

# The Foreign Worker and Recruitment Services Act

## Licence Application

### Financial Security Requirements

All forms of financial security must be sent directly from a recognized financial institution except for surety bonds.

### Surety Bond

Surety bonds must be provided to the Ministry directly from the surety company or from the applicant. Where an applicant is providing the bond, the surety company must scan and email a copy of the surety bond upon its issuance to [fwrisa@gov.sk.ca](mailto:fwrisa@gov.sk.ca). The email subject line is to include the name of the applicant and wording “Surety bond”. Surety bonds will not be accepted from the applicant unless the scanned copy of the bond is provided from the surety company issuing it.

The original surety bond must be mailed to:

Program Integrity Unit  
Ministry of Labour Relations and Workplace Safety  
300 - 1870 Albert Street  
Regina, Saskatchewan S4P 4W1

Applicants are required to provide a surety bond in the form provided appended below. No other form will be accepted. The surety bond must be issued by an insurance company that is licensed pursuant to *The Saskatchewan Insurance Act*. Applicants intending to apply for a surety bond must do so through an insurance broker/agent who is licensed in the province of Saskatchewan. On behalf of the applicant, the insurance broker/agent will submit the surety bond application to an insurance company that is licensed to transact insurance in the province of Saskatchewan. The insurance company will make the determination as to whether the surety bond applied for will be issued. Applicants cannot arrange/apply for the surety bond directly with an insurance company.

### Irrevocable Letter of Credit

Irrevocable Letters of Credit must be issued by either a Canadian chartered bank, credit union, trust company or other company insured under *The Canada Deposit Insurance Corporation Act* and carrying on business in Saskatchewan.

Letters of Credit (LC) must include the following information:

- Amount of security;
- LC number;
- Contact information for the financial institution issuing the LC;

- Canadian banking institution issuing the Letter;
- The beneficiary of the LC as “Ministry of Finance – Foreign Worker Recruiter and Immigration Services”;
- Effective date of LC;
- Expiry date of LC;
- Province/city where LC was executed;
- Heading of the letter must state that it is an “Irrevocable Letter of Credit”;
- LC may be drawn down in part or in whole;
- The LC will be automatically renewed unless 60 days notice is given by the financial institution to the beneficiary that the LC will not be extended beyond the expiry date;
- The beneficiary will be informed at least 60 days prior to cancellation of the LC; and
- LC to remain in force two years past termination of licence.

## Payment

A payment of \$20,000 CAD is due with this application. Payments can be made in certified cheque, bank draft, or money order. These forms of security will only be accepted from a Canadian banking institution and include a certified stamp from the institution. Security must be payable to the “Minister of Finance”. No interest will be paid on this form of security.

# Surety Bond

## ***The Foreign Worker Recruitment and Immigration Services Act***

**Whereas** \_\_\_\_\_ (the Principal) is, as a condition of obtaining a license under The Foreign Worker Recruitment and Immigration Services Act (the Act), required to provide Her Majesty the Queen in Right of the Province of Saskatchewan (the Government) with a bond in this form and in the amount of \$ \_\_\_\_\_ from a surety licensed to carry on the business of a surety pursuant to *The Saskatchewan Insurance Act*.

**And Whereas** \_\_\_\_\_ (the Surety) has agreed to provide this bond to the Government.

Know All Persons By This Document that subject only to the Conditions contained herein, the Principal and the Surety are hereby, jointly and severally held and firmly bound to pay to the Government the sum of \$ \_\_\_\_\_ in lawful money of Canada.

### **Conditions:**

The bond shall remain in force until it is forfeited or terminated in accordance with the Conditions set forth below.

The Surety shall not be liable for a greater sum than the bond amount. For greater certainty, the penal sum of the bond is not and shall not be cumulative from year to year.

### Forfeiture

The bond shall be forfeited upon written demand being made by the Director upon the Surety, provided:

1. The Director has made an order pursuant to section 46(2) of the Act requiring a licensee to compensate a person who the licensee:
  - (a) Required to pay a fee, expense or other sum contrary to this Act;
  - (b) Charged a fee or expense not clearly stated in a contract with a foreign national; or
  - (c) Caused loss or damage to a person if the Director is satisfied that the loss or damage is a direct result of the licensee's contravention of this Act;
2. The Director has made an order pursuant to section 46(4) of the Act requiring a former licensee to compensate a person who the former licensee:
  - (a) Required to pay a fee, expense or other sum contrary to this Act; or
  - (b) Caused loss or damage if the Director is satisfied that the loss or damage is a direct result of the former licensee's contravention of this Act; or
3. The Court has made an order pursuant section 40(4)(b)(ii) of the Act directing a licensee or former licensee to compensate or make restitution to any person to who monetary benefits should be paid; and
4. The order mentioned in (1), (2) or (3) has become final by reason of the time for appeal having expired, or if an appeal has been made, the appeal having been determined in favour of the person;
5. The Director has given the licensee or former licensee and the Surety 30 days' written notice that the financial security will be forfeited unless the licensee or former licensee compensates the person in accordance with the order mentioned in (1), (2) or (3); and

6. The licensee or former licensee has failed to compensate the person in accordance with the order mentioned in (1), (2) or (3) within 30 days after being given the written notice mentioned in (5).

### Termination

The Surety may terminate the obligation created by this bond by giving a minimum of 90 days notice in writing to the Government of the date that this bond will terminate.

If the Surety gives notice in writing to the Government of its intention to terminate this bond, then the bond shall:

1. Terminate only in respect of any acts, deeds or defaults done or committed by the Principal subsequent to the date of termination;
2. Remain in force for a period of twenty- four calendar months after the date of termination specified in the notice for all acts, deeds, defaults done or committed by the Principal from the commencement period of this bond up to the date of its termination.

Any demand by the Government for forfeiture of the bond shall be made on the Surety before the expiration of twenty- four calendar months after the date that the said notice specifies as the date of termination.

If the bond is forfeited, the proceeds of the bond shall be paid to the Government within 60 days of the date that the Surety is served with the demand for forfeiture by the Government.

Notice to the Government may sent to:

Director, *The Foreign Worker Recruitment and Immigration Services Act*  
Ministry of Labour Relations and Workplace Safety  
300 - 1870 Albert Street  
Regina, Saskatchewan S4P 4W1

Sealed and signed by the Surety this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

X \_\_\_\_\_  
Signature of Surety

X \_\_\_\_\_  
Signature of Witness

Signed by the Principal this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

X \_\_\_\_\_  
Signature of Principal

X \_\_\_\_\_  
Signature of Witness