

DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT
TO
FILIPINO RECRUITING AGENCY
AND TO
JOSEPH REMESZ

Joseph Remesz is the owner and primary agent of Filipino Recruiting Agency. Service Alberta has investigated allegations related to employment agency activities engaged in by Filipino Recruiting Agency and determined that:

1. Filipino Recruiting Agency has engaged in the activities of an employment agency without a licence.
2. Filipino Recruiting Agency and Joseph Remesz have demanded and collected fees in violation of s. 9 of the *Employment Agency Business Licensing Regulation*.
3. Filipino Recruiting Agency and Joseph Remesz have misrepresented the responsibilities of the employer and employee set out in labour market opinions to consumers.

LEGISLATION

The *Fair Trading Act* RSA 2000 states:

6 (2) It is an unfair practice for a supplier, in a consumer transaction or a proposed consumer transaction,

(b) to take advantage of the consumer as a result of the consumer's inability to understand the character, nature, language or effect of the consumer transaction or any matter related to the transaction;

6 (4) without limiting subsections (2) and (3), the following are unfair practices if they are directed at one or more potential consumers:

(a) a supplier's doing or saying anything that might reasonably deceive or mislead a consumer;

104 (1) No person may engage in a designated business unless the person holds a licence under this Act that authorizes the person to engage in that business.

The *Designation of Trades and Businesses Regulation* states:

4(1) Part 10 of the Fair Trading Act applies to the employment agency business.

4(2) In this section, "**employment agency business**" means the activities of securing persons for employment securing employment for persons or evaluating or testing persons for employers who are seeking employees.

The *Employment Agency Business Licensing Regulation AR 189/99* states:

9 (1) No business operator may directly or indirectly demand or collect a fee, reward or other compensation

- (a) from a person who is seeking
 - (i) employment, or
 - (ii) information respecting employers seeking employees.

or

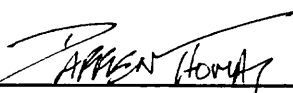
- (b) from a person
 - (i) for securing or endeavouring to secure employment for the person, or
 - (ii) for providing the person with information respecting any employer seeking an employee.

Order:

- Filipino Recruiting Agency and Joseph Remesz, individually or through any employee, representative, agent, or associate, must immediately stop demanding or indirectly demanding or collecting a fee, reward or other compensation from a person who is seeking employment, or from a person for securing or endeavouring to secure employment for the person.
- Filipino Recruiting Agency and Joseph Remesz, individually or through any employee, representative, agent, or associate, must immediately stop engaging in the activities of an employment agency business until such time that a licence for an employment agency business has been issued.

NON COMPLIANCE WITH ORDER

- **ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE FAIR TRADING ACT CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE FAIR TRADING ACT.**



Darren Thomas
Director of Fair Trading (as delegated)
May 15, 2008