) the applicant has failed to comply with the *Employment Standards Code*, *Labour Relations Code*, *Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation;
- (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of their application;
- (d) there are reasonable grounds to believe that the applicant will not act in accordance with the law due to the applicant's character, financial history or past conduct, including conduct leading to a conviction;
- (e) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest while carrying out the activities for which the certificate of registration is required or while employing a foreign national;
- (f) the applicant has a partner, affiliate or agent who has not complied with this Act or the regulations;
- (g) the applicant does not meet prescribed requirements respecting labour market needs;
- (h) other prescribed circumstances.

(3) A certificate of registration must state the following:

- (a) the legal name of the employer and any name under which the employer carries on business;
- (b) the date on which the certificate of registration expires;
- (c) any terms or conditions imposed under section 6;
- (d) any prescribed information.

Terms and conditions — certificate of registration

6(1) Subject to the regulations, a director may impose terms and conditions that the director considers appropriate on a certificate of registration

- (a) at the time of issuing a certificate of registration or renewing a certificate of registration under section 8, and
- (b) at any other time during the term of the certificate of registration.

(2) If a director imposes terms or conditions on a certificate of registration at a time other than the time of issuing or renewing the certificate of registration, the director must serve a notice on the registered employer that sets out any terms or conditions and the date on which they are effective together with the reasons for imposing the terms or conditions.

Notice of decision — issuance of certificate of registration

7 A director who reviews an application for a certificate of registration must serve a notice on the applicant that does the following:

- (a) states whether the applicant has been registered;
- (b) if the applicant has been registered,
 - (i) provides the certificate of registration, and
 - (ii) sets out any terms or conditions imposed on the certificate of registration together with the reasons for imposing the terms or conditions;
- (c) if the applicant has not been issued a certificate of registration, provides the reasons for not issuing a certificate of registration to the applicant.

Renewal of certificate of registration

8(1) Subject to subsection (2), a certificate of registration is valid for the period stated on the certificate and may be renewed in accordance with this section.

(2) Subject to an exemption under section 59, no certificate of registration is valid for more than 3 years after the date on which it was issued.

(3) Subject to an exemption under section 59, an applicant for the renewal of a certificate of registration must

- (a) apply to a director in the form and manner specified by the director,
- (b) provide information and materials that, in the opinion of the director, are reasonably required to assess the application, including any information that must be disclosed under section 30,
- (c) pay any prescribed renewal fees, and
- (d) meet other prescribed qualifications and requirements.

(4) On receipt of an application, a director may renew the applicant's certificate of registration if the director is satisfied that

- (a) the applicant has complied with each qualification or requirement established under subsection (3) unless the applicant is exempt from that qualification or requirement, and
- (b) it is not contrary to the public interest to renew the certificate of registration.

(5) For the purposes of subsection (4)(b), the director may consider whether the following apply when determining if a certificate of registration should be renewed:

- (a) the applicant has failed to comply with this Act or the regulations or will be in contravention of this Act or the regulations if the certificate of registration is renewed;
- (b) the applicant has failed to comply with the *Employment Standards Code*, *Labour Relations Code*, *Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation;
- (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of their application;

- (d) there are reasonable grounds to believe that the applicant will not act in accordance with the law due to the applicant's character, financial history or past conduct, including conduct leading to a conviction;
- (e) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest while carrying out the activities for which the certificate of registration is required or while employing a foreign national;
- (f) the applicant has a partner, affiliate or agent who has not complied with this Act or the regulations;
- (g) the applicant does not meet prescribed requirements respecting labour market needs;
- (h) other prescribed circumstances.

Notice of decision — renewal of certificate of registration

9 A director who reviews an application for the renewal of a certificate of registration must serve a notice on the applicant that does the following:

- (a) states whether the certificate of registration has been renewed;
- (b) if the applicant's certificate of registration has been renewed,
 - (i) provides a new certificate of registration, and
 - (ii) sets out any terms or conditions on the certificate of registration that will be imposed as of the date the certificate of registration is renewed together with the reasons for imposing the terms or conditions;
- (c) if the applicant's certificate of registration has not been renewed, provides the reasons for not renewing the certificate of registration.

Certificate of registration not transferable

10(1) Subject to the regulations, a person must not transfer a certificate of registration to another person.

(2) No person other than the person named in a certificate of registration is authorized to act under that certificate of registration.

Suspension or cancellation of certificate of registration

11(1) Subject to the regulations, a director may suspend or cancel a certificate of registration, on terms and conditions the director considers appropriate, if

- (a) the registered employer consents in writing,
- (b) the registered employer provided the director with incomplete, false, misleading or inaccurate information in support of the registered employer's application or in a document,
- (c) the registered employer has failed to provide information that, in the director's opinion, the director reasonably requires to assess whether the suspension or cancellation of the registered employer's certificate of registration is warranted,
- (d) the registered employer has failed to meet a prescribed requirement for continuing to hold a certificate of registration,
- (e) the registered employer has failed to comply with this Act or the regulations,
- (f) the registered employer has failed to comply with the *Employment Standards Code*, *Labour Relations Code*, *Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation,
- (g) there are reasonable grounds to believe that the registered employer is not acting or will not act in accordance with the law due to the registered employer's past conduct, including conduct leading to a conviction,
- (h) there are reasonable grounds to believe that the registered employer is not acting or will not act with integrity, honesty or in the public interest while carrying out the activities for which the certificate of registration is required or while employing a foreign national,

- (i) the applicant has a partner, affiliate or agent who has not complied with this Act or the regulations,
- (j) the registered employer does not meet prescribed requirements respecting labour market needs,
- (k) the director is satisfied that the suspension or cancellation is in the public interest, or
- (l) other prescribed circumstances exist.

(2) For the purposes of subsection (1), a director may request additional information that, in the opinion of the director, is reasonably required to assess whether a certificate of registration should be suspended or cancelled.

(3) A director who suspends or cancels an employer's certificate of registration must serve a notice on the employer that does the following:

- (a) states that the certificate of registration has been suspended or cancelled;
- (b) provides the reasons for the suspension or cancellation;
- (c) sets out any terms or conditions that apply with respect to the suspension or cancellation together with the reasons for the terms or conditions;
- (d) in the case of a certificate of registration that has been suspended, states the period determined by the director for which the certificate of registration is suspended;
- (e) sets out the employer's right to request an internal review in accordance with section 56.

(4) If a notice is served on a person, the director may disclose to the public in a manner the director considers appropriate the name of the person, the date the notice was served and any other information, including personal information, relating to the suspension or cancellation of the certificate of registration, collected under this Act or the regulations.

(5) If an employer's certificate of registration is suspended or cancelled, the employer may request a review of that decision in accordance with section 56.

**Effect of suspension or cancellation
of certificate of registration**

- 12(1)** If a certificate of registration is suspended, the rights and privileges of the registered employer holding that certificate are removed for the period during which the certificate of registration is suspended.
- (2)** If a certificate of registration is cancelled, the rights and privileges of the employer named on that certificate are terminated.
- (3)** Subject to subsection (4), the suspension or cancellation of a certificate of registration does not affect the validity of a contract between an employer and a foreign national entered into before the date on which that employer's certificate of registration was suspended or cancelled.
- (4)** A director may order that a contract referred to in subsection (3) is not enforceable, in whole or part, against the foreign national if it is just and equitable to issue such an order.

**Part 4
Licensing of Foreign
Worker Recruiters
and Immigration
Consultants**

Licence required

- 13(1)** An individual must not do the following unless that individual holds a subsisting licence:
- (a) act as if or imply that the individual is a foreign worker recruiter or immigration consultant;
 - (b) provide or offer to provide recruitment services or immigration services.
- (2)** While doing a thing referred to in subsection (1), a licensee must not use a name other than the name stated on the licensee's licence.
- (3)** Subject to the regulations, subsections (1) and (2) do not apply to the following:
- (a) in the case of recruitment services,

- (i) an individual who, without directly or indirectly receiving a fee, payment or other compensation, provides recruitment services to a foreign national who is a member of that individual's family, including a parent, spouse, child or other person prescribed as a family member,
- (ii) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of the Government of Canada, a provincial or territorial government or a municipal government, or
 - (B) acting under a contract or agency relationship with the Government of Canada, a provincial or territorial government or a municipal government,
- (iii) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of a prescribed educational institution or prescribed class of educational institutions, or
 - (B) acting under a contract or agency relationship with a prescribed educational institution or prescribed class of educational institutions,
- (iv) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of an agency, organization, association, institution or other body that has entered into an agreement with the Government of Alberta or the Government of Canada to provide settlement services, or
 - (B) acting under a contract or agency relationship with an agency, organization, association, institution or other body that has entered into an agreement with the Government of Alberta or

the Government of Canada to provide settlement services,

- (v) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of a non-profit organization that provides settlement services, or
 - (B) acting under a contract or agency relationship with a non-profit organization that provides settlement services,
 - (vi) a member in good standing of a provincial or territorial law society in Canada or a student-at-law,
 - (vii) prescribed classes of individuals, or
 - (viii) persons exempted by a ministerial order made under section 59;
- (b) in the case of immigration services,
- (i) an individual who, without directly or indirectly receiving a fee, payment or other compensation, provides immigration services to a foreign national who is a member of that individual's family, including a parent, spouse, child or other person prescribed as a family member,
 - (ii) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of an agency, organization, association, institution or other body that has entered into an agreement with the Government of Alberta or the Government of Canada to provide settlement services, or
 - (B) acting under a contract or agency relationship with an agency, organization, association, institution or other body that has entered into an agreement with the Government of Alberta or the Government of Canada to provide settlement services,

- (iii) an individual who is
 - (A) performing a service for and is acting in the course of their duties as an employee, appointee, volunteer or student of a non-profit organization that provides settlement services, or
 - (B) acting under a contract or agency relationship with a non-profit organization that provides settlement services,
- (iv) a member in good standing of a provincial or territorial law society in Canada or a student-at-law,
- (v) prescribed classes of individuals, or
- (vi) persons exempted by a ministerial order made under section 59.

Application for licence

14 Subject to an exemption under section 59, an applicant for the issuance of a licence must

- (a) apply to a director in the form and manner specified by the director,
- (b) provide the director with the applicant's legal name and the name under which the applicant carries on business,
- (c) provide information and materials that, in the opinion of the director, are reasonably required to assess the application for a licence, including any information that must be disclosed under section 30,
- (d) pay any prescribed application fees, and
- (e) meet other prescribed qualifications and requirements.

Issuance of licence

15(1) On receipt of an application made under section 14, a director may issue a licence to the applicant if the director is satisfied that

- (a) the applicant has complied with each qualification or requirement established under section 14 unless the

applicant is exempt from that qualification or requirement,
and

(b) it is not contrary to the public interest to issue the licence.

(2) For the purposes of subsection (1)(b), the director may consider whether the following apply when determining if a licence should be issued:

- (a) the applicant has failed to comply with this Act or the regulations or will be in contravention of this Act or the regulations if the licence is issued;
- (b) the applicant has failed to comply with the *Employment Standards Code, Labour Relations Code, Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation;
- (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of their application;
- (d) there are reasonable grounds to believe that the applicant will not act in accordance with the law due to the applicant's character, financial history or past conduct, including conduct leading to a conviction;
- (e) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest while carrying out the activities for which the licence is required;
- (f) the applicant has a partner, affiliate or agent who has not complied with this Act or the regulations;
- (g) other prescribed circumstances.

(3) A licence must state the following:

- (a) the legal name of the licensee and any name under which the licensee carries on business;
- (b) the date on which the licence expires;
- (c) any terms or conditions imposed under section 16;
- (d) any prescribed information.

Terms and conditions — licences

16(1) Subject to the regulations, a director may impose terms and conditions that the director considers appropriate on a licence

- (a) at the time of issuing a licence or renewing a licence under section 18, and
- (b) at any other time during the term of the licence.

(2) If a director imposes terms or conditions on a licence at a time other than the time of issuing or renewing the licence, the director must serve a notice on the licensee that sets out any terms or conditions and the date on which they are effective together with the reasons for imposing the terms or conditions.

Notice of decision — issuance of licence

17 A director who reviews an application for a licence must serve a notice on the applicant that does the following:

- (a) states whether the applicant has been issued a licence;
- (b) if the applicant has been issued a licence,
 - (i) provides the licence, and
 - (ii) sets out any terms or conditions imposed on the licence together with the reasons for imposing the terms or conditions;
- (c) if the applicant has not been issued a licence, provides the reasons for not issuing a licence to the applicant.

Renewal of licence

18(1) Subject to subsection (2), a licence is valid for the period stated on the licence and may be renewed in accordance with this section.

(2) Subject to an exemption under section 59, no licence is valid for more than 3 years after the date on which it was issued.

(3) Subject to an exemption under section 59, an applicant for the renewal of a licence must

- (a) apply to a director in the form and manner specified by the director,
 - (b) provide information and materials that, in the opinion of the director, are reasonably required to assess the application, including any information that must be disclosed under section 30,
 - (c) pay any prescribed renewal fees, and
 - (d) meet other prescribed qualifications and requirements.
- (4)** On receipt of an application, a director may renew a licence if the director is satisfied that
- (a) the applicant has complied with each qualification or requirement established under subsection (3) unless the applicant is exempt from that qualification or requirement, and
 - (b) it is not contrary to the public interest to renew the licence.
- (5)** For the purposes of subsection (4)(b), the director may consider whether the following apply when determining if a licence should be renewed:
- (a) the applicant has failed to comply with this Act or the regulations or will be in contravention of this Act or the regulations if the licence is renewed;
 - (b) the applicant has failed to comply with the *Employment Standards Code*, *Labour Relations Code*, *Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation;
 - (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of their application;
 - (d) there are reasonable grounds to believe that the applicant will not act in accordance with the law due to the applicant's character, financial history or past conduct, including conduct leading to a conviction;
 - (e) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest

while carrying out the activities for which the licence is required;

- (f) the applicant has a partner, affiliate or agent who has not complied with this Act or the regulations;
- (g) other prescribed circumstances.

Notice of decision — renewal of licence

19 A director who reviews an application for the renewal of a licence must serve a notice on the applicant that does the following:

- (a) states whether the applicant's licence has been renewed;
- (b) if the applicant's licence has been renewed,
 - (i) provides a new licence, and
 - (ii) sets out any terms or conditions on the licence that will be imposed as of the date the licence is renewed together with the reasons for imposing the terms or conditions;
- (c) if the applicant's licence has not been renewed, provides the reasons for not renewing the licence.

Licence not transferable

20(1) Subject to the regulations, an individual must not transfer a licence to another individual.

(2) No individual other than the individual named in a licence is authorized to act under that licence.

Suspension or cancellation of licence

21(1) Subject to the regulations, a director may suspend or cancel a licence, on terms and conditions the director considers appropriate, if

- (a) the licensee consents in writing,
- (b) the licensee provided the director with incomplete, false, misleading or inaccurate information in support of the licensee's application or in a document,

- (c) the licensee has failed to provide information that, in the director's opinion, the director reasonably requires to assess whether the suspension or cancellation of the licence is warranted,
- (d) the licensee has failed to meet a prescribed requirement for continuing to hold a licence,
- (e) the licensee has failed to comply with this Act or the regulations,
- (f) the licensee has failed to comply with the *Employment Standards Code, Labour Relations Code, Occupational Health and Safety Act*, regulations made under those Acts or another prescribed Act or regulation,
- (g) there are reasonable grounds to believe that the licensee is not acting or will not act in accordance with the law due to the licensee's past conduct, including conduct leading to a conviction,
- (h) there are reasonable grounds to believe that the licensee is not acting or will not act with integrity, honesty or in the public interest while carrying out the activities for which the licence is required,
- (i) the licensee has a partner, affiliate or agent who has not complied with this Act or the regulations,
- (j) the director is satisfied that the suspension or cancellation is in the public interest, or
- (k) other prescribed circumstances exist.

(2) For the purposes of subsection (1), a director may request additional information that, in the opinion of the director, is reasonably required to assess whether a licence should be suspended or cancelled.

(3) A director who suspends or cancels a licence must serve a notice on the licensee that does the following:

- (a) states that the licence has been suspended or cancelled;
- (b) provides the reasons for the suspension or cancellation;

- (c) sets out any terms or conditions that apply with respect to the suspension or cancellation together with the reasons for the terms or conditions;
- (d) in the case of a licence that has been suspended, states the period determined by the director for which the licence is suspended;
- (e) sets out the licensee's right to request an internal review in accordance with section 56.

(4) If a notice is served on an individual, the director may disclose to the public in a manner the director considers appropriate the name of the individual, the date the notice was served and any other information, including personal information, relating to the suspension or cancellation of the licence, collected under this Act or the regulations.

(5) If a licensee's licence is suspended or cancelled, the individual whose licence was suspended or cancelled may seek a review of that decision in accordance with section 56.

Effect of suspension or cancellation of licence

22(1) If a licence is suspended, the rights and privileges of the licensee holding that licence are removed for the period during which the licence is suspended.

(2) If a licence is cancelled, the rights and privileges of the individual who held that licence are terminated.

(3) Nothing in this section affects the validity of services provided by a licensee before the date the licensee's licence was suspended or cancelled.

**Part 5
Codes of Conduct,
Prohibited Practices,
Disclosure Obligations and
Contracts**

Codes of conduct

23 A registered employer or licensee must comply with any applicable code of conduct established in the regulations.

Authorizing or enforcement instruments

24(1) In this section, “authorizing or enforcement instrument” means the following made or imposed under this Act or the regulations:

- (a) terms and conditions on a certificate of registration or licence;
- (b) terms and conditions on a suspension or cancellation of a certificate of registration or licence;
- (c) an order;
- (d) an administrative penalty;
- (e) a decision, direction or notice of a director;
- (f) in the case of an internal review, a decision of a reviewing director;
- (g) other prescribed instruments, notices or decisions.

(2) A person subject to an authorizing or enforcement instrument must comply with the authorizing or enforcement instrument.

Prohibited practices

25 An employer, foreign worker recruiter or immigration consultant governed by this Act must not do the following:

- (a) make a false statement or produce or distribute false or misleading information;
- (b) take possession of or retain a foreign national’s passport or other official documents;
- (c) subject to the regulations, take possession of or retain a foreign national’s property;
- (d) misrepresent employment opportunities, including with respect to positions, duties, length of employment, wages and benefits or other terms of employment;
- (e) threaten deportation or other action for which there is no lawful cause;

- (f) subject to the regulations, contact a foreign national or a foreign national's family, friends or former business associates after being requested not to do so by the foreign national;
- (g) terminate or restrict, or threaten to terminate or restrict, the employment of an individual or in any manner adversely affect an individual's employment or working conditions because the individual
 - (i) has made, attempted to make or expressed an intention to make a complaint under this Act or another Act,
 - (ii) has given or may give evidence in any proceeding or prosecution under this Act or another Act,
 - (iii) requests or demands anything to which the individual is entitled under this Act, or
 - (iv) has provided or is about to provide any information to a director;
- (h) take unfair advantage of a foreign national's trust or exploit a foreign national's fear or lack of experience or knowledge;
- (i) take unfair advantage of a foreign national's inability or limited capacity to understand an immigration application process, a disclosure under section 28 or 29 or a proceeding under this Act or the regulations;
- (j) withhold information or documentation, in relation to an immigration application with respect to a federal immigration program or selection program, that was provided by or belongs to the foreign national;
- (k) use communication, information or decisions made in relation to a federal immigration program or selection program as leverage for personal or financial gain;
- (l) a prescribed thing.

No charge for hiring or providing information

26 A person must not, directly or indirectly, request or receive from or charge to a foreign national a fee, expense, payment or other compensation for

- (a) employing the foreign national,
- (b) providing information about employers recruiting foreign nationals, or
- (c) a prescribed matter.

Recruitment fees, contracts and cost recovery

27(1) Subject to subsection (2), a person must not, directly or indirectly, request or receive from or charge to a person other than an employer a fee, expense, payment or other compensation for recruitment services.

(2) Subsection (1) does not apply with respect to settlement services provided under a contract for immigration services.

(3) A term of a contract that requires a person, other than an employer, to pay a fee, expense, payment or other compensation referred to in subsection (1) is void and the fee, expense, payment or other compensation paid may be recovered by the person who paid the fee, expense, payment or other compensation in a manner authorized by law.

(4) An employer must not reduce the earnings of a foreign worker or vary, reduce or eliminate another benefit, term or condition of the foreign worker's employment in order to recover the costs of recruiting the foreign worker, and an agreement by the foreign worker to a reduction in pay or a variation, reduction or elimination of a benefit, term or condition is void.

(5) A person must not, directly or indirectly, request or receive from or charge to a foreign national a fee, expense, payment or other compensation in relation to a requirement the foreign national must meet to obtain or maintain the foreign national's employment.

Disclosure of referral fee

28 A foreign worker recruiter or immigration consultant must clearly disclose, in writing, to a foreign national that the foreign worker recruiter or immigration consultant, as the case may be, is

requesting, receiving or charging a fee, expense, payment or other compensation for referring the foreign national to another person.

Disclosure if individual provides both recruitment and immigration services

29 An individual who is licensed as both a foreign worker recruiter and immigration consultant and who provides recruitment services to an employer and immigration services to a foreign national who will be employed by that employer must

- (a) disclose to both the employer and foreign national
 - (i) that the individual is acting for both parties, and
 - (ii) the nature of the services that the individual is providing to each party,
- (b) obtain the written consent of the employer and foreign national to provide those services to both parties, and
- (c) have a signed, written contract for recruitment services with the employer and a signed, written contract for immigration services with the foreign national.

Partners, affiliates and agents

30(1) An applicant under section 4, 8, 14 or 18, a registered employer or a licensee must disclose to a director the following information for all partners, affiliates or agents of the applicant, registered employer or licensee that are located or operating inside or outside of Alberta:

- (a) the names of the partners, affiliates or agents;
- (b) the contact information for the partners, affiliates or agents;
- (c) other information, including personal information, requested by the director respecting the partners, affiliates or agents that, in the opinion of the director, is reasonably required to make a decision under this Act;
- (d) prescribed information respecting the partners, affiliates or agents.

- (2) The information must be disclosed to the director
- (a) in the case of an applicant, at the time of submitting an application for a certificate of registration or licence or application for renewal of a certificate of registration or licence, and
 - (b) in the case of an applicant, registered employer or licensee, at a time after the time referred to in clause (a) that there is a material change in the information.
- (3) A registered employer or licensee must take reasonable measures to ensure that any partner or affiliate or agent acting on behalf of the registered employer or licensee complies with this Act and the regulations.

Contract requirements

- 31(1)** All contracts for recruitment services or immigration services must
- (a) be in writing,
 - (b) be written in clear and unambiguous language,
 - (c) state the services to be provided,
 - (d) state the fees, expenses, payments or other compensation to be charged to or required from the employer or foreign national, as the case may be, and a description of the service for each fee, expense, payment or other compensation to be charged or required, and
 - (e) contain prescribed terms.
- (2) A foreign worker recruiter or immigration consultant must take reasonable measures to ensure that a foreign national whose first language is not the language of the contract understands the terms of the contract before the foreign national enters into the contract.
- (3) If a contract for recruitment services or immigration services is unclear, ambiguous or incomplete with respect to the requirements of subsection (1), or if reasonable measures are not taken in accordance with subsection (2), the interpretation of the contract that is least favourable to the foreign worker recruiter or immigration consultant prevails.

**Prohibition on requiring foreign workers
to use a specific immigration consultant**

32 An employer must not require a foreign worker to use the immigration services of a specific immigration consultant.

Contracts governed by Alberta law

33 Despite the terms of a contract for recruitment services or immigration services or an Act or law, a contract for recruitment services or immigration services is to be governed by and construed in accordance with the laws of Alberta, and the courts of Alberta have jurisdiction over all matters arising out of or relating to that contract.

No waiver of rights

34 Despite the terms of any contract, the waiver or release by a person of the person's rights, benefits or protections under this Act is void.

**Part 6
Registries, Records,
Sharing of
Information and
Agreements**

Registry

35(1) In this section, "registry" means the registry established by a director under subsection (2).

(2) A director must, in accordance with the regulations, if any, establish and maintain a registry that contains information, including personal information, respecting registered employers and licensees.

(3) The director must disclose to the public information in the registry, including personal information, if the disclosure of that information is prescribed in the regulations.

(4) The director may disclose to the public information in the registry, including personal information, if the disclosure of that information is permitted by the regulations.

(5) A director may disclose information to the public under subsection (3) or (4) in any manner the director considers appropriate, including by publishing the information on the website of the Minister's department.

Records

36 A registered employer, former registered employer, licensee and former licensee must

- (a) prepare and retain prescribed records in accordance with the regulations, and
- (b) make the records available for inspection by a director at a time, date and place in Alberta specified by the director.

Sharing and collection of information

37(1) For the purposes of regulating recruitment services and immigration services within Alberta or in other jurisdictions, supporting the Government of Canada in administering and enforcing the *Immigration and Refugee Protection Act* (Canada) or other prescribed purposes, the Minister may disclose information collected under this Act, including personal information, to the following:

- (a) a department or agency of the Government of Alberta;
- (b) a department or agency of the Government of Canada;
- (c) a department or agency of a government of another province or territory of Canada;
- (d) a department or agency of a government of another country or a jurisdiction within that country;
- (e) another person or body that governs or regulates the conduct of persons who provide recruitment services or immigration services to foreign nationals entering Canada.

(2) The Minister may, directly or indirectly, collect the personal information of any individual for the purposes of identifying trends relating to immigration or labour market needs in Alberta or Canada.

Part 7 Complaints

Definition

38 In this Part, “complainant” means a person who makes a complaint under section 39.

Complaint to director

39(1) The following persons may make a complaint to a director if the person has reason to believe that an employer, foreign worker recruiter or immigration consultant has contravened a provision of this Act or the regulations:

- (a) a foreign national who
 - (i) is or was employed by an employer, or
 - (ii) is receiving or has received recruitment services or immigration services;
- (b) a person who was required to pay a fee, expense, payment or other compensation to a person acting contrary to section 26 or 27;
- (c) other prescribed persons.

(2) A complaint must

- (a) be made in a form and manner specified by the director,
- (b) include the complainant’s contact information, and
- (c) be made within the periods set out in the regulations.

(3) A complainant must, on the director’s request, provide additional information to the director that, in the opinion of the director, is reasonably required to assess the complaint.

(4) A complainant must notify the director as soon as reasonably practicable if there is any change to the information provided in accordance with subsection (2) or (3).

(5) Subject to subsection (6), a director must investigate a complaint.

(6) The director may dismiss a complaint without commencing or completing an investigation if

- (a) in the opinion of the director,
 - (i) the complaint is frivolous or vexatious,
 - (ii) there are no grounds or insufficient grounds for the complaint, or
 - (iii) there are other means available to the complainant to deal with the subject-matter of the complaint that should be pursued before the complaint is accepted or investigated,
- (b) a complainant fails to provide information the director requested under subsection (3), or
- (c) the complainant has commenced another proceeding in respect of the subject-matter of the complaint and has sought or obtained recourse in respect of the subject-matter of the complaint before a court, tribunal or arbitrator or by some other form of adjudication.

(7) On deciding to dismiss a complaint without commencing or completing an investigation, the director must serve notice on the complainant that does the following:

- (a) states the complaint has been dismissed together with the reasons for the dismissal;
- (b) sets out the complainant's right to request an internal review in accordance with section 56.

(8) On completion of an investigation, the director must serve notice on the complainant that does the following:

- (a) states whether the director determined that the person against whom the complaint was made was in contravention of or failed to comply with the Act or regulations together with the reasons for the determination;
- (b) sets out the complainant's right to request an internal review in accordance with section 56;
- (c) a prescribed thing.

Part 8 Investigations and Enforcement

Division 1 Investigations and Notices

Investigations

40(1) A director may conduct investigations in accordance with this section to determine whether this Act and the regulations have been or are being complied with, whether or not the director has received a complaint.

(2) A director may

- (a) enter, at any reasonable time, a place other than a private dwelling that the director has reason to believe is being used in connection with the employment of a foreign national or the provision of recruitment services or immigration services,
- (b) examine a record or thing the director considers relevant to an investigation,
- (c) require an audit be conducted under section 41 of a record or thing or a practice of an employer, foreign worker recruiter or immigration consultant,
- (d) by written notice, direct a person to provide a record or thing to the director in the manner and by the date set out in the notice,
- (e) use data storage, information processing or data retrieval devices or systems used in connection with the operations of an employer, foreign worker recruiter or immigration consultant or activities governed by this Act,
- (f) by written notice, direct an employer, foreign worker recruiter or immigration consultant to create a report from a record or thing the director believes may be relevant to an investigation, in the manner and by a date set out in the notice,
- (g) question any person on any matter the director believes may be relevant to an investigation,

- (h) question an employee, during the employee's regular hours of work or otherwise, without the employer being present,
- (i) direct a person to provide oral or written statements, under oath or otherwise, at a specified time, date and place, and
- (j) remove for examination and copying a record or thing the director believes may be relevant to an investigation.

(3) A director may, if the director considers it appropriate, prepare a report in accordance with the regulations, if any, respecting the results of an investigation.

Audit of compliance

41(1) During the course of, or as a result of, an investigation, a director may, by written notice, require an employer, foreign worker recruiter or immigration consultant to conduct an audit, in a form and manner acceptable to the director, of a record or thing or a practice of the employer, foreign worker recruiter or immigration consultant, as the case may be, to determine whether this Act and the regulations have been or are being complied with.

(2) If an employer, foreign worker recruiter or immigration consultant is required to conduct an audit, the employer, foreign worker recruiter or immigration consultant must, in accordance with the notice and the regulations, if any, conduct the audit and report the results to the director in a form and manner acceptable to the director.

(3) A notice referred to in subsection (1) must specify the following:

- (a) the period to be covered by the audit;
- (b) what is to be covered by the audit and the manner in which the audit is to be conducted;
- (c) the date by which the employer, foreign worker recruiter or immigration consultant must provide a report of the results of the audit to the director;
- (d) any prescribed matter.

Assistance to director

42(1) A person must provide a director with assistance the director considers necessary to enable the director to exercise the director's powers under sections 40 and 41.

(2) A director may direct a person to provide the director with information, in the form and manner and within the period specified, that the director reasonably believes is required

- (a) to determine whether this Act and the regulations have been or are being complied with, or
- (b) to assist the director in the exercise or performance of the director's powers, duties and functions under this Act.

(3) A person must not

- (a) interfere with or hinder a director, or attempt to interfere with or hinder a director, who is exercising or performing a power, duty or function under this Act, or
- (b) make a false or misleading statement, give false or misleading information or omit relevant information in response to a director exercising or performing a power, duty or function under this Act.

Application to Court

43 If a person interferes with or hinders a director who is exercising or performing a power, duty or function under this Act, the director may apply to the Court of King's Bench for an order doing one or more of the following:

- (a) restraining the person from interfering with or hindering the director;
- (b) directing the person to provide the assistance necessary for the director to exercise the director's powers under sections 40 and 41.

Notices relating to administration and enforcement

44(1) A director may, by written notice, require an employer, foreign worker recruiter or immigration consultant to post and keep posted in a conspicuous location or locations at a place of business of the employer, foreign worker recruiter or immigration

consultant, where it is likely to come to the attention of persons present at the place of business, either or both of the following:

- (a) a notice, information bulletin or extract from this Act or the regulations relating to the administration or enforcement of this Act or the regulations;
- (b) a copy of a report or part of a report made by a director under section 40(3).

(2) In addition to subsection (1), the director may, by written notice, require the employer, foreign worker recruiter or immigration consultant to provide a copy of a notice, information bulletin or extract referred to in subsection (1)(a) or a copy of a report or part of a report referred to in subsection (1)(b) to affected foreign nationals.

Certification of copies

45 A copy of a document or record made or obtained under this Act or the regulations that is certified by a director to be a true copy of the document or record is admissible in evidence without proof of the signature or appointment of the person who signed the certificate and, in absence of evidence to the contrary, the copy has the same probative force as the original document.

Division 2 Offences and Penalties

Offences

46(1) A person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and is liable,

- (a) in the case of an individual, to a fine of not more than \$1 000 000, to a term of imprisonment of not more than 12 months, or to both, and
- (b) in the case of a person other than an individual, to a fine of not more than \$1 500 000.

(2) A contravention or failure to comply referred to in subsection (1) that affects more than one foreign national or other person constitutes a separate offence for each foreign national or other person affected.

(3) If a court convicts a person of an offence, the court may, in addition to imposing a penalty under subsection (1), do the following:

- (a) order that person to comply with the provision of this Act or regulations with respect to which that person was convicted;
- (b) if the court is satisfied that monetary benefits have been, directly or indirectly, acquired by or have accrued to the convicted person,
 - (i) order the convicted person to pay an additional fine in an amount equal to the amount of the monetary benefits,
 - (ii) order the convicted person to pay compensation or make restitution to any person to whom the monetary benefits should be paid, or
 - (iii) issue both orders mentioned in subclauses (i) and (ii);
- (c) take any other action the court considers proper.

(4) A director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is separately liable to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Evidence — certificate of director

47 A certificate of a director certifying the following facts is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or appointment of the person purporting to have signed the certificate:

- (a) that a person named in the certificate was or was not registered or licensed;
- (b) that a certificate of registration or licence was issued to a person on a date set out in the certificate or licence;

- (c) that a certificate of registration or licence of a person was amended and the amendment that was made;
- (d) that the certificate of registration or licence of a person was suspended or cancelled at a particular time;
- (e) that a suspension or cancellation of a certificate of registration or licence of a person was made subject to terms and conditions and the terms and conditions that were imposed;
- (f) that a certificate of registration or licence issued to a person was made subject to terms and conditions and the terms and conditions that were imposed.

Vicarious liability

48 For the purposes of this Act, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred

- (a) in the course of the employee's employment with the person, or
- (b) in the course of the agent exercising or performing powers, duties or functions on behalf of the person under their agency relationship.

Limitation on prosecutions

49 A prosecution for an offence under this Act must not be commenced more than 2 years after the date the alleged offence occurred.

Administrative penalties

50(1) If a director is of the opinion that a person has contravened or failed to comply with this Act or the regulations, a director may, in accordance with the regulations, if any, serve on the person a notice of administrative penalty

- (a) requiring the person to pay the Crown an administrative penalty in the amount set out in the notice for each contravention or failure to comply,

- (b) specifying the date by which the administrative penalty must be paid, and
 - (c) setting out the person's right to request an internal review in accordance with section 56.
- (2)** For the purposes of subsection (1)(a), the amount of the administrative penalty must not exceed the following:
- (a) the prescribed amount for each contravention or failure to comply;
 - (b) for a contravention or a failure to comply that occurs or continues for more than one day, the prescribed amount for each day or part of a day the contravention or failure to comply occurs or continues.
- (3)** If the person referred to in subsection (1) is a corporation, a director may, in accordance with this section, serve a notice of administrative penalty against an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention or failure to comply, whether or not the corporation is liable for or pays an administrative penalty.
- (4)** A notice of administrative penalty must not be served more than 2 years after the date the alleged contravention or failure to comply occurred.
- (5)** A person who pays an administrative penalty in respect of a contravention or failure to comply must not be charged with an offence under this Act in respect of the contravention or failure to comply described in the notice of administrative penalty.
- (6)** Subject to a stay under section 56(3)(a), if a person fails to pay an administrative penalty in accordance with a notice of administrative penalty and the regulations, if any, the director may file a copy of the notice of administrative penalty with the clerk of the Court of King's Bench, and the notice of administrative penalty is then enforceable as an order or judgment of the Court.
- (7)** If a notice of administrative penalty is served on a person, the director may disclose to the public in a manner the director considers appropriate the name of the person, a description of the alleged contravention or failure to comply, the date the notice of administrative penalty was served, the amount of the administrative penalty and any other information, including personal information,

relating to the administrative penalty, collected under this Act or the regulations.

(8) A director may vary or revoke a notice of administrative penalty at any time before the administrative penalty is filed with the Court of King's Bench under subsection (6) and must serve notice of the variation or revocation on the person subject to the notice.

Division 3 Enforcement

No power to commence proceedings

51 An employer, foreign worker recruiter or immigration consultant who does not have a certificate of registration or licence, as the case may be, as required by this Act cannot commence or maintain an action or other proceeding in any court in Alberta

- (a) with respect to a contract made for recruitment services or immigration services to be provided in whole or in part within Alberta, or
- (b) against a person residing in Alberta in connection with recruitment services or immigration services.

Compliance order

52(1) If there are reasonable grounds to believe that a person has contravened or failed to comply with this Act or the regulations, a director may issue a compliance order to the person requiring the person to take measures specified in the order that the director considers necessary to ensure compliance with this Act and the regulations.

(2) An order must

- (a) be served by the director on the person it applies to,
- (b) specify the date by which the order must be complied with, and
- (c) set out the person's right to request an internal review in accordance with section 56.

(3) A director may disclose to the public in a manner the director considers appropriate the name of a person who is the subject of an

order, a description of the alleged contravention or failure to comply, the date the order was issued and any other information, including personal information, relating to the order, collected under this Act or the regulations.

(4) A director may vary or revoke an order at any time and must serve notice of the variation or revocation on the person subject to the order.

Compensation order or reinstatement order

53(1) In this section,

- (a) “compensation order” means an order made under subsections (2) to (4);
- (b) “reinstatement order” means an order made under subsection (8).

(2) A director may order that a foreign worker recruiter or immigration consultant compensate a person who was required to pay a fee, expense, payment or other compensation or suffered any loss or damage if the director is satisfied that the foreign worker recruiter or immigration consultant

- (a) requested, charged or received a fee, expense, payment or other compensation contrary to this Act or regulations,
- (b) requested, charged or received a fee, expense, payment or other compensation not clearly stated in a contract with a foreign national, or
- (c) caused a monetary loss or damage to the person and the director is satisfied that the monetary loss or damage is a direct result of a contravention of or failure to comply with this Act or the regulations by the foreign worker recruiter or immigration consultant.

(3) A director may order that an employer or a prospective employer of a foreign national compensate a person who was required to pay a fee, expense, payment or other compensation or suffered any monetary loss or damage if the director is satisfied that the employer or prospective employer

- (a) required the foreign national to use the immigration services of an unlicensed individual or specific immigration consultant,
 - (b) reduced the earnings of a foreign national or varied, reduced or eliminated any other benefit or term or condition of the foreign national's employment in order to recover costs of recruiting the foreign national, or
 - (c) requested, charged or received a fee, expense, payment or other compensation from a foreign worker for a job offer, approval for a selection program or any prescribed thing.
- (4)** A director may order that an employer compensate a foreign worker for any lost earnings if the director is satisfied that the employer of the foreign worker terminated the foreign worker as a reprisal for making a complaint or taking any other action under this Act.
- (5)** If the director makes a compensation order stating that compensation be paid to a person, the director must determine the amount of the compensation.
- (6)** A compensation order must
- (a) be served by the director on the person required to pay compensation under the order,
 - (b) specify the amount of compensation that must be paid and the date by which the order must be complied with, and
 - (c) set out the person's right to request an internal review in accordance with section 56.
- (7)** If the prescribed circumstances exist, a director
- (a) may direct that a person required to pay compensation under a compensation order must pay the amount of compensation to the director to be received on behalf of the person to whom the funds are owed, and
 - (b) must, if a direction is made under clause (a), disburse the funds in the prescribed manner to the person to whom the funds are owed.
- (8)** In addition to a compensation order, the director may, if the director is satisfied that an employer of a foreign worker terminated

that foreign worker as a reprisal for making a complaint or taking any other action under this Act, order the employer to reinstate the foreign worker to a comparable position and with the same earnings and benefits the foreign national was making or receiving before the termination, but only if the foreign national holds a valid work permit under the *Immigration and Refugee Protection Act* (Canada).

(9) A reinstatement order must

- (a) be served by the director on the employer,
- (b) specify the date by which the order must be complied with, and
- (c) set out the employer's right to request an internal review in accordance with section 56.

(10) Subject to a stay under section 56(3)(b), if an employer, prospective employer, foreign worker recruiter or immigration consultant fails to comply with a compensation order and pay compensation in accordance with the order and the regulations, if any, the director may file a copy of the compensation order with the clerk of the Court of King's Bench, and the compensation order is then enforceable as an order or judgment of the Court of King's Bench.

(11) A director may disclose to the public in a manner the director considers appropriate the name of the person who is the subject of an order, a description of the alleged contravention or failure to comply, the date the order was issued, the amount of a compensation order and any other information, including personal information, relating to a compensation order or reinstatement order, collected under this Act or the regulations.

(12) A director may vary or revoke an order made under this section at any time before the order is filed with the clerk of the Court of King's Bench under subsection (10) and must serve notice of the variation or revocation on the person subject to the order.

Part 9 Decisions and Reviews

Corrections and amendments

54(1) A director or reviewing director may, on the director or reviewing director's own initiative or on request of a person

directly affected by a decision of the director or reviewing director, do the following:

- (a) correct a typographical, clerical or calculational error in a decision made under this Act or the regulations;
- (b) amend a decision to correct an oversight if, in the opinion of the director or reviewing director, the amendment does not change the substance or outcome of the decision.

(2) A correction or amendment does not constitute a new decision and does not affect any periods within which something must be done in relation to a request for internal review or an application for judicial review.

(3) A copy of the corrected or amended decision must be served on a person directly affected by the decision.

Immediate amendment, suspension or cancellation of certificate of registration or licence

55 Despite any other provision of this Act, if a director considers that it is necessary to protect the public interest, the director may immediately amend, suspend or cancel a certificate of registration or licence in accordance with the regulations.

Internal reviews by reviewing director

56(1) The following may request that a reviewing director review a director's decision:

- (a) an employer whose certificate of registration has been suspended or cancelled;
- (b) a licensee whose licence has been suspended or cancelled;
- (c) a complainant on whom a notice has been served under section 39(7) or (8);
- (d) a person on whom a notice of administrative penalty has been served;
- (e) a person on whom an order made under section 52 or 53 has been served;
- (f) a prescribed person.

- (2)** A request must be submitted to a reviewing director
- (a) in the form and manner specified by the reviewing director,
 - (b) within 21 days after the decision was served on the person mentioned in subsection (1), and
 - (c) in accordance with the regulations, if any.
- (3)** If an internal review is commenced under this section, the commencement of the internal review,
- (a) in the case of an administrative penalty, operates to stay the administrative penalty until the reviewing director makes a decision under subsection (11) or the request for the internal review is withdrawn, and
 - (b) in the case of all other decisions, does not operate to stay a decision unless the reviewing director directs the decision be stayed subject to any terms or conditions the reviewing director considers appropriate.
- (4)** A reviewing director may stay a decision under subsection (3)(b) whether or not a request to stay the decision has been received by the director from a person referred to in subsection (1).
- (5)** On receiving a request for an internal review, a reviewing director must
- (a) review the matter,
 - (b) provide the person requesting the review and any prescribed person an opportunity to submit written representations to the reviewing director, and
 - (c) consider all representations before making a decision.
- (6)** In addition to considering written representations from persons under subsection (5)(b), the reviewing director may accept and consider written representations submitted to the reviewing director by any person who, in the opinion of the reviewing director, is directly affected by the decision under review.
- (7)** For the purposes of reviewing the matter under subsection (5)(a), the standard of review is reasonableness.

(8) Subject to this section and the regulations, the reviewing director may determine the procedure to be followed in conducting a review.

(9) The reviewing director may do the following in accordance with the regulations, if any:

- (a) require the production of any record, document, object or thing;
- (b) order costs.

(10) If new evidence is submitted to the reviewing director, the reviewing director must not consider the new evidence unless the evidence, in the opinion of the reviewing director,

- (a) is directly relevant to the matter under review,
- (b) would make a material difference to the outcome of the review, and
- (c) was not readily available with ordinary diligence at the time the director's original decision was made.

(11) On completing the review, the reviewing director may confirm, rescind or vary the decision in relation to which the review was requested and must serve notice of the reviewing director's decision on the person who requested the internal review and any other person who, in the opinion of the director, is directly affected by the decision under review.

(12) A decision of a reviewing director is final.

(13) A reviewing director must not review a decision the reviewing director made in the course of the reviewing director exercising or performing powers, duties or functions under this Act as a director.

Part 10 Selection Programs

Selection programs

57(1) The Minister may, in accordance with the regulations, if any, establish or continue one or more selection programs.

(2) A selection program terminates immediately if it is no longer authorized by the *Immigration and Refugee Protection Act* (Canada) or an agreement entered into between the Government of Alberta and the Government of Canada under subsection 8(1) of the *Immigration and Refugee Protection Act* (Canada).

Fees — selection programs

58 The Minister may, in accordance with the regulations, if any, charge fees for services provided in association with a selection program.

**Part 11
General**

Exemptions

59 The Minister may, by order, exempt any person from a qualification, requirement or prohibition under section 3, 4, 8, 13, 14 or 18.

Reporting — registered employers

60 Subject to the regulations, on a director's request, a registered employer must submit a report to the director that contains the following:

- (a) the number of foreign nationals that the employer currently employs or had employed during a period specified by the director;
- (b) any prescribed information.

Service of documents

61 If anything is required or permitted to be served under this Act, it may, in addition to any other method provided by law, be served in accordance with the regulations.

Protection from liability

62 No action or other proceeding may be brought against the Minister, a director, the Crown or an employee or agent of the Crown in respect of anything done or omitted to be done in good faith in the exercise or performance of or the purported exercise or

performance of a power, duty or function under this Act or the regulations.

Fees

63 The Minister may, in accordance with the regulations, if any, charge fees for the purposes of administering and enforcing this Act.

Regulations

64 The Lieutenant Governor in Council may make regulations

- (a) prescribing services for the purposes of section 1(g)(vii) and (n)(iv);
- (b) respecting the exercise or performance of powers, duties or functions of directors and reviewing directors;
- (c) prescribing powers, duties and functions of a director or reviewing director in addition to those established by this Act;
- (d) prescribing classes of employers for the purposes of section 3(2)(a);
- (e) prescribing classes of foreign nationals for the purposes of section 3(2)(b);
- (f) prescribing application or renewal fees for the purposes of sections 4(d), 8(3)(c), 14(d) and 18(3)(c);
- (g) prescribing qualifications or requirements for the purposes of sections 4(e), 8(3)(d), 14(e) and 18(3)(d);
- (h) prescribing Acts or regulations for the purposes of sections 5(2)(b), 8(5)(b), 11(1)(f), 15(2)(b), 18(5)(b) and 21(1)(f);
- (i) prescribing requirements for the purposes of sections 5(2)(g), 8(5)(g) and 11(1)(j);
- (j) prescribing circumstances for the purposes of sections 5(2)(h), 8(5)(h), 11(1)(l), 15(2)(g), 18(5)(g), 21(1)(k) and 53(7);

- (k) prescribing information to be included in a certificate of registration or licence for the purposes of section 5(3)(d) or 15(3)(d);
- (l) respecting the imposition of terms and conditions on a certificate of registration;
- (m) respecting the transfer of certificates of registration;
- (n) respecting the suspension or cancellation of certificates of registration under section 11(1);
- (o) prescribing requirements for the purposes of sections 11(1)(d) and 21(1)(d);
- (p) respecting the application of section 13(1) and (2) for the purposes of section 13(3);
- (q) prescribing persons as family members for the purposes of section 13(3)(a)(i) and (b)(i);
- (r) prescribing educational institutions and classes of educational institutions for the purposes of section 13(3)(a)(iii)(A) and (B);
- (s) prescribing classes of persons for the purposes of section 13(3)(a)(vii) and (b)(v);
- (t) respecting the imposition of terms and conditions on a licence;
- (u) respecting the transfer of licences;
- (v) respecting the suspension or cancellation of a licence under section 21(1);
- (w) establishing codes of conduct for registered employers and licensees;
- (x) prescribing instruments, notices or decisions for the purposes of section 24(1)(g);
- (y) respecting the possession or retention of a foreign national's property for the purposes of section 25(c);

- (z) respecting contacting a foreign national or the foreign national's family, friends or former business associates for the purposes of section 25(f);
- (aa) prescribing things for the purposes of section 25(l);
- (bb) prescribing matters for the purposes of section 26(c);
- (cc) prescribing information respecting partners, affiliates or agents for the purposes of section 30(1)(d);
- (dd) prescribing terms for the purposes of section 31(1)(e);
- (ee) respecting the establishment and maintenance of a registry by the director under section 35(2);
- (ff) respecting the disclosure of information for the purposes of sections 35(3) and (4);
- (gg) prescribing records that must be prepared and retained for the purposes of section 36(a) and respecting the preparation and retention of those records;
- (hh) prescribing purposes for which the Minister may disclose information, including personal information, for the purposes of section 37(1);
- (ii) prescribing persons who may submit a complaint for the purposes of section 39(1)(c);
- (jj) setting out the periods within which a complaint must be made for the purposes of section 39(2)(c);
- (kk) prescribing things for the purposes of section 39(8)(c);
- (ll) respecting the preparation of a report for the purposes of section 40(3);
- (mm) respecting the conducting of an audit under section 41(2);
- (nn) prescribing matters for the purposes of section 41(3)(d);
- (oo) respecting the service of a notice of administrative penalty under section 50(1);
- (pp) prescribing the amount an administrative penalty cannot exceed for the purposes of section 50(2)(a) and (b);

- (qq) respecting the payment of an administrative penalty for the purposes of section 50(6);
- (rr) prescribing things for the purposes of section 53(3)(c);
- (ss) prescribing the manner in which funds must be disbursed for the purposes of section 53(7)(b);
- (tt) respecting the amendment, suspension or cancellation of a certificate of registration or licence for the purposes of section 55;
- (uu) prescribing persons for the purposes of section 56(1)(f) and (5)(b);
- (vv) respecting internal reviews, including the following matters:
 - (i) a request for an internal review for the purposes of section 56(2)(c);
 - (ii) the procedure for conducting an internal review, including respecting
 - (A) the adjournments of matters before the reviewing director,
 - (B) the receiving of evidence,
 - (C) conducting an internal review without holding a hearing and the procedure to follow in those circumstances, and
 - (D) the issuing and publication of decisions of the reviewing director;
 - (iii) the power of the reviewing director to require the production of any record, document, object or thing or to order costs for the purposes of section 56(9);
- (ww) respecting the establishment or continuation of selection programs under section 57(1);
- (xx) respecting the charging of fees for services provided in association with a selection program under section 58, including authorizing the Minister to set the fees;

- (yy) respecting the preparation and submission of reports for the purposes of section 60, including prescribing information for the purposes of that section;
- (zz) respecting service for the purposes of section 61;
- (aaa) respecting the charging of fees for the administration or enforcement of this Act for the purposes of section 63, including authorizing the Minister to set the fees;
- (bbb) prescribing provisions of this Act or the regulations for the purposes of section 66(1);
- (ccc) prescribing periods for the purposes of section 66(1);
- (ddd) prescribing terms or conditions for the purposes of section 66(1);
- (eee) prescribing classes of employers, foreign worker recruiters or immigration consultants for the purposes of section 66(2);
- (fff) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (ggg) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Act.

Part 12 Transitional Provisions and Coming into Force

Definitions

65 In this Part,

- (a) “employment agency business” means an employment agency business within the meaning of the former regulations;
- (b) “former Act” means the *Consumer Protection Act*;
- (c) “former regulations” means the *Designation of Trades and Businesses Regulation (AR 178/99)* and the *Employment Agency Business Licensing Regulation*

(AR 45/2012), as they read immediately before the coming into force of this section.

Transitional — exemption from requirements

66(1) An employer, foreign worker recruiter or immigration consultant is exempt from having to comply with any prescribed provisions of this Act or the regulations during prescribed periods subject to any prescribed terms or conditions.

(2) A provision or period prescribed under subsection (1) may apply to one or more employers, foreign worker recruiters or immigration consultants or prescribed classes of employers, foreign worker recruiters or immigration consultants.

Transitional — disclosure of information

67 For the purposes of transitioning to this Act, the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the former Act may disclose to the Minister responsible for this Act any information, including personal information, collected under the former Act in relation to any person licensed under the former Act to engage in an employment agency business.

Transitional — regulations

68(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under the former Act relating to the licensing of one or more persons or classes of persons engaged in an employment agency business;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from
 - (i) the transition to this Act from the former Act in relation to the licensing of one or more persons or classes of persons engaged in an employment agency business,
 - (ii) the establishment of the registration and licensing requirements in this Act, or
 - (iii) the enactment of this Act generally.

(2) A regulation made under subsection (1) may be made retroactive to a date no earlier than the coming into force of this Act.

(3) A regulation made under subsection (1) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act,
- (b) the coming into force of a regulation that repeals a regulation made under subsection (1), or
- (c) 2 years after the date on which a regulation made under subsection (1) comes into force.

(4) The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(5) A regulation must not be made under subsection (1) after the expiration of 3 years from the date this section comes into force, but any regulation made under subsection (1) that is in force on the expiration of that 3-year period remains in force until it is repealed under subsection (3).

(6) A regulation must not be made under subsection (1) that alters the provisions of subsection (3) or that extends the 3-year period provided for in subsection (5).

Coming into force

69 This Act comes into force on Proclamation.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To