

**IN THE MATTER OF
THE FAIR TRADING ACT**

THIS UNDERTAKING is made pursuant to section 152 of the *Fair Trading Act* [the "**Act**"].

BY: **853797 ALBERTA LTD.**
O/A BERNARD HALDANE ASSOCIATES
Suite 3000 Petro Canada Centre
150 - 6th Avenue SW
in the City of Calgary, in the Province of Alberta
[hereinafter called the "**Supplier**"]

TO: The **Director of Fair Trading**
[hereinafter called the "**Director**"]

WHEREAS:

- (A) The Supplier carries on business of career counselling in the Province of Alberta.
- (B) Between May 10, 2001 and August 31, 2001, an Employee, on behalf of the Supplier, negotiated contracts with _____, ("the Consumers"), for career development services to be provided by the Supplier to the Consumers ("**the Contracts**"). The Consumers executed the Contracts with the Supplier through the Employee. The Consumers are of the belief that, notwithstanding written terms in the Contracts, that the Contracts constitute "the sole and only Agreement of the parties hereto", they were promised employment, interviews, a certain salary level and a certain level and type of employment. The Consumers felt misled when they were later told that the Supplier did not provide those things. The Supplier denies these allegations.
- (C) The Director is of the opinion that the Supplier has contravened the *Act* as a result of the belief of the consumers referred to in paragraph (B), above.
- (D) The Director is of the opinion that the Supplier has ceased the contravention of the *Act* as alleged in paragraph (B), above.

THE SUPPLIER, AFTER NEGOTIATIONS WITH THE DIRECTOR, HEREBY UNDERTAKES, PURSUANT TO S. 152(1) OF THE ACT, TO:

1. Continue to avoid and refrain from making any statements or suggestions to consumers, written or verbal, about the availability of job opportunities, the setting up of interviews, providing certain salary levels and types of positions, unless such opportunities actually exist in the manner described.
2. Ensure that all employees, representatives and agents are forthwith acquainted with the requirements of the *Fair Trading Act*, especially as it pertains to Part 2, Division 1 - Unfair Practices.

3. In addition to the Supplier's current policies, shall establish a further formal company policy on full disclosure and honest representation when soliciting and negotiating career counselling. The Policy shall include a requirement that a consumer read the entire contract and be given an opportunity to review the policy in private prior to execution. Confirm the implementation of this policy, to the satisfaction of the Director of Fair Trading, within thirty days [30] of the signing of this Undertaking.
4. Pay to the Director for deposit with the Provincial Treasurer of Alberta, the sum of \$1,000.00 , an amount that represents a portion of the costs associated with investigating this matter. Such payment is to be made within ten [10] days from the date of this Undertaking.

It is acknowledged that this Undertaking is not an admission by the Supplier, that the Supplier contravened the Act as alleged in paragraph (B), above.

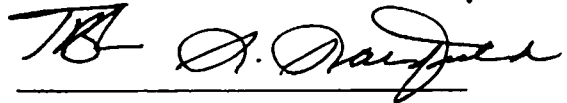
It is further acknowledged that the Supplier may apply to the Director to vary or cancel the Undertaking, pursuant to s.153(1) of the Act or apply to the Court of Queen's Bench of Alberta for an Order to vary or cancel the Undertaking, pursuant to s.154(1) of the Act.

The Supplier acknowledges that the Director may, upon breach by the Supplier of any terms of the Undertaking, institute proceedings and take such action under the *Fair Trading Act*, as he may consider necessary.

IN WITNESS WHEREOF the Supplier has, on the 12th day of July, 2002, caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

**853797 ALBERTA LTD.
O/A BERNARD HALDANE ASSOCIATES**

Per: _____



ACCEPTED by the Director of Fair Trading
this 16 day of July, 2002.



ROB PHILLIPS
Director of Fair Trading -
Province of Alberta