

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

THIS UNDERTAKING is made pursuant to Section 152 of the Fair Trading Act.

BY:

Renaissance Staffing Support Centre Inc.
Unit 504, 506 and Penthouse Accelerando Building
395 Sen. Gil Puyat Avenue, Makati City

(hereinafter called the "**Supplier**")

TO:

The **DIRECTOR OF FAIR TRADING,**

(hereinafter called the "**Director**")

WHEREAS:

- (A) The Supplier and its directors and agents, including Allen Mojica, operated as an unlicensed employment agency that subsequently established a Canadian corporate entity to become licensed and conduct business in Alberta.
- (B) The Supplier has informed the Department that it understands the issues and circumstances surrounding the Undertaking and admits it is now aware of the requirements of the *Fair Trading Act* and *Employment Agency Business Licensing Regulation*.
- (C) The Supplier acknowledges that, in the ordinary course of business prior to December 2007, the supplier and agents of the supplier breached s. 9 of the *Employment Agency Business Licensing Regulation* by demanding and collecting fees from persons seeking employment and for securing employment for individuals seeking employment.
- (D) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recital C hereof constitutes a breach of the *Fair Trading Act*.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1 The Supplier acknowledges and admits that due to a difference in Alberta and Philippine law it failed to comply with provisions of the *Fair Trading Act* relating to the prohibition on the collection of fees from applicants for work in Alberta. The Supplier undertakes to the Director that the Supplier has not since and will not at any time hereafter, engage in acts or practices similar to those described in recital C contrary to the fee prohibition. The Supplier holds that this violation of the Fair Trading Act does not represent a violation of the Philippine Overseas Employment Administration rules and regulations.
- 2 The Supplier acknowledges that it is now aware that the *Employment Agency Business Licensing Regulation* prohibits employment agencies from directly or indirectly demanding or collecting fees, rewards or other compensation from individuals seeking employment or for securing employment for the person.



- 3 The Supplier will, to the best of its ability, ensure that all of its officers, partners, employees, representatives and agents are forthwith acquainted with the requirements of the *Fair Trading Act* and with the requirements of the *Employment Agency Business Licensing Regulation* and that any employment agency activities it undertakes on behalf of a licensed agency will be in compliance.
- 4 This Undertaking will be binding upon the Supplier unless:
 - (a) Terminated by the Director or varied with the consent of the Supplier;
 - (b) Varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking; or
 - (c) Terminated by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair: however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to termination or variance.
- 5 The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the *Fair Trading Act*, as he may consider necessary.
- 6 The Supplier acknowledges that this Undertaking is a public document and will be maintained in the public record by the Director of Fair Trading as required by s. 157.1 of the *Fair Trading Act*.
- 7 The Supplier will pay to the Minister of Finance of Alberta the sum of \$1,500.00; an amount that represents a portion of the costs associated with investigating this matter. Such payment is to be made within 45 days from the date of this Undertaking.
- 8 The Supplier acknowledges that it was advised by Service Alberta, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 7th day of NOVEMBER, 2010 signed this document.

Renaissance Staffing Support Centre Inc.

PER: _____

Allen Mojica

ACCEPTED by the Director of Fair Trading this 15th day of November, 2010

 ALLEN MOJICA

DIRECTOR OF FAIR TRADING