

Temporary Foreign Workers

Canadian Law protects all workers in Canada, including temporary foreign workers. The exploitation of a foreign national may violate Canadian Law and human rights.



Your employer:

- Must pay you for your work (including overtime, where required)
- Must make sure that your workplace is safe
- Must give you proper break time and days off
- Cannot force you to perform duties for which you were not hired or trained
- Cannot take your passport or work permit away from you
- Cannot threaten to have you deported from Canada or to change your immigration status



In Canada, employment in most occupations is covered under provincial and territorial laws. Every province and territory has an office that deals with labour and employment laws.

Some occupations are federally regulated, and the employment standards fall under Canada Labour Code.

Employment Contracts:

For their protection, temporary foreign workers hired for occupations requiring lower levels of formal training must sign an employment contract

with their employers. It is also advisable, but not required, that higher skilled temporary foreign workers sign an employment contract with their employer before starting work. Both you and your employer must comply with the terms and conditions of the contract and it should include:

- Your pay and deductions from your pay
- Details of your job duties; and
- Conditions of employment (max no. of hours each week & how much you will be paid for overtime hours)



Changing employers

All temporary foreign workers are allowed to change employers, and you will not be penalized or deported for looking for another place to work.

In many cases, your new employer must have permission to hire you as a temporary foreign worker. To do so, the employer may first have to apply for what is known as a ‘Labour Market Opinion’ (LMO), from Human Resources and Skills Development Canada (HRSDC)/Service Canada.

Unless you have an open work permit, you will also have to apply for a new work permit. Make sure to ask your new employer for a copy of the positive LMO letter and annex. Once you receive these documents, you may then apply to Citizenship and Immigration Canada (CIC) for a new work permit.

In some cases, you must also sign an employment contract with the new employer.

If you lose your job

In most cases, your employer must give you written notice and termination pay before asking you to leave your job. However, your employer may not have to warn you if you are let go for a “just cause.”

If you have an employment contract for a specific period of time or a specific job, your employer does not have to give you notice when your contract ends.

The rules about the notice of employment termination may vary depending on the province or territory where you are working.

If your employer does not follow the law when he dismisses you, you can complain to the provincial or territorial employment or labour standards office, or the Federal Labour Program office.

If you are covered by a union contract, you may have to make a formal complaint through the union.

Accommodation

Your employer does not have to provide you with a place to live in Canada, unless you are:

- A temporary farm worker hired under the Seasonal Agricultural Worker Program (SAWP) or the Agricultural Stream
- A live-in caregiver hired under the live-in Caregiver Program

Occupational health and safety

All workers in Canada have the right to a safe and healthy workplace. There are laws to protect workers from unsafe working conditions.

Provincial, territorial and federal governments each have their own laws and ways of investigating health and safety matters.

Refusing dangerous work

You have the right to work if you believe that the work you are doing or have been told to do is dangerous and that you don't have the necessary training to perform the job duties or operate machinery.

Your employer cannot punish you for refusing dangerous work and must pay you until:

- The danger is removed
- You receive the necessary training and are ready to work
- You feel the problem no longer exists; or
- A government official tells you that it is safe to do the work

If you are hurt at work

Many provinces and territories provide workers' compensation benefits. Workers' compensation gives you assistance (medical or wage benefits) if you are hurt on the job or if your job causes you to get sick.

Your employer must register with provincial or territorial workplace safety insurance to ensure that workers are covered in case of injury.

Your employer must not deduct any money from your pay for the workplace safety insurance plan. For more information about workers' compensation benefits, contact your provincial or territorial workers' compensation boards.



Information and Resources

Human Resources and Skills Development Canada - Temporary Foreign Worker Program

www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/workers.shtml

Service Canada

www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/hrcc.shtml

Canada Border Services Agency

www.cbsa.gc.ca

Federally Regulated Workplaces

www.hrsdc.gc.ca/eng/labour/employment_standards/regulated.shtml

Working in Canada

www.workingincanada.gc.ca

Information on Canada Pension Plan

www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/cpp.shtml

List of Provincial and Territorial Ministries of Labour

<http://www.labour.gc.ca/eng/regulated.shtml#provlist>

List of Provincial and Territorial Workers' Compensation Boards

www.hrsdc.gc.ca/eng/labour/workers_compensation/wcb.shtml

